

7.17.24 meeting minutes

Hybrid meeting was held at the Town Center and via Zoom.

Members present: Alison Anand, Ian Bender, Virginia Clarke, Mark Fausel, Chris Granda

Members absent: *(none – two vacancies)*

Others present: Keith Osborne (Director of Planning and Zoning), Angelike Contis (MMCTV), Lisa Lavoie, JP Lavoie, Gary Bressor, Morgan Wolaver, Dave Healy, Marilynne Johnson, Lisa Kory, Tim Conner, Trish Healy, John Rankin, Cathleen Gent, Betsy Hardy, Lisa Miller, Allen Smith, Rachel's iPad

1. Welcome

Clarke opened the meeting at 7:03 PM and welcomed commissioners and guests.

2. Review and adjust agenda

There were no adjustments to the agenda.

3. Public comment on non-agenda items

There were no public comments on non-agenda items.

4. Review minutes of 7.10.24

These minutes were only posted on 7.16.24 and only to the 7.10.24 meeting page, so the review of these minutes was postponed until the August 7th meeting.

5. Public Hearing on proposed new zoning districts of Village Residential Neighborhoods North and South and associated definitions and concepts

Clarke opened the Public Hearing with a description of the proposed amendments to create two new zoning districts for the residential areas within the water and sewer service area (W&S) in the village center, one north of the river and the other south of the river. Osborne pointed out the areas on the map, showing how the north Village Residential Neighborhoods North (VRNN) was carved out of the surrounding High Density Residential (HDR) area, and the Village Residential Neighborhoods South (VRNS) was taken out of the surrounding Agricultural/Residential (A/R) district. Clarke explained that Act 47, a state law passed in July 2023, mandated special requirements for residential areas served by W&S in order to legislate more opportunities for housing, and also that the residents of these areas wanted to keep them fully residential. She mentioned that any parts of these new districts that lay in the Flood Hazard Overlay District (FHOD) would be subject to the rules of the FHOD. Marilynne Johnson wondered if her property, the second to the last house on the southwest side of W. Main St before the start of the Gateway R/C district, would be in the VRNN district. Clarke responded that it would. John Rankin had a question about his lot on Church St, which also would be in the new district. Osborne pointed out the line on the map that defines the floodway, and the mapped area that defines the more extensive floodplain. Clarke also pointed out the Jolina Court District, and mentioned that there will likely be some changes there, but that they would only affect that one district.

Clarke then reviewed the characteristics of the new VRNN district (Section 3.11), as shown by the document in the meeting materials. Act 47 now requires us to allow a density of 5 dwelling units per acre (5 U/A), which also requires the minimum lot size to be 1/5 A, or 8,712 sf. Anand said she thought the legislators might change their minds about requiring this, but was reminded that this is currently the law whether or not we have it in our zoning ordinance. Anand also questioned the accuracy of the FEMA maps that determine the limits of the floodplain and floodway, but was reminded that we have to use the maps that are the most recent official maps. Anand remains concerned as we are seeing more frequent flooding. A short discussion about the concept of “residential density” followed. Clarke said that lots must have enough residential density if an applicant wishes to build a duplex (2 dwelling units) or multifamily dwelling (multiple units), but Accessory Dwelling Units (ADU’s), which can be built wherever there is a single family residence, are essentially exempt from the density limits.

Clarke then reviewed the “permitted” and “conditional” uses allowed in the VRNN, and the dimensional requirements controlling the size of buildings on lots. In order to have enough room to place buildings on smaller lots the new required frontage is reduced to 55ft; the maximum lot coverage increased to 50%; and the setbacks reduced to 10 ft (front and rear) and 5 ft (side). The height limitation remains at 35 ft. A discussion about height, referencing the limits of fire truck ladders, ensued, as well as a mention of the Act 47 requirement that allows for an “affordable housing development” to exceed the stated height limitation by 1 floor and the residential density by 40%. Clarke said the PC will be putting this stipulation into the zoning regulations soon, and said we would be following the state’s definition of “affordable housing development.” Clarke briefly explained the complicated “affordable housing” concept using the Average Median Income (AMI) chart, and said there would be a lot more discussion about this as the Jolina Court zoning changes are considered.

JP Lavoie, a resident of the proposed VRNN, questioned whether an accessory structure that was right on the property line could be turned into an accessory dwelling, when it did not meet the setback requirements. Osborne said that would be up to the Zoning Administrator to make that determination, but if you built a new ADU or if you expanded the pre-existing non-conforming accessory structure (making it more non-conforming), then you would have to abide by the setback restrictions. Osborne and JP and Lisa Lavoie then continued the discussion about the purpose of setback restrictions, zoning rules in general and the ability to get variances. Clarke said that the PC has heard arguments for both greater setback distances and smaller setback distances. Gary Bressor suggested that setbacks also serve the purpose of allowing folks to work on their structures without being on a neighbor’s property, and that perhaps a boundary adjustment might solve the Lavoies’ problem.

Dave Healy, also a resident of the proposed VRNN, said that zoning in general helps to ensure that neighbors can get along over a long period of time with organized and agreed

upon standards for development and possible changes of neighbors. Healy said he favored bigger setbacks, to make sure that neighbors are not right on top of each other.

Clarke offered that from a planning point of view, it is financially efficient to add residences in village centers where there is existing infrastructure, and Morgan Wolaver added that extending the W&S service lines to outlying areas is very expensive. Clarke said that the Housing Committee was looking at possibly altering the W&S ordinance to make extending the W&S lines more possible. Healy responded that he believes that when the density in the village neighborhoods goes up, and owner-occupied, single family homes are further developed, something valuable about his neighborhood will be lost. He theorized that in 40 or 50 years affordable home ownership in his neighborhood will be impossible, and his son will not enjoy the quality of life his family has had on Baker St. One small change he recommended is making the rear setback bigger, and of requiring more landscaping. He also recommended strict noise regulations. Osborne added that the administrative aspect also had to be considered – can we enforce the standards that we put into the regulations?

Clarke then reviewed the site design standards, including encouraging yard trees; requiring parking and waste containers at the side or rear of the house; requiring only one parking space per dwelling unit, which is a mandate of Act 47, and following the multifamily development standards which will be discussed later. As there were no comments at this point, Clarke moved on to discuss the Village Residential Neighborhoods South (VRNS – Section 3.12). This proposed district has much the same purpose as the VRNN, but protecting the environment of the Round Church is also considered and is listed as a “feature” of the neighborhood. An artist/craft studio is allowed in the VRNS, and was the only type of commercial business that the residents of this neighborhood wanted to allow. Anand made the point that many people are now working from home – in the “gig economy” as Osborne termed it – and may not need regular commercial space. The residential density, minimum lot size and lot dimensions are the same as the VRNN. Cathleen Gent made the point that there may be wetlands, steep slopes or other natural resource constraints that would also limit development, just as the FHOD does. An applicant would definitely have to follow all relevant standards. Gent added that she thought the PC has done a good job of balancing the state mandates with the wishes of the residents of the residential areas. The mandate we will all be watching is the “one parking space” mandate which many towns may have difficulty with.

Lisa Miller wondered if allowing buildings to be placed closer together will now require new fire codes, and if anyone has looked into that. Clarke recommended that she talk to Adam Wood, a fellow SB member, and member of the Richmond Fire Department. Lisa Kory, a resident of Cochran Road, expressed her support for more residential density in the village so that there might be more opportunities for housing. She expressed support for affordable housing to bring in families with young children. She also wondered if ADU’s were feasible to build. Clarke said that there had been 5 permits issued for ADU’s in the last year. As there were no further comments on the VRN district descriptions, Clarke moved on to the concept and definition amendments.

Clarke started with Section 6.1 “Parking and Loading,” saying that Act 47 prohibits municipal zoning from requiring more than one parking space per dwelling unit. A developer can elect to put in more than one, but the town cannot require more than one. We will also require one space for an ADU. Osborne added that the single family home and its ADU will share a single driveway, so typically there would be room for two cars. There was some discussion about whether this will need to be changed by the legislature in the future because of an increased parking problem in numerous towns.

The next section addressed was 6.13, “Multifamily Housing Development Standards,” which was put into the zoning to protect and enhance the appearance and quality of neighborhoods and to ensure basic standards of living for the residents of the multifamily building. Clarke reviewed the 14 points in these standards, with the changes that have been suggested so far, in particular, by the town attorney. Front of building appearance; privacy issues; light trespass; outdoor living space; landscaping; laundry facilities; outdoor storage area; waste storage, and EV charging requirements were discussed. She mentioned that this section will apply to all the districts in the zoning ordinance. Kathleen Gent reported that she has had a problem with light trespass from a neighboring multifamily, which she felt could have been corrected with standards for light shielding or with motion-sensing lights, which, Osborne offered, are currently required for commercial buildings, but only encouraged otherwise. He also mentioned that this is difficult to enforce. Wolaver and Bressor reported that GMP had been very responsive with correcting street light trespass for several homes.

Clarke then briefly reviewed the new “residential density” section (6.14) that is just explanatory about the density concept, which is relatively new to the RZR. One important concept is that ADU’s do not count towards density, but are considered “part of” the one unit of density of a single family home. Healy asked about two principal structures on a lot, to which Clarke replied that that was only allowed in the R/C districts, not the neighborhoods, but that if you had enough acreage, you could subdivide and make two separate lots., each with a principal structure.

The new definitions for Section 7 were briefly reviewed. “Elder care facility” and related terms for types of supported housing, some of which are required by state law to be allowed in residential areas, was discussed. The word “structure” was reconsidered, and man-made surfaces flat on the ground were separated out from structures and given their own term of “on ground improvements,” with the thought that such things as driveways and parking areas should be included in lot coverage but not in setback restrictions. Clarke reported that the town attorney had made quite a few minor comments, but very few about the substance of the changes we are proposing.

Clarke then asked the members of the public and the commissioners if they would like to continue or close the public hearing. As there was no interest in continuing the hearing, Fausel motioned to close it, seconded by Anand. The motion was approved unanimously, so the public hearing was closed. Clarke said that the PC would look at the comments

from the public and from the town attorney at the next PC meeting, and review the amendments that the town attorney had suggested, then likely approve a packet to send on to the SB for their hearing process.

6. and 7. Other business, updates and adjourn

Several people expressed support for the in-person component to the PC meeting, so Clarke said hybrid meetings would be more likely in future. She thanked everyone for attending the meeting and providing their comments, and as there were no objections to adjourning, she ended the meeting at 9:30 PM.

Minutes submitted by Virginia Clarke