

9.18.24 meeting minutes

This meeting was conducted remotely.

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), Erin Wagg (MMCTV)

1. Welcome

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

2. Review and adjust agenda

There were no adjustments to the agenda so the Commission continued with the posted agenda.

3. Public comment on non-agenda items

Fausel expressed his opinion that the FHOD amendments that will be considered on October 16th will not satisfy the Three Parks Committee (TPC). Clarke said that she had requested written goals from that committee, as the PC hasn't had any formal communication from them. She also said she was arranging a site visit to the playground with Osborne, Zoning Administrator Tyler Machia, herself and representatives from the TPC to make sure we were all using the same language to work on these regulations. The TPC can also be using this time before October 16th to resolve their issues around the bandshell. Clarke said she would share any new information that she or Osborne received from the TPC with all members of the PC, and that we would have a full discussion on the 16th.

4. Review minutes of 9.4.24 meeting

As there were no additions, corrections or other comments to the minutes, they were accepted into the record as submitted.

5. Review and discuss draft #7 of the Jolina Court Zoning District amendments and the proposed Density Bonus section

Clarke opened this discussion by reviewing the three types of density bonuses that were currently being considered: senior/adaptable housing; true affordable housing, and public parking. The administrative documents that would be required still remain to be formulated, pending our decision on the general concepts. She referred to the meeting memo, which described 2 scenarios: 1) increasing the possible residential density from the current 15 U/A to 20 U/A (by way of density bonus units); and 2) increasing the density from 15 U/A to 24 U/A (by way of density bonus units). The first scenario has the potential to provide Buttermilk with an additional 15 units; the second scenario with a potential 27 additional units, as long as a specified number of the new units meet our specific "bonus" requirements. For the first scenario Buttermilk could have an additional 15 units for a total in building 2 of 45 units, and a project total (buildings 1 and 2) of 60 units. For the second

scenario Buttermilk could have an additional 27 units for a total in building 2 of 58 units, and a project total of 72 units. Under the current zoning, Buttermilk has a building 2 maximum of 31 units, and a project (all buildings) maximum of 45 units. As no commissioners had any other numbers to suggest, Clarke continued with these possibilities. She agreed with Granda that there was no way of knowing whether Buttermilk would agree to any of these options until they were presented, understanding that their request has always been for a straight base density increase.

In answer to questions from Fausel, Clarke explained that there would, in fact, be an upper limit to the number of density bonus units that could be elected, that limit being the “Total Maximum Residential Density” specified for the particular district, in this case, the Jolina Court ZD, in which this “Total” number would be either the 20 U/A or the 24 U/A as mentioned above. If and when we amend other zoning districts to allow for density bonus units, we will specify a “Total Maximum Residential Density” (base density + bonus density) for each individual district. All the districts do not have to have the same density limit under this scheme; different limits will be appropriate for different districts. Osborne added that there are different ways of using the density bonus concept, just as there are different ways of using the base density concept, including having no density limitation at all. He found it somewhat unusual to offer a suite of different density bonus options as we are doing here. Fausel also questioned if there would be a difference between “public” parking and “leased” parking in the parking bonus, as there was in a previous draft of this section. Clarke replied that in this current draft the only thing offered is “public” parking to keep it simple. Osborne said the details of the arrangement would have to be very carefully spelled out, which would be his task if the plan is tentatively agreed upon by the commission. He added that he did not know of any current leased parking in the village. Clarke also clarified that as the draft is written, the public parking offered for bonus units would have to be only on the current Buttermilk parcel.

Clarke then reviewed the tasks remaining to get this proposal to PC public hearing, if the commission decides that what is presented is the best approach:

- Decide on the maximum total density: 20 vs 24 U/A
- Finalize requirements for senior/adaptable units
- Develop the forms, monitoring schedule, administrative details etc
- Review with Town Attorney for “spot zoning” concerns (we have it on our agenda to consider for other ZD’s) – Town Attorney Dave Rugh’s initial comments on the density bonus scheme were positive
- Amend the PUD section to remove the first floor commercial requirement (already in this draft)
- Add in a new section, 6.16, regarding the “Affordable Housing Development” provisions that Act 47 requires. Our density bonus scheme would not be available if the extra density allowed under 6.16 was elected

She then asked for comments from the commissioners on the proposed draft. Granda said he liked it, and that we wouldn't know how Buttermilk or the Selectboard would react, but that this was a good representation of the range of views of the PC commissioners. Bender said he favored the 20 U/A density cap, which he saw as a bit on the conservative side, which he thought was good. Clarke agreed with this point, and said she felt that it is a good compromise. Anand also felt that the 20 U/A was the better number, as it would be good to see how much impact these additional units will have on Richmond's traffic issues before adding even more density. Granda and Fausel concurred with 20 U/A as a maximum total residential density, and with proceeding ahead with this proposal. Clarke thought that this would be acceptable to the Selectboard. Osborne reminded the commission that there would be other public comment to deal with as well, which would be presented at the PC public hearing before the proposal went to the Selectboard. He also reminded the commission that Buttermilk would be getting removal of the commercial requirement with this proposal, even if they didn't take any of the density bonus units, and that this, in and of itself, would be an important asset for them in terms of acquiring financing for their project. Clarke said she and Osborne will continue to refine this draft, as we now have general agreement on the direction.

6. Introduce and comment on next items for Planning Commission work

Clarke listed 3 different areas that the PC will need to work on in the near future, as the ongoing projects (FHOD, VRN's and Jolina Court ZD) are wrapping up.

1. Town Plan needs to be re-adopted in 2026, so that work will have to start in 2025.
2. Align the Subdivision Regs with the amended PUD section and develop natural resource standards to inform the critical permit language that we have used to replace the Master Development Plan (MDP) language. The Conservation Commission may be involved with this. Osborne added that this is important so that the DRB can understand how to work with the critical permit language, and so that the two regulations are not in conflict.
3. Amend the other districts served by water and sewer infrastructure with the mandates required by Acts 47 and 181, which, in some instances, seem to contradict each other. This includes the Village Commercial (VC) ZD and the Round Church Corner Complex which should be in the VC ZD but isn't currently. There will also need to be a few tweaks to the V R/C ZD and the VRN's to make them align with the new state requirements.
4. Granda added an item to the list: looking at the broad range of amendments for energy optimization that are being adopted across the country to see which ones we might apply here.

There were no other comments about future work from the Commission at this time.

7. Updates and new business

Clarke reviewed the updates:

1. Neighborhood Development Area (NDA) presentation by CCRPC at the PC's 10/2/24 meeting. Osborne gave a brief overview of this program and why we are interested in it. He said the presentation by CCRPC will help us to understand the parameters of

the program, to see if and how we would qualify. The program potentially enables housing by reducing the Act 250 burden, eliminating certain fees, and providing grant opportunities for developers of housing in village areas. Osborne said he wasn't sure if we would need to redo our VC ZD and other village districts before applying for the program, and that we should ask the CCRPC folks this question. Osborne also mentioned that sustainable stormwater systems, in which stormwater can be held in the ground, could be put into our zoning regulations, but may not be part of the NDA criteria.

2. A second presentation coming up will be regarding the Biofinder mapping system that VT's ANR has developed in which all the natural resource maps can be layered so that each town can see the resources it has. These maps will be important for us as data on which we can base our regulations regarding how we can best protect natural resource areas, and what restrictions on development we might want to put into our zoning for these areas. This presentation will also involve the Conservation Commission and will be conducted by Jens Hilke from ANR. This will be a useful tool for us to have as we think about the future of our resource areas and how we can coordinate development with preservation. Clarke said that Osborne would notify folks when that workshop has been scheduled, and that she hoped PC members would attend.
3. The third update was that the SB would be holding a public hearing on the VRN's on October 7th. After that, these amendments will likely be back at the PC briefly for possible Act 181 updating, even if no changes are recommended by the public at the hearing. In answer to a question from Anand, Clarke said Act 181 added some pro-housing mandates for the growth areas, "in exchange for" more natural resource protections in the outlying areas. The municipalities are tasked with making some changes to their zoning to support this trade-off, including some greater residential density allowances and adding new language to the Town Plan. Clarke said we would be considering Act 181 in more detail soon, and it's likely we will have to alter the VRN's based on new guidelines we have recently received. Osborne added that he has just sent all the PC members the legislative summary of Act 181 so we can all get an idea of what the challenges will be.

8. Adjourn

As there was no further discussion, Granda moved for adjournment and Anand seconded. There was no dissent, so Clarke adjourned the meeting at 8:33 PM. The next PC meeting will be on October 2nd.

Minutes submitted by Virginia Clarke