

9.4.24 meeting minutes

This hybrid meeting was conducted at the Town Center and on 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), Tom Astle (MMCTV),
Connie van Eegan, Bob Heiser, Gary Bressor

1. Welcome

Clarke opened the meeting at 7:05 PM and welcomed members and guests.

2. Review and adjust agenda

There were no adjustments to the agenda, so the meeting proceeded with the posted agenda.

3. Public comment on non-agenda items

There was none.

4. Review minutes of 8.21.24 meeting

There were no additions or corrections to the minutes, so they were accepted into the record as written.

5. Review Jolina Court Zoning District amendments draft #6 and new Section 6.15, Residential Density Bonus draft #6

Clarke began the discussion with a recap of where we left off at our last meeting, which was to work out a compromise between those commissioners who wanted to just increase the base density, and those who wanted to mandate inclusionary zoning for affordable housing. The compromise arrived at was that Buttermilk would have the opportunity to increase their density, not by an increase in the base density, but rather by electing to use an (optional) “density bonus scheme.” The PC had previously agreed that the first floor commercial requirement for any building not directly facing Bridge St was not feasible at this time, and could be removed from the PUD section. The idea was that Buttermilk could elect to go from a density of 15 U/A to a density of 24 U/A by means of optional density bonus units. Clarke said that the proposed 4:1 density bonus (4 market-rate units for 1 affordable unit) for true affordable units was similar to the state’s 20% affordable-to-market-rate ratio in Act 47, but it was for a much smaller scale, i.e. applying 20% only to the new unit allowance beyond their original 31 units (45 total units desired, minus 31 units already permitted = 14 new units X 20% = 3 true affordable units). She also said she had proposed a 2:1 bonus level for senior units, as that might not be so burdensome for the developer (2 market-rate units for 1 senior units = 10 market-rate units for 5 senior units for a total of 15 units), and also a “non-residential” bonus category that awarded market-rate units for providing public parking spaces.

Clarke said she hadn't found any exact models in other zoning for the senior/adaptable or public parking density bonus numbers, so she wasn't sure these numbers are what we wanted. She then opened up the conversation to the commission.

Granda suggested that the relative costs and benefits would likely be assessed by the developer, and the least expensive option would be chosen, which he felt, in this case, would be the senior adaptable units, which wouldn't then meet any of our other goals. Granda suggested, for instance, that 1 market rate-unit be given for each 2 senior units created, instead of the other way around, and that we should try to cost out the various values for the different options to try to make them all of approximately equal value. A discussion followed about what the actual details of the parking spaces bonus would look like, where they would go, what their value is to the developer vis a vis their future building plans, etc. Fausel suggested that the spaces could be anywhere within the village, not just on the Buttermilk property, and also that leased spaces should generate less of a bonus than true public spaces (such as 1 market-rate for 5 spaces versus 1 market-rate for 2 spaces). He also said he was fine with whichever of the bonus options the developer elected, as all provided something the town wanted. He also thought a 15 year limit would be fine on the requirements. Clarke suggested that we talk to Pete Gosselin, the road foreman, about how this parking scheme would play out from a practical and administrative point of view.

Clarke then reviewed the rough draft of the requirements for the senior/adaptable bonus category, which she had developed with conversations with folks from Cathedral Square, an affordable housing developer. She discussed the various "accessible" and "adaptable" features that would be required, and suggested that all the features relating to the site, the building and the unit might not be as inexpensive as Granda was imagining. She mentioned that the Uniform Federal Accessibility Standards (UFAS) had a lot of details on the standards, and that we could likely find out more about the cost/value from the folks at Cathedral Square. Bender felt that offering the three different bonus options was fine, but if only one could be offered for some reason, it should be the true affordable units option. Fausel thought we should find out if the town had a parking space goal, and if there was anyone in the village who had land to sell for parking if Buttermilk wished to purchase it. The commissioners all agreed that the next step was to continue to get the details about the senior units bonus and the parking bonus, and that the 4:1 bonus for true affordable seemed reasonable. Granda left the meeting at this point.

6. Review Flood Hazard Overlay District amendments draft #8

Clarke reported that the SB had given the Three Parks Committee an extension on their deadline, so the time pressure to finish these amendments had been removed, but that sooner rather than later would be good anyway. She reviewed the basic premise that the FHOD would entirely regulate nonconforming structures within the district, and that those structures could be moved around but not enlarged within the Floodway. This draft also had a new definition of "incidental structures" that allowed things like picnic tables and trash cans to be added without a permit. She said that the AO, Tyler Machia, has said that

he would not allow the bathrooms to be divided, and that a pavilion is not a bandshell, and so, as a new structure, it would not be permitted. He also said he would probably be okay with a fence around the relocated play structure as long as it was within the footprint of the existing structures. Clarke also mentioned a new definition in RZR Section 7 for “recreation path” which is allowed in all districts by 2.4.4. She then paged through the amendments, most of which were already found in the previous draft. Anand asked if there has been any move in Richmond to change the FEMA maps, enlarging the flood hazard zone, as some towns are doing, because of the worsening flooding situation. Clarke said no, but she thought FEMA would update its maps at some point, and until then, the current ones were the ones we had to use.

Osborne then reviewed the language of the new definition of “incidental structures” (see meeting materials). After some discussion, there were no objections to this language. Clarke said that this term was also added to the use table and to section 6.8.10 as a use that doesn’t require permitting. Bressor, referring to the relocation of the restroom, questioned why it couldn’t be smaller. Clarke and Osborne said they were working with Machia on this, because making a structure smaller also seemed reasonable to them. The discussion then turned to section 6.8.15 concerning nonconformities, which contains the key amendments that would allow the play structure and/or the restroom, as nonconforming structures, to be relocated up onto the grassy knoll. What was changed here since the last draft was an allowance for expansion of a structure in the floodplain as long as it is not in the actual floodway. A long discussion followed with guest Bob Heiser, who wanted it to be made very clear, rather than just intuitive, that the DRB could permit this expansion. Bressor agreed with this point, and said that this needed to be absolutely spelled out. It was eventually determined that separating item d) into 2 items: d) and new e), which authorized the enlargement of a structure outside of the floodway (section d]) but disallowed it within the actual floodway (new section e]). Heiser also suggested adding “reducing in size” in these subsections, under the DRB’s discretion, which the commission approved of.

The final change in draft #8 was the addition of a definition for “recreation path” in RZR section 7. This would allow by right an unpaved path in the FHOD (and in the other districts) but not a paved path. Fausel thought this would be controversial at the public hearing. Clarke felt that allowing a paved path would be allowing the addition of another structure into the floodway and SFHA that would have to be maintained and repaired after flooding, adding cost and decreasing resiliency for the town. In summary, Bender, Anand and Heiser thought the document as revised tonight was satisfactory. Fausel expressed that he was not entirely satisfied with the document, but he made a motion to set the public hearing for October 16th on the document, including sections 4.7, 4.8, 6.8 and 7 of the RZR, as revised tonight. Bender seconded the motion, and it was approved unanimously on a roll call vote. Fausel requested that the final revised redline document be forwarded to the Three Parks Committee so they could discuss it at their September 12th meeting, as well as to the PC members. Clarke said it would be sent to all the members of the PC and the Three Parks Committee.

7. Other business and updates

Clarke reported that the SB had set the date of October 7th for their public hearing on the new VRN districts. She also said that she and Osborne would work with others on developing more information and refining the Jolina Court density bonus section. The next PC meeting will be on September 18th.

8. Adjourn

Anand motioned to adjourn; seconded by Fausel. As there were no objections, the meeting was adjourned at 9:27 PM.

Minutes submitted by Virginia Clarke