

12.4.24 meeting minutes

This meeting was conducted remotely via Zoom.

Members present: Ian Bender, Virginia Clarke, Rebecca Connell, Mark Fausel, Chris Granda

Members absent: Alison Anand, (*one vacancy*)

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Trevor Brooks, Adam Wood, Matt Mears

1. Welcome

Clarke welcomed members – including new member Rebecca Connell – and guests, and opened the meeting at 7:00 PM. Connell introduced herself and spoke briefly about what has brought her to the Planning Commission. The other commissioners reciprocated with their own brief introductions for Connell's benefit.

2. Review and adjust agenda

As there were no adjustments to the agenda, the meeting proceeded with the posted agenda.

3. Public comment on non-agenda items

Granda wondered if there had been any further information regarding a meeting with Representative Jana Brown regarding Act 181. Clarke responded that there had not as of today, but she was hoping to hear from her prior to the Selectboard (SB) hearing on the VRN's on 1/6/25 and that she would keep folks posted. There were no other comments.

4. Review minutes of 11/20/24 meeting

As there were no adjustments to the minutes, they were accepted into the record as written.

5. Discuss Density Bonus Program draft #9

Clarke opened the floor for commissioners' comments on the draft. Granda wondered about Josh Arneson and Pete Gosselin's thoughts about the public parking bonus. Osborne shared a note he had received this afternoon from Arneson and Gosselin. Gosselin expressed concern about the Town not having control over the spaces for maintenance such as plowing. Arneson suggested that there be a timeliness about the plowing, and perhaps an annual inspection by the Town. Osborne said there would need to be some type of enforcement. Clarke suggested that there would need to be a written agreement between the applicant and the town manager and/or highway department. Osborne suggested that this would be do-able.

Bender asked about whether this section would be applicable only to the Jolina Court ZD, and a short discussion followed about how it could be applicable to other districts as well, since it would be a free-standing section of the zoning document (RZR). Granda said it

could be applied, and he hoped it would be applied, to other districts as well, but this will have to be considered on a case-by-case basis as we review other ZD's, and as we see how it is working out. Connell questioned why the number of affordable units could not equal or exceed 20% of the total project units. Clarke explained that a provision of Acts 47/181 allows for special density bonuses (40% over base plus one additional floor) for "affordable housing developments" that have 20% affordable units. She said that this language is proposed to be put into our RZR as Section 6.16, and that the density bonus program (Section 6.15) that we are discussing tonight is for projects that don't meet the 20% threshold, but would still like to incorporate some affordable units. In the proposed 6.15 draft it states that a project cannot qualify under both 6.15 and 6.16. Connell wondered why we wouldn't require that more housing be affordable. Clarke responded that in her opinion we didn't want to be too discouraging to developers by requiring "inclusionary zoning," and that the optional density bonus program was a way to ease in the affordability concept, and bridge the gap between availability and affordability of housing. Granda explained to Connell that this draft represented a compromise between commissioners with different opinions, and is a way to move the document from a stalemate onwards to the Selectboard (SB).

Granda also suggested that in presenting this work to the public to get their input, we make clear what the deliberative process has been to get to this point of compromise, and what different points of view have been represented on the PC. Clarke agreed to develop a strategy for the commissioners to present the different viewpoints at the public hearing. A discussion followed about the difficulty of finding affordable housing in Richmond, or in Chittenden County, for that matter, and how there are other difficulties for housing development besides the zoning such as Richmond's non-flat terrain, the difficulty of expanding the municipal water and sewer lines, and the current high costs of construction.

Granda asked Fausel to talk about the public parking bonus. Fausel expressed that maybe more spots should be required for extra units, but that he was okay taking it to the SB as is and to the public for their take on it. A discussion followed about whether this bonus would work in other ZD's when we expanded it beyond Jolina Ct. Clarke said the draft required the SB or Highway Department to decide if parking is in demand wherever it is that a project requests this bonus. Guest Adam Wood, an SB member, suggested that there might be quite a few places in Richmond besides the village where parking is in demand and so the public parking bonus unit strategy might be useful in other districts. Osborne added that the DRB would be the ultimate approval authority, but the other entities could be advisory to the approval.

In answer to a question about the how many density bonus units could be obtained, Clarke said there would have to be a maximum total density (base plus bonus) stated in any district that we decided could utilize Section 6.15. In the case of the Jolina Court district, the total maximum is proposed at 20 U/A. an increase of 5 U/A over the base density. This would allow the developer to seek a maximum of 15 additional units for the 3 A (buildable) parcel.

Fausel brought up the “in perpetuity” requirement for the affordable units and public parking bonuses, and wondered if that timeframe was too long and hence too hard to regulate. Osborne thought a shorter, defined time period might be more likely to cause a developer to utilize the density bonus option, and felt that 15 years matched the 15 year time period required by the state’s “Affordable Housing Development” Act. Clarke said continuity of monitoring and enforcement over a long time period would likely be difficult for our small planning and zoning staff. The commissioners agreed that “in perpetuity” should be changed to “for 15 years” in the density bonus draft (6.15) as well as in the “affordable housing development” (new section 6.16) which just puts the statutory language into our RZR.

After discussion, the commission determined that the finalized proposed drafts of both the new density bonus section and our next agenda item, the amended Jolina Ct ZD (section 3.9), would be briefly reviewed and approved for PC public hearing at our next meeting which will be January 15th, following the FHOD public hearing. The public hearing for the Jolina Ct revisions would likely be our second February meeting (2/19) or our first March meeting (3/5) but we can finalize that date on January 15th.

6. Discuss Jolina Court Zoning District proposed revisions

Clarke started the discussion by saying there are 2 sections of the RZR that are involved: Section 3.9, the Jolina Ct District, and Section 5.12, the PUD section, which is where the first floor commercial requirement for Jolina Ct buildings is found. The commission had already agreed to remove that requirement for building 2, and Clarke asked if there was appetite for removing it from all but the Bridge St-facing portion of building 1. After extensive discussion the commission decided to keep the first floor commercial requirement in place for building 1 in order to maintain a place for commerce in the walkable downtown. A second point that was agreed upon was to change the maximum total density to 20 U/A from the 24 U/A that is currently in the draft. (section 3.9). There were no further comments on the Jolina Ct draft.

7. Updates and other business

Clarke mentioned that there seems to be some controversy brewing about the “recreation path” and “trails” definitions that we had introduced into the FHOD packet coming up for public hearing on 1/15/25, and she felt that the commission should be ready to separate out those definitions if they threatened to delay the revisions to the FHOD. Wood added that he had received a number of phone calls and emails about these definitions, and that he would recommend talking about these at a later date. Wood also encouraged Osborne to discuss this with Tyler Machia, the Zoning Administrator, to avoid any misinformation. Clarke said she would make it clear at the beginning of the public hearing that we were going to focus on the FHOD revisions, that we would only take input about trails if time remained after all FHOD comments had been heard, and that we would likely schedule a whole conversation about the trails at a later date. Wood encouraged her to put the word out now that this was the plan, and Clarke said she would consider the best way to do this. Osborne concurred with this strategy.

Clarke reminded commissioners to review the dates listed on the agenda for future work.

8. Adjourn

Granda motioned to adjourn, seconded by Bender. The only discussion was a comment from Wood that he appreciated all the work the commission had put into the Jolina Court ZD revisions, and he felt that a good compromise had been reached. As there was no further discussion or objection, the meeting was adjourned at 9:03 PM.

Minutes submitted by Virginia Clarke