

3.5.25 meeting minutes

This meeting was a hybrid meeting, conducted in-person at the Town Center and online via Zoom.

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

Members absent: Rebecca Connell, Bryton, Moeller

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Lisa Miller

1. Welcome

Clarke opened the meeting at 7:00pm and welcomed members and guests. Osborne reminded the participants of the “zoom bomb” protocol.

2. Review and adjustments of the agenda

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

3. Public comment on non-agenda items

There was none.

4. Review of minutes of 2.29.25 meeting

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

5. Public Hearing on proposed amendments to Section 3.9 (Jolina Court Zoning District); Section 5.12 (Planned Unit Development); and addition of new sections 6.15 (Residential Density Bonus Program) and 6.16 (Affordable Housing Development)

Bender motioned to open the hearing, with Granda seconding. The motion passed unanimously. Clarke began the hearing with a brief history of the Jolina Court project stating the following: About 18 months ago, developer Buttermilk LLC, represented by Josi Kytte and Brendan O’Reilly, requested a change to the Richmond Zoning Regulations (RZR) to facilitate the development of their second multi-family building on Jolina Court. Even though this building had already been permitted by the DRB for 31 dwelling units and ground-floor commercial space, they felt the project was not viable under these constraints and requested that the Planning Commission (PC) change the zoning to remove the ground-floor commercial requirement and to increase the number of residential units allowed. The PC agreed that the ground-floor commercial requirement was likely burdensome due to the collapse of the commercial real-estate market, and was agreeable to the removal of this requirement. The density increase was more controversial, with some commissioners favoring a simple density increase, with others favoring allowing only certain kinds of dwelling units, or the provision of public parking, “in exchange” for a density increase. A compromise was required in order to move forward, and the PC elected to offer three options that would allow a developer to “earn” more residential density.

She continued: So, in the proposed document, changes to Section 3.9 reflect a modest increase in density to a maximum of 46 residential units (up from 31) in building 2. Some of these additional units could be market-rate, but others would have to meet certain criteria which are outlined in the new Section 6.15, Residential Density Bonus Program or in Section 6.16 which is a statutorily-mandated (Act 47) density bonus program for so-called “Affordable Housing Developments.” Changes to Section 5.12 allow for either residential or commercial units on the ground floor of building 2.

Commissioner Granda then provided the rationale for one of the types of density bonus units allowed by Section 6.15 – “true affordable” units that would be made available to moderate-income households at a rent that is lower than market rate. He described the need for housing for people who might have a hard time affording market-rate rents, a group that has included teachers, police officers, and young employees who can’t afford to live in the town where they work. The cost of these units would be subsidized by the revenue from the whole development for a defined period of time. This type of arrangement is not unique to Richmond, and is designed for projects that cannot meet the threshold for an “affordable housing development” as described in Section 6.16. The PC is not proposing a mandatory number of affordable units in any development, which would be called “inclusionary zoning” and suitable for bigger projects in larger towns, but is instead offering this as an optional way for a developer such as Buttermilk to gain more density.

Commissioner Fausel then explained the rationale behind the second of the three density bonus options – the provision of public parking. He described a shortage of parking in downtown Richmond, and said that one additional market-rate unit would be allowed for each two public parking spaces that Buttermilk identified on its Jolina Court property. This would also be available to developers in other zoning districts where the Selectboard and the highway department identified a need for parking. The requirement would last for 15 years, and could be seen as only requiring the same amount of parking as Buttermilk would have needed under the current zoning, due to statutory changes in residential parking requirements.

Clarke then explained the third option in the density bonus program – the “accessible/adaptable” dwelling unit option. She said: a Richmond housing study that was done a couple of years ago identified a need for dwelling units for seniors or those living with physical disabilities or limitations. The study showed that seniors might want to downsize, and this option would provide units adapted to their needs. The proposed density bonus program proposes that an additional market-rate unit be allowed for each two accessible/adaptable units developed. The specific requirements for each of the three proposed density bonus units are described in Section 6.15.

Commissioner Bender then discussed why the PC had even considered allowing increased residential density for the Buttermilk project. He said: there are many people who are looking for housing today, and there are not a lot of options that are either available or affordable. We would like to have a rental housing market that encourages an

economically and ethnically diverse community, and that allows for workforce housing close to employment. An increased number of residents also increases the tax base and the utilization of the water and sewer infrastructure, which makes things a bit more cost effective for all, as well as providing support for local businesses. He discussed various ways of calculating a housing goal which would be the number of new units that would be Richmond's share of the total state or county housing deficit. Clarke added that CCRPC would be coming out with new housing targets later this spring, which might be incorporated into our Town Plan 2026. Bender then mentioned other factors that were considered in our discussions of greater residential density: traffic, parking, noise, congestion and other quality of life issues that might impact existing residents and businesses, as well as possible impacts on town services.

Clarke thanked the commissioners for their explanations of the pros and cons of the PC deliberations, and reported that the developers, represented by Josi Kytte and Brendan O'Reilly, had submitted a letter restating their position that this is not what they would like to see for zoning changes. They have been consistent with this position throughout our deliberations: they would like to see removal of the ground-floor commercial requirement and an increase in density with no strings attached. Their position is that this is a very challenging financing and construction market, and that their easiest path forward would be as they have described. The PC feels that the proposal we have today is a compromise between what the town and the developer want. The possible negative outcomes would be either the development of larger, thus more expensive units if only 31 are allowed, or a failure of the project entirely. Granda pointed out that we really do not know what the outcome will be. Clarke said that she hoped the public would weigh in by looking at the proposed changes, and that the options going forward would be to send the amendments on to the Selectboard for their public hearing process, or to continue this PC hearing to hopefully attract more public input. She continued by saying that we had theoretical buy-in from the SB earlier in the process, and if the SB received a lot of negative input at their hearing, they could send the proposal back to the PC, which would then need to make changes as directed.

Granda said that he felt the PC had run an exhaustive process considering this topic and that it is now time to pass the amendments on to the SB, who can elevate the discourse to a new level. Clarke mentioned that the developer will come to that hearing to present their viewpoint, and that may elicit more public comment. She suggested the PC publicize the SB hearing on the FPF. Osborne added that he had contacted the one other property owner in the Jolina Court District, Rob Hinze of the Blue Seal Feed building, Lisa Miller, the single member of the public at the meeting, said the best thing here would be to make progress on this issue, so she concurred with sending it on to the SB. Bender also agreed that it was appropriate to send it on to the SB, as we had ended up in a good place after thorough deliberations. Anand reiterated her concern that any further development in the village would be putting people in harm's way from future flooding, and that the project would increase traffic. She said she would not oppose the proposal, but that she would not support it either. Fausel expressed support for forwarding it to the SB, and hoped for more

interest from the public at the SB hearing. He encouraged more publicizing of the SB hearing to generate public comment on the proposal. He sympathized with the developer for the length of time this process has taken. Fausel then motioned to approve the documents as posted for transmittal to the SB for their final review. The motion was seconded by Bender. With no further discussion, the motion passed on a vote of 4-1-0 with Anand abstaining.

6. Updates

Clarke reminded the commission that the Flood Hazard Overlay District amendments will be coming up for SB public hearing on April 7th. Osborne and Clarke will be there to answer questions if needed.

As far as the Town Plan 2026 work is concerned, Clarke reported that PC member Rebecca Connell's son has been in a serious skiing accident and she is currently in Boston with him as he recuperates after surgery, so she will not be available to plan a kick-off event. Clarke suggested recruiting, by means of the FPF, a few members of the public for a steering committee to join Osborne and several PC members, as well as perhaps a Selectboard member, to manage the work. She suggested a "charette" in late April or early May, in which folks could critique the maps and key points from the 2018 Plan, and decide if changes were needed; with a second charette in September to present ideas on how to make these changes. Clarke said she had thus far contacted the committees in charge of certain sections, such as Housing, Natural Resources, Historic Resources and others, to solicit their input on the current plan. Fausel said that this has been effective in the past, and he didn't feel that a whole lot of new work would be required to do the updating. Osborne added that the charettes would be geared more towards the general public. Clarke said we'd take up Anand's offer to host a pool party later in the summer! Fausel and Clarke reviewed the history of Town Plan 2018 and agreed that most of it is still relevant today. Clarke also said that there were a number of new ideas that will need to be incorporated into the 2026 Plan, including new statutory goals; the new way that the regional Future Land Use (FLU) map is now being created; an emphasis on the worsening housing situation, and the need to intensify stormwater mitigation efforts. Former SB member Lisa Miller agreed that the 2018 Plan was still very relevant, and that there was no need to re-invent the plan from scratch, but just continue along the existing paths. She said that she and Bard Hill had reviewed the Plan a few months ago, and found that it just needed a general tune-up and a few corrections. Osborne said that he had received that information from the Town Manager. There were no objections to beginning to publicize the update process, and to continue to depend on the extensive visioning and writing process from the 2018 Plan.

Clarke then spoke about a possible project that the Conservation Commission would like the PC to endorse, involving student research into climate change, landscape and resilience. This would be a class project of UVM's Professor Dupigny-Giroux in the fall, but it looks like there is a fair amount of work for a Richmond group to do to facilitate this, and so far no one is stepping up to do this work, so it might not happen. Clarke recommended

that we wait a bit to see if the project is a go before endorsing it. No one objected to that plan or had further comments about the project, so it was tabled for now. Clarke then reminded the PC that our next meeting on 3/19 would be our annual organization meeting for election of officers and review of the code of ethics. We'll also talk about any progress that's been made with the Town Plan work. Osborne said he would prepare the documents on the Jolina Court amendments, including the bylaw amendment report and the full redline, to send over to the SB. Clarke said she would prepare an FPF post about the Jolina Court amendments to see if more public comment could be generated for the upcoming SB public hearing.

7. Adjourn

As there was no further discussion, Bender motioned to adjourn, with Fausel seconding. As there was no opposition, Clarke thanked everyone for coming and adjourned the meeting at 8:31pm.

Minutes submitted by Virginia Clarke