

TO: Planning Commission

FROM: Ravi Venkataraman, Town Planner; and Virginia Clarke, Planning Commission Chair

DATE: April 1, 2022

SUBJECT: Proposed Zoning Amendments to Wetlands, Vehicle Fueling Station uses, and Nonconforming Uses and Structures

Background and Timeline

In November 2020, the Planning Commission received a request from the Richmond Mobil gas station to modify the Zoning Regulations to amend the following regulations in order to redevelop the gas station:

- Restrictions on development within wetlands; and
- Allowances for the redevelopment of nonconforming structures.

The commission decided to review this request but using a broader lens, raising questions about:

- The effect of the current wetlands regulations on other community members;
- The alignment of the current wetlands regulations with the state's goals and intentions for wetlands;
- If nearby communities regulate wetlands in a similar manner;
- The utility of current definitions for current and future uses in town;
- The effects of the redevelopment of one parcel to nearby parcels;
- The effects of redeveloping a gas station on other gas stations in town;
- The future of gas stations itself, with respect to the Town Plan, the state Comprehensive Energy Plan, and the state Climate Action Plan;
- The town-wide effects of revising allowances for nonconforming uses and structures.

The Planning Commission took input from various community members throughout the amendment drafting process. The commission also invited state wetlands ecologists Julie Follensbee and Tina Heath on two separate occasions to overview the State Wetlands Rules and permitting methodology.

The commission concluded that changes to the zoning regulations regarding wetlands, nonconforming uses and structures, and vehicle fueling stations were necessary for the benefit of the entire town. These changes would modernize outdated regulations. In addition, the proposed amendments would allow for careful development or redevelopment of properties while also encouraging natural resource protection and electric vehicle adoption over time.

During the drafting process, the Town Attorney reviewed the proposed regulations. The commission incorporated the Town Attorney's recommendations for the most part.

The Planning Commission held a public hearing on the proposed amendments on February 2, 2022. The commission incorporated comments heard during the public hearing—including the Town Attorney's recommendations—and finalized the draft amendments on March 16, 2022.

Summary List of Proposed Changes to the Zoning Regulations

In summation, listed are the significant proposed changes to the Zoning Regulations

- Addition of Vehicle Fueling Station Uses to the Commercial and Industrial/Commercial Zoning Districts
- Addition of Powered Vehicle and/or Machinery Service to the Commercial, Village Commercial, Industrial/Commercial, Gateway, and Residential/Commercial Zoning Districts
- Removal of references to “Automobile Service Station”, “Garage, Repair”, and “Garage, vehicle repairs and service”
- Clarification of rights for nonconforming uses and nonconforming structures
- Use standards for Vehicle Fueling Station uses, including:
 - A limit to four pumping islands that dispense liquid and gaseous fuel
 - A requirement to install at least one DC Fast Charger electric vehicle charging station
 - Allowances for accessory uses such as convenience stores, and for the allocation of 20 percent of the floor space within a building containing the accessory use for seating
- Allowances for development within wetlands and wetland buffers upon the provision of a state wetlands permit and a permitting process with the Town
- Allowances for expansion of nonconforming structures into wetlands and wetland buffers provided a state wetlands permit and a permitting process with the Town
 - This allowance is per the Town Attorney’s recommendations for regulating development within wetlands and wetland buffers
 - This iteration of the draft zoning regulations removes the burden of technical assessments and decision making on the Conservation Commission and the DRB, and places priority on the decisions the State Wetlands Program staff scientists render. Simultaneously, the draft regulations signal to applicants that the Town regards wetlands as important
 - The Town Attorney recommended requiring a State Wetlands Permit for a local permit.
- Definitions for “Accessory Electric Vehicle Charging Station”, “DC Fast Charger”, Powered Vehicle and/or Machinery Service”, “Vehicle Fueling Station”, and “Wetland Buffer”
- Modifications to the definitions for “Impervious Surface”, “Setback”, “Structure”, and “Wetland”
 - This incorporates the Town Attorney’s recommendations for definitions for “Impervious Surface”, “Structure”, and “Setback”
- Deletion of definitions for “Automobile Service Station”, and “Garage, Repair”
- Rezoning the parcel containing the Mobil gas station from the Gateway Commercial Zoning District to the Industrial/Commercial Zoning District

List of Materials

Enclosed for your consideration are:

- A markup version of the proposed zoning amendments
- A clean version of the proposed zoning amendments
- A current zoning map of the Exit 11 area
- A proposed zoning map of the Exit 11 area
- The Municipal Bylaw Amendment Report

- The Planning Commission's rationale for limiting the Vehicle Fueling Station uses to four pumping islands

Process and Procedure

Pursuant to 24 V.S.A. §4444, the Selectboard should:

1. Receive the proposal through a motion; and
2. Agree by motion to conduct a public hearing on the proposal, with the date of the hearing be at least 15 days after the publication of a legal notice

The Selectboard may make minor changes to the proposed amendments pursuant to 24 V.S.A. §4442(b).

Draft Motion

To facilitate action, I have prepared a draft motion:

I, _____, move to receive the proposal to amend Richmond Zoning Regulations Sections 2.4.2, 3.3.2, 3.4.2, 3.5.2, 3.6.2, 3.7.2, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 5.7.7, 5.10, 6.8.15, 6.9, 7, and Appendix A1; and to hold a public hearing on the proposed zoning amendments on April 25, 2022.