

**Town of Richmond**  
**Planning Commission Meeting**  
AGENDA

Wednesday August 19th, 2020, 7:00 PM

Due to restrictions in place for COVID-19, and in accordance Bill H.681 **this meeting will be held by login online and conference call only**. You do not need a computer to attend this meeting. You may use the "Join By Phone" number to call from a cell phone or landline. When prompted, enter the meeting ID provided below to join by phone. For additional information and accommodations to improve the accessibility of this meeting, please contact Ravi Venkataraman at 802-434-2430 or at [rvenkataraman@richmondvt.gov](mailto:rvenkataraman@richmondvt.gov)

Join Zoom Meeting: [https://us02web.zoom.us/j/85024243196?](https://us02web.zoom.us/j/85024243196?pwd=NUV6N0drWXdSblQySXowMVIQVHR5UT09)

[pwd=NUV6N0drWXdSblQySXowMVIQVHR5UT09](https://us02web.zoom.us/j/85024243196?pwd=NUV6N0drWXdSblQySXowMVIQVHR5UT09)

Join by phone: (929) 205-6099

Meeting ID: 850 2424 3196

Password: 559369

1. Welcome and troubleshooting
2. Adjustments to the Agenda
3. Approval of Minutes
  - August 5<sup>th</sup>, 2020
4. Public Comment for non-agenda items
5. Discussion of possible new zoning districts in southern portion (south of Winooski River) of Richmond Village
6. Discussion on creating requirements for property owners claiming exemption per 24 V.S.A. §4413
7. Other Business, Correspondence, and Adjournment

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### 3. Approval of Minutes

- Page 3: August 5<sup>th</sup> 2020 Planning Commission Meeting

### 5. Discussion of possible new zoning districts in southern portion (south of Winooski River) of Richmond Village

- Page 7: List of Uses in the Current Zoning Regulations
- Page 10: Zoning Revision Checklist
- On separate standalone documents:
  - “8-5DraftZoningMap.pdf” – Draft zoning map prepared for the August 5, 2020 Planning Commission meeting. Also available as a webapp on ArcGIS Online here: <https://arcg.is/1mrSab>
  - “PrimeAg-Wetlands\_ANRMap.pdf” – Map identifying agricultural soils of federal, state and local importance, and Class I and Class II wetlands. Data from Vermont Agency of Natural Resources

### 6. Discussion on creating requirements for property owners claiming exemption per 24 V.S.A. §4413

- Page 11: Memorandum on Zoning Amendments related to 24 V.S.A. §4413
- Page 12: Draft regulations
- Page 13: Draft Bylaw Amendment Report for the proposed zoning amendments
- Page 15: Draft “Notice of Intent to Build a Farm Structure” form
- Page 17: Draft “Notice of Intent to Build a Silviculture or Forestry Operations Structure”

### 7. Other Business, Correspondence, and Adjournment

2 Richmond Planning Commission  
3 REGULAR MEETING MINUTES FOR August 5, 2020  
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Members Present: Chris Cole, Scott Nickerson, Brian Tellstone, Mark Fausel, Joy Reap (left at 8:48 pm), Virginia Clarke, Alison Anand (joined at 7:30 pm), Chris Granda, Jake Kornfeld,

Members Absent:

Others Present: Ravi Venkataraman (Town Planner/Staff), Connie van Eeghen, John Rankin, Marshall Paulsen, Zachary Maia

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7 Chris Cole opened the meeting at 7:03 pm.

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9 **2. Adjustments to the Agenda**

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11 None

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13 **3. Approval of Minutes**

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15 Motion by Mark Fausel, seconded by Virginia Clarke to approve the June 3<sup>rd</sup>, 2020 Planning Commission Meeting Minutes. Voting: unanimous. Motion passed.

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18 Motion by Clarke, seconded by Brian Tellstone to approve the June 17<sup>th</sup>, 2020 Planning Commission Meeting Minutes. Voting: unanimous. Motion passed

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21 Motion by Tellstone, seconded by Clarke to approve the July 15<sup>th</sup>, 2020 Planning Commission Meeting Minutes. Voting: unanimous. Motion passed.

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24 **4. Public Comment for non-agenda items**

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26 Cole invited public to introduce themselves. Connie van Eeghen, John Rankin, Marshall Paulsen and Zachary Maia respectively introduced themselves and tell the Planning Commission of their items of interest. Ravi Venkataraman told the Planning Commission that he had enclosed an email from the public in response to the discussions about driveway standards during its previous meeting.

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32 **5. Discussion of possible new zoning districts within the Richmond Village**

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34 Cole provided an overview of the Planning Commissions current tasks of reviewing the zoning within Richmond Village. Clarke summarized the zoning revisions the Planning Commission has accomplished so far, areas of town the Planning Commission is currently considering and aspects—including the protection of existing residential districts, the ability to create mixed-use developments along major corridors, the preservation of historic resources, and the ability to develop higher density housing to facilitate the expansion of affordable housing--the Planning Commission is looking to integrate into the new zoning districts. Clarke said that the Planning Commission is currently considering allowing six units per acre in the mixed use district the commission would newly create along major corridors, and not changing the density allowances in the village residential neighborhoods district the commission would newly create to encompass existing residential areas within the village. Cole opened the discussion for public comment. Marshall Paulsen expressed interest in ongoing discussions on rezoning parts of Richmond Village, and said that the commission should take into consideration of sound and

46 parking impacts of the increased allowances for development. Cole asked Clarke clarification on the  
47 density allowances for the proposed village residential neighborhoods district. Clarke said that density  
48 allowances and allowable uses are under review, in order to protect the existing neighborhoods. John  
49 Rankin said that he took note of the proposed rezoning of the parcels surrounding his to mixed use, and  
50 will be looking out for the finalized density allowances for the proposed districts. Rankin also suggested  
51 to the Planning Commission to take into consideration the wants of property owners into the rezoning.  
52 Cole asked Clarke about when the east side of Main Street was rezoned and what that portion of town  
53 used to be zoned. Clarke said this may have occurred 20 years ago and that that part of town used to  
54 be part of the agricultural/residential district. Cole concluded that zoning is a process that occurs with  
55 time organically. Clarke said that the allowances of the rezoning 20 years ago provided flexibility to  
56 adapt existing buildings to fit shifting trends in uses. Connie van Eeghen asked how the Planning  
57 Commission assesses demand for commercial and residential uses. Cole said that the state tracks  
58 housing needs using a variety of data points, Chittenden County has had a dire need for affordable  
59 housing in the last 20 years, and public input on density allowances guide the Planning Commission's  
60 work. Clarke said that the work of the Housing Commission would also guide the Planning  
61 Commission's work. Scott Nickerson asked Venkataraman about conducting a buildout analysis.  
62 Venkataraman said that he has been in touch with CCRPC about conducting a buildout analysis, that  
63 such a buildout analysis would take time to do, and that CCRPC will be sending out a demo of software  
64 that could provide the tools to conduct a buildout analysis. Cole said that such a tool could benefit the  
65 commission. Cole asked Venkataraman and Clarke on how they would like to proceed. Clarke asked  
66 the commission if it would like to call the proposed district the mixed use district and how flexible this  
67 mixed use district would be. Cole said that the nature of the proposed district would depend on the  
68 activities the commission envisions within the district, and that he is not as concerned with the precise  
69 name of the district yet. Cole said that one aspect the commission will need to straighten out is the  
70 compatibility of future structures and uses on the existing built environment. Alison Anand asked if the  
71 commission wanted to maintain a certain ratio on commercial and residential uses in order to make  
72 future developments more compatible with existing development. Clarke suggested allowing multiple  
73 uses, multiple structures, and condominiums in the proposed mixed use district. Joy Reap said that she  
74 hopes that the commission makes the proposed mixed use district flexible and without the requirement  
75 for commercial uses. Clarke said that such a restriction was in the Jolina Court District regulations due  
76 to its proximity to the downtown area. Clarke discussed allowable uses in the proposed mixed use  
77 district. Venkataraman suggested that the Planning Commission look at the list of uses currently in the  
78 zoning regulations that he compiled for one of the previous Planning Commission meetings. Cole  
79 recommended that the list be included in the next meeting packet. Clarke discussed revising the PUD  
80 regulations.

81

## 82 **6. Review of Housing Committee membership applications**

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84 Cole overviewed the membership requirements for the Housing Committee and asked if any  
85 other Planning Commission members were interested in serving on the Housing Committee.  
86 Anand expressed interest, but said that Mark Fausel would make an excellent contribution to  
87 the committee. Fausel expressed indifference on whether he or Anand serves, but is interested  
88 in serving on the Housing Committee. Clarke asked if there is a limit on the number of public at-  
89 large members. Venkataraman said that there was no limit on the number of public at-large  
90 members on the committee, and that the seats earmarked for Richmond boards and  
91 committees were not restricted and were merely suggestive. Cole asked the applicants present  
92 to speak on behalf of their applications. Zachary Maia introduced himself and provided  
93 background on his role as a planner for Central Vermont Regional Planning Commission and  
94 as a recent Richmond transplant trying to find affordable housing in town. Connie van Eeghen  
95 introduced herself, and provided her background as a Richmond resident and a public health

96 researcher. Cole went over all the letters of interest. Anand said that the committee has a pool  
97 of excellent applicants to choose from, making recommendations will be a hard choice, and  
98 that she appreciates the work and thought put in so far by the applicants. Cole concurred, said  
99 he appreciated the diverse candidate pool, and asked Clarke for advice on reviewing  
100 applications. Clarke said that this was a unique instance of reviewing commission applications,  
101 was unsure on how to proceed, and would like to nominate all applicants to the Housing  
102 Committee. Chris Granda advised that it would be ungainly to recommend all the applicants to  
103 the Selectboard, and recommended having only one liaison from the Planning Commission  
104 on the Housing Committee and appointing primary members and alternate members. Cole said  
105 he liked both of Granda's suggestions, as it would promote wider participation. Fausel said that  
106 he expects alternates to be called upon after the initial phase of the Housing Committee, and  
107 that he would like to serve as an alternate. Venkataraman said that, generally, alternate  
108 members are written into boards involved in current planning, not for long-range planning  
109 boards like the Housing Committee, and that alternates have not been written into the Housing  
110 Committee charge. Cole said that the charter can be adjusted with the Planning Commission's  
111 recommendations, and that he wanted to encourage participation especially if there are people  
112 avidly interested in volunteering time to serve on the committee. Cole recommended Zach Maia  
113 and Connie van Eeghen to serve on Housing committee. The other Planning Commission  
114 members agreed with Cole. Cole asked the Planning Commission if it had suggestions for  
115 alternate members. Granda suggested Jackie Pichette to serve as an alternate because she  
116 had no background or experience in housing issues compared to the rest of the applicants.  
117 Cole agreed with Granda. Clarke asked how the alternates would serve on the Housing  
118 Committee, and if they would serve when a Housing Committee member was absent. Cole  
119 affirmed. Venkataraman said that that was how DRB alternates served—by attending in place  
120 of an absent member—and therefore would have full voting power. Cole recommends  
121 submitting all names for consideration to the Selectboard as at-large members, save Mark  
122 Fausel and Jackie Pichette serve as alternate members, and that the charter be amended  
123 accordingly.

124

125 Motion by Clarke, seconded by Granda, to recommend: the appointment of Virginia Clarke,  
126 Wright Cronin, Connie van Eeghen, Carole Furr, Sarah Heim, Miranda Lescaze, Zachary Maia,  
127 Andrew Mannix, and Ruth Miller as full-time members of the Town of Richmond Housing  
128 Committee; the appointment of Mark Fausel, and Jackie Pichette as alternate members of the  
129 Town of Richmond Housing Committee; and the modification of the Town of Richmond  
130 Housing Committee Charge to include the provision of two alternate members in the  
131 membership section. Voting: unanimous. Motion carried.

132

133 **7. Discussion on creating requirements for property owners claiming exemption per 24 V.S.A.**  
134 **§4413**

135

136 Clarke provided background on the issue and the documents she included in the packet. Venkataraman  
137 provided clarification on forestry/silviculture structure, that the town can request notice prior to the  
138 building of any forestry/silviculture structure but cannot enforce setback requirements. Cole suggested  
139 utilizing cross references instead of lifting language from state statute directly, so that the zoning  
140 regulations do not become obsolete when state statute is amended. Clarke said that this issue arose  
141 because the applicant did not refer to the state statute and that she would rather amend the zoning  
142 regulations for the sake of clarity. Venkataraman said that based on the current trends, he expects any  
143 future revisions to be minor that would expand protections for such uses. Cole asked about the next  
144 steps in the process. Venkataraman suggested that the Planning Commission come back to this item in  
145 the next meeting with a cleaned up document, so that the commission could potentially warn the

146 amendment for a public hearing. Nickerson said he appreciates the clean up of the zoning regulations  
147 on these uses.

148

149 **8. Discussion of received requests for zoning changes**

150

151 Cole provided an overview of the agenda item. Fausel provided background on the Cochrans' requests,  
152 stating that they wanted a wider range of developability for their property, and the Cochrans' property  
153 was unique. Cole said that he would like time during the next agenda to talk to Farris and Cochrans.

154 Anand agreed with Cole. Anand added that the issue could be generalized more because others may  
155 share the same views. Clarke said that the Farris' request is salient to the ongoing discussions the  
156 commission has been having. Cole said that having a conversation with the Farris would be helpful for  
157 the commission, and also knowing the types of soils would be helpful. Fausel asked about reaching out  
158 to Dan Noyes and to stakeholders in the Commercial District. Anand agreed, and also suggested  
159 discussions with the Peet farm. Nickerson agreed and also suggested conversations with the Round  
160 Church and the Richmond Historical Society. Cole suggested focusing on one conversation at a time,  
161 starting with the Farris and then reaching out to other stakeholders to talk further about their interests as  
162 well as means to create more affordable housing in town.

163

164 **9. Other Business, Correspondence, and Adjournment**

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166 Motion by Tellstone, seconded by Granda to adjourn the meeting. Voting: unanimous. Motion carried.

167 The meeting adjourned at 9:08 pm.

168

169 Respectfully submitted by Ravi Venkataraman, Town Planner

## List of Uses

### List of Uses in Current Zoning Regulations

- Accessory dwelling
- Accessory uses
- Adaptive use
- Agriculture
- Amusement Arcade - An indoor or outdoor area, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.
- Artists/Crafts Studio
- Automobile and/or marine sales
- Automobile Service Station - Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This definition does not include any other uses, such as restaurants, deli's, car washes, etc. which may only be allowed under separate review and approval under these Zoning Regulations.
- Bank
- Bed and Breakfast
- Boarding or Rooming House
- Business Yard - A business which operates out of a yard which may include structures, indoor and outdoor storage of materials, equipment or vehicles. Customary accessory uses for the business are small office space and vehicle and equipment repair. A majority of the business activity shall take place off-site. No assembly is involved or allowed.
- Car Wash
- Catering Services
- Cemetery
- Commercial Multi-Use - Activity involving the sale of goods or services carried out for profit in conjunction with two or more types of commercial activities on the same lot.
- Communication Use - Establishments and structures furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations, satellite relay stations, telephone communications, radar and the exchange or recording of messages.
- Cottage industry - A commercial, manufacturing, or industrial use which is housed in a single-family dwelling or in an accessory structure to a single-family dwelling, on the same lot as the dwelling. A Cottage Industry is not a Home Occupation
- Distribution Center
- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Educational Facility

- Equipment Supply and Rental
- Extraction of Earth Resources
- Food Processing Establishment - An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.
- Funeral Parlor
- Garage, Repair - Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.
- Group Home
- Home Occupation
- Horticulture
- Hotel/Motel
- Inn or Guest House
- Kennel
- Light Manufacturing
- Lumber Yard
- Mobile Home Park
- Museum
- Business Office - A building where the management affairs of a business, commercial or industrial organization, or firm are conducted. *[To be phased out, as it is synonymous with Professional Office uses]*
- Professional Office - an establishment used for conducting the affairs of a business, profession, service, industry, or like activity. Such office uses have limited contact with the general public. It also does not involve manufacturing, repairing, processing, and retail sales of articles and goods
- Personal Services
- Pub
- PUD Residential
- PUD
- Private Club - A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, nor general public and whose members pay dues and meet certain prescribed qualifications for membership.
- Recreation Facility
- Religious Use
- Research Laboratory
- Restaurant
- Fast-Food Restaurant
- Retail
- Retirement Community

- Silviculture
- State and Community Operated Facility
- Indoor Storage - The keeping, in an enclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- Outdoor Storage
- Tavern
- Theater
- Veterinary Clinics
- Warehouse Use - A building used primarily for the storage of goods and materials, which may also be made available to the general public for a fee.
- Wholesale Trade

List of uses introduced with Jolina Court Zoning District regulations that can be added to the uses table:

- Brewery
- Large Family Child Care Home
- Center-based child care facility
- Fitness Facility
- Hospital
- Health Care Services
- Laundromat
- Office, Medical
- Pharmacy

## **Checklist – Revising Zoning Districts**

1. Is the purpose the same?
  - a. Has the district changed in nature, character, and built environment?
  - b. How does this district align with the Transect (urban-rural continuum)? Therefore, what kind of urban form should we anticipate?
2. What is the district called now? Do we want to keep the same name?
  - a. Does the name match the intent and purpose of the district?
3. Do we want the same allowable and conditional uses?
  - a. What uses detract from the character of the district?
4. Do we want to add any uses, including ones from our “new uses” list?
  - a. What uses would contribute to the purpose of the district?
5. Are current uses compatible with new definitions?
  - a. Do the definitions match statutory requirements, as well as the nature of the use today?
6. Do we want to keep the same residential/commercial density?
  - a. Density measured in number of units per acre, and minimum lot sizes
7. Are the dimensional requirements and limitations still useful?
  - a. Are the standards for setbacks, lot coverage, building coverage (if included), and building footprint limitations still valid?
8. Do we want to keep the same boundaries? Add more area? Divide into 2 or more districts?
  - a. For certain districts, what is the extent of growth we want to promote?
  - b. Are additional requirements for Conditional Use Review and Site Plan Review needed?
9. Do we need design standards in this district?
  - a. This is a larger question of whether to have form-based elements in a district, or a design review district.
10. How can we advance our Town Plan goals in this district for the following?
  - a. More housing of all types, including affordable housing and accessory dwellings
  - b. Less fossil fuel use and more efficient energy usage (Act 174)
  - c. More economic and employment opportunities, including indoor and outdoor recreational businesses
  - d. Protection and expansion of our iconic industries, including farming and forestry through value-added and accessory uses among other methods, and of traditional outdoor recreational activities
  - e. Concentration of growth in the downtown areas
  - f. Exploration of form- and density-based zoning
  - g. Support for historic resources
  - h. Preservation of forest blocks (Act 171)
  - i. Minimization of developmental impacts on land and water
  - j. Support for community building
  - k. Protection of flood hazard area
11. How will PUDs fit into this district?
  - a. Should there be specific PUD and/or PRD standards in order to advance the goals of the Town Plan?
12. Is this district compatible with changes made by JCZD?
13. Have we reviewed the 2012 zoning effort for any new ideas that could be incorporated?
14. Have we considered information we have received through our outreach efforts?
15. Have we consulted Suzanne and the DRB for any red flags of difficulty for them?

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: August 13, 2020

SUBJECT: Zoning Amendments related to 24 V.S.A. §4413

To follow up the discussions during the August 5<sup>th</sup> Planning Commission meeting, enclosed for your consideration are:

- Draft language for Sections 1.2, 2.4.5, 5.1, and 5.10.4
- A draft municipal bylaw change report pursuant to 24 V.S.A. §4441
- Draft “Notice of Intent to Build a Farm Structure” and “Notice of Intent to Build a Silviculture and Forestry Operations Structure” forms

To facilitate action, I have prepared the following draft motion

*I, \_\_\_\_\_, move to warn a public hearing for September 16, 2020 on the amendments to the Richmond Zoning Regulations Sections 1.2, 2.4.5, 5.1, and 5.10.4*

## Zoning changes RE 24 VSA 4413 – For 8-19-20 Planning Commission Meeting

1.2 A Zoning Permit must be issued prior to the commencement of any land development, unless regulated by 24 VSA §4413 as described in section 5.1.2 of these regulations.

2.4.5 **Uses regulated by 24 VSA §4413, including agriculture and silviculture; and ~~24 30~~ VSA §248, public utilities** –These uses shall be regulated as per section 5.1.2 of these regulations.

**5.1** No land development may be commenced in the Town of Richmond without a zoning permit issued by the Administrative Officer, except as regulated by 24 VSA §4413 and ~~24 30~~ VSA §248 as described below. Please note in Section 5.1.1, a review of the proposed development is required even if no zoning permit is needed. In Section 5.1.2, the issuance of a zoning permit shall be in conformance to 24 VSA §4448 and §4449.

5.1.1 Land development regulated by 24 VSA §4413 for which a zoning permit is NOT required:

- a) **Agricultural uses**, including the development of farm structures -- In addition to State Statute 24 VSA §4413, the Vermont Agency of Agriculture, Food and Markets (VAAFMM) regulates these uses and should be consulted. ~~As per these documents, Pursuant to the Act (§4413),~~ applicants proposing to develop a farm structure shall:
  - i) confirm that they qualify as a farm and are operating under Required Agricultural Practices (RAPs),
  - ii) ensure that the proposed structure is at least 50 feet from adjoining surface waters. Additional setbacks may be required for waste storage facilities.(see VAAFMM regulations)
  - iii) ensure that the proposed structure complies with municipal setbacks or a waiver has been granted by VAAFMM.
  - ~~iv) notify the Richmond Zoning Administrator of the proposed structure, including a sketch of the structure, and setback measurements from adjoining road rights-of-way, property lines and surface water.~~
  - v) If the proposed farm structure will be constructed in a Flood Hazard Area and/or River corridor, or will disturb one or more acres of land, applicants must obtain a permit from the Agency of Natural Resources prior to construction.
  - vi) Submit the “Notice of Intent to Build a Farm Structure” form to the Administrative Officer prior to any land development; and
  - vii) With this form, enclose a sketch of the structure, and setback measurements from the adjoining road rights-of-way, property lines and surface water.
  
- b) **Forestry uses**, including silviculture and ~~other~~ forestry operations – In addition to 24 VSA §4413, these uses are regulated by The Agency of Natural Resources and the Vermont Department of Forests, Parks and Recreation.
  - i) Any forestry use that involves logging, shall adhere to the “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont” published by the Department of Forests, Parks and Recreation.

- ii) For a structure to qualify as a structure associated with silviculture and forestry operations, all timber from said use must be harvested from the property on which the intended structure would be located.
- iii) If the Administrative Officer determines that the structure qualifies as a structure associated with silviculture and forestry operations, the structure is not required to meet the respective setback requirements.
- iv) Applicants proposing to develop structures associated with silviculture and other forestry operations shall submit the following prior to any land development:
  - (1) The “Notice of Intent to Build a Silviculture or Forestry Operations Structure” to the Administrative Officer prior to any land development. Notification shall include:
    - (a) A sketch of the structure, and setback measurements from adjoining road rights-of-way, property lines and surface water; and
    - (b) Confirmation in writing that all timber in relation to the silviculture or forestry operation is harvested on the subject property the structure will be located
- c) **Public Utility** power- generating plants and transmission facilities – In addition to 24 VSA §4413, these uses are regulated by 30 VSA §248.

#### 5.1.2 Land development regulated by 24 VSA §4413 for which a zoning permit IS required.

For the following uses, site plan approval (for uses allowed in a district) or conditional use approval (for uses allowed conditionally in a district) shall be required before a zoning permit can be issued as per Sections 5.5 and 5.6 of these regulations. However, these uses may be regulated only with respect to their location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road or highway parking, loading facilities, traffic, noise, lighting, landscaping and screening, and only to the extent that such regulations do not have the effect of interfering with the intended functional use.

If any of the following uses, with the exception of (a), is proposed to be located within the Flood Hazard Overlay District of these regulations, the land development shall be regulated by Section 6.8 of these regulations, as long as the regulations do not interfere with the proposed functional use.

- a) State- or community-owned and operated institutions and facilities
- b) Public and private schools and other educational institutions certified by the Agency of Education
- c) Churches and other places of worship, convents and parish houses
- d) Public and private hospitals
- e) Regional solid waste management facilities certified under 10 VSA §159
- f) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a

#### **Remove Section 5.10.4**

**Planning Commission Reporting Form  
for Municipal Bylaw Amendments  
(Modifications to portions of the zoning regulations to align with 24 V.S.A. §4413)**

This report is in accordance with 24 V.S.A. §4441 (c) which states:

*When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384 (c) of this title concerning plan amendments...The report shall provide:*

*(A) Brief explanation of the proposed amendment and...include a statement of purpose as required for notice under §4444 of this title:*

This Planning Commission proposal would clarify the permitting and notification requirements for uses and structures regulated under 24 V.S.A §4413.

*And shall include findings regarding how the proposal:*

*1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The Planning Commission concluded that the proposal conforms and furthers the goals contained in the municipal plan by advancing Smart Growth goals, promoting compliance with state statute, elucidating the regulatory process for renewable energy projects. Specifically, the Planning Commission cited the following objectives from the 2018 Town Plan:

- Continue the fair and equitable application and enforcement of town, state, and federal laws
- Update land use regulations to include permitting steps, development parameters and mitigation requirements specific to renewable energy projects

*2. Is compatible with proposed future land uses and densities of the municipal plan:*

The Planning Commission concluded that the current amendment proposal would be compatible with the proposed future land uses and densities enumerated in the municipal plan. The 2018 Richmond Town Plan calls for the encouragement of “Smart Growth”. By clarifying the permitting and notification requirements for uses and structures under 24 V.S.A. 4413—uses that include farming, forestry, silviculture, state- and community-owned and operated institutions and facilities, schools, places for religious worship, hospitals, and waste management facilities, as well as farm structures, forestry/silviculture structures, and renewable energy projects—the Planning Commission concluded that its proposal would strengthen agricultural and forest industries, balance growth with the availability of economic and efficient public utilities and services, and prevent the fragmentation of farmland and forestland.

*3. Carries out, as applicable, any specific proposals for any planned community facilities:*

The proposed amendments does not carry out any specific proposals for any planned community facilities. In addition, the proposed amendment does not conflict with any proposals for planned community facilities.







