

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

Wednesday, November 3rd, 2021, 7:00 PM  
Richmond Town Offices, Third Floor Meeting Room  
203 Bridge St., Richmond, VT 05477

This meeting is also accessible via Zoom:

Join Zoom Meeting: <https://us02web.zoom.us/j/88419874605>

Meeting ID: 884 1987 4605

Join by phone: (929) 205-6099

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).

1. Welcome, sign in and troubleshooting
2. Public Comment for non-agenda items
3. Adjustments to the Agenda
4. Approval of Minutes
  - October 20th, 2021
5. Discussion on Draft Regulations for Wetlands, Vehicle Fueling Stations and Nonconforming Uses
6. Debrief on Discussion on Zoning For Affordable Housing project
7. Discussion on possible Water/Sewer District Expansion
8. Other Business, Correspondence, and Adjournment

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- Map from Vermont Agency of Natural Resources identifying mapped wetlands and Wetland Advisory. Web map also available on ANR Atlas: [Vermont ANR - Natural Resources Atlas HTML5 Viewer](#)

### 7. Discussion on possible Water/Sewer District Expansion

- Page 24: Draft letter to the Richmond Selectboard on the Water/Sewer District expansion vote
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Richmond Planning Commission  
REGULAR MEETING MINUTES FOR October 20th, 2021

Members Present:	Virginia Clarke, Lisa Miller, Dan Mullen, Mark Fausel, Jake Kornfeld, Alison Anand,
Members Absent:	Chris Cole, Chris Granda, Joy Reap,
Others Present:	Ravi Venkataraman (Town Planner/Staff), MMCTV, Brandy Saxton, Morgan Wolaver, Melissa Wolaver, Rose Feenan, Cathleen Gent, Trish Healy, Connie Van Eeghen, Mark Hall, Ann Naumann, Gary Bressor

**1. Welcome and troubleshooting**

Virginia Clarke called the meeting to order at 7:04 pm.

**2. Public Comment for non-agenda items**

None.

**3. Adjustments to the Agenda**

None

**4. Approval of Minutes**

Clarke identified a couple typos for correction.

**5. Discussion on Coordinating Working Group**

Clarke overviewed the commission's role in coordinating other town boards and committees, and monitoring their progress on Town Plan goals. Clarke said that four commission members have volunteered to work on the coordinating working group, and that others may provide input through Ravi Venkataraman. Clarke said that the first task of the coordinating working group is to review the reports the town boards/committees submitted. Clarke said that after the working group reviews the reports and determines how to address concerns town boards/committees may have, the working group may organize meetings with other town boards/committees to monitor and evaluate progress, and to organize work towards town-wide goals. Clarke said that this working group will meet as needed.

**6. Presentation and Discussion on Zoning For Affordable Housing project**

Clarke introduced Brandy Saxton of PlaceSense and the Zoning for Affordable Housing project. Clarke said that the scope of the project is the village, and acknowledged that the commission will need to take areas outside of the village and its rural character into consideration.

Saxton overviewed the scope of the project Saxton said that the goal was to finish the project in January

2022, that the project is on track to finish in January/February 2022, and that certain tasks were rearranged to meet the timeframe. Saxton reviewed the two surveys that were distributed in the summer—one for residents and one for non-residents. Saxton said that she is in the process of scheduling interviews and focus groups, and that she is looking for participants for the three focus groups—younger residents, residents 65 and older, and employers in town. Saxton said that after the interviews and focus groups, a draft report will be provided to the Housing Committee for review, and refined reports and recommendations will be given to the Planning Commission for its consideration.

Saxton overviewed the technical memo and its purpose. Saxton said she also looked at the Neighborhood Designation of the DHCD designation programs and how the proposed zoning aligns with the Neighborhood designation eligibility criteria, as it is a model for what the state wants to encourage in downtowns. Saxton noted that within Richmond Village, growth would occur with infill projects, and that the lack of provision for three- and four-unit dwellings within the water/sewer service area is a red flag. Saxton cited the passage of Act 179—that the character of the neighborhood cannot be used to deny three- or four-unit dwellings—and that this act indicates that the state does not see three- and four-unit dwellings to have greater impacts on existing neighborhoods with one- and two-unit dwellings. Saxton said that she foresees that if towns do not review their zoning to take the statewide housing issue seriously, there may be mandates to require certain regulations that would increase access to housing. Saxton also noted the role of market forces and that zoning may not drive the market. Saxton said that site plan review processes can be involved for three- and four-unit dwellings to curb impacts. Saxton said that lot coverage impacts developability, compared to lot size and lot coverage, and that lot coverage is a key element in defining the character of the neighborhood.

Saxton said that the Neighborhood Development Area (NDA) does not fit Richmond well because the Village Center in Richmond is small. Saxton presented a map of the possible extent of the NDA. Saxton advised that the commission consider the NDA for its affordable housing benefits, tax credits, and Vermont Housing and Conservation Board funding pool. Saxton said that with the Village Center as a limiting factor, even if the town were to extend a sewer line through the Gateway, affordable housing development in the Gateway is not likely because of the lack of benefits via the NDA and the inability of the town to obtain a NDA.

Saxton said the commission should reconsider required dimensional requirements based on the existing conditions. Saxton noted that within Richmond Village, higher density would most likely only be feasible through tear-down and replacement—which could run counter to the historic character of Richmond and the commission will need to take that into consideration.

Saxton said that in the updated report, the possible sewer expansion into the Gateway will be taken into consideration. Saxton said that since the lots between Route 2 and I-89 are constrained, some housing could be developed but not to the extent of having income-restricted affordable housing developments. Saxton said that the mobile home park can be further developed, and that it currently has 1.4 dwelling units per acre—which is typical of mobile home parks in Vermont.

Miller asked Saxton for an index in her report to improve its accessibility. Saxton said that the final report will have a table of contents. Miller cited affordability as the primary concern of survey respondents, and asked about the validity of this conclusion. Saxton said that the survey results indicate concerns for the affordability of ownership housing, that state-wide a housing issue exists, but that the nature of the housing issue per locale varies, which is captured in the respondents' reply to the question

about defining affordable housing. Dan Mullen asked if adding additional units and ADUs to existing parcels, compared to subdivisions, would solely add to rental housing. Saxton clarified that the addition of units to existing properties would add ownership and rental units, and said that within the village, the opportunities to subdivide are limited, especially due to lot configuration. Mullen asked for clarification on why the NDA could not be extended south of the Winooski River. Saxton explained that the NDA program does not allow the inclusion of the floodplain and river corridor, that the distance between the southern boundary of the Village Center designation and the extent of the floodplain south of the Winooski River is a quarter mile, and that the boundary cannot exclude the floodplain area to calculate distance from the Village Center designation boundary. Saxton said that the town could theoretically extend the Village Center designation to areas south of the river to extend the potential boundary of the NDA, or create a second Village Center designation south of the Winooski River. Venkataraman added that ACCD is disinclined to include noncommercial properties in Village Center designations, and that creating a non-contiguous Village Center designation that only includes commercial properties is not possible. Clarke asked for clarification on increasing density through adding additional units on existing parcels. Saxton explained that adding units on properties does not necessarily mean adding additional rental units, and referred to multifamily dwellings that are condominium ownership units in Montpelier. Mark Fausel asked how towns could promote condominium ownership units over rental units. Saxton said that zoning cannot regulate whether the unit is owner- or renter-occupied, that she is unsure about why the multifamily dwelling units in Montpelier are owner-occupied, and that the regulation of amenities could be a factor in whether the units are owner-occupied or not. Fausel asked for clarification on the definition of multifamily housing. Saxton said multifamily housing is three or more dwelling units, and that creating three divisions--(1) one- and two-unit dwellings, (2) three- and four-unit dwellings, and (3) more than five units—is a good strategy, as five or more units in a building is treated as a commercial property for banking purposes compared to buildings with less than five units. Saxton also noted code requirement differences between three- and four-unit dwellings and buildings with more than five units. Miller asked if a cluster of residential buildings would be considered a commercial enterprise. Saxton said she was unsure in regards to taxes, but that it would depend on the ownership of the buildings.

Clarke asked Saxton about the proposed alternatives. Saxton presented the map in the technical review memo. Saxton said that her proposed zoning map is based on street layout, and that her proposed density allowances is based on the state programs. Clarke asked for clarification on density allowances with respect to duplexes. Saxton explained that the density allowances is with respect to single-family dwellings but that regardless two units would be allowed per lot due to ADU and duplex allowances. Clarke asked if the text should be modified to state the density allowances as double what the number listed in the district is. Saxton said that density allowances could vary based on lot size.

Kornfeld asked if multifamily dwellings could be included in Village Center designations if they are considered commercial. Saxton said it depends on how the town negotiates with DHCD the inclusion of properties. Clarke asked about growth area designations. Saxton said that not many growth area designations exist and establishing one would take a lot of effort.

Cathleen Gent said that per statute the town is not required to allow three- and four-unit multifamily dwellings as a permitted use, but that the character of the area cannot be taken into consideration in the review process. Saxton clarified that the statute says that multiunit dwellings with three and four units cannot be denied on the basis of the character of the area, and that with this language, using Conditional Use Review for multiunit dwellings becomes moot because the purpose of using Conditional Use Review for multiunit dwellings was to check compatibility with the character of the area. Saxton added

that emerging case law and fair housing law support arguments against municipalities restricting allowances for three- and four-unit multifamily dwellings, especially in areas with water and sewer. Venkataraman added that the town will also need to check for compliance for the equal treatment of housing per the Town Plan in regards to regulating multifamily dwellings. Saxton added that if the town is putting in place restrictions on multiunit housing, it has to be well justified. Gary Bressor praised Saxton's work; and said that the information regarding the location of structures near the Round Church may need to be revised, that the conversion of single-family dwellings to multifamily dwellings may lead neighbors to leave the area due to increased impacts, and that the cost of conversion may not be significant as evidenced in the proliferation of multifamily dwellings in Burlington. Bressor asked for clarification about the density numbers. Saxton said that the square footage numbers are a conversion of the acreage numbers. Bressor asked about the legislation's effects on covenants and homeowners associations. Saxton said that the town does not have a role in enforcing covenants and homeowners associations. Bressor asked about ADUs. Saxton said that currently accessory dwellings are only allowed for single-family dwellings on owner-occupied properties, but is subject to change based on recent case law.

Melissa Wolaver asked about parking requirements. Saxton reviewed typical residential parking requirements, and said that the state is looking into reducing parking requirements but that the town needs to be aware of where the cars need to be parked because of the need for cars in Vermont. Wolaver said she is concerned about increased density because of the impact of more dogs in the neighborhood.

## **7. Discussion on Wetlands**

Clarke reviewed the changes from the previous iteration. Clarke asked Fausel for comments about the reference to "public paths". Fausel said that the reference to "public" in this iteration is still unclear, and suggested including the term "constructed" to indicate that permitting is required for improved paths. Clarke said she liked the idea of "constructed".

Anand asked if the proposed regulations are in compliance with state regulations. Venkataraman said that he is sure that the proposed regulation is in alignment with the State Wetland Rules.

Kornfeld asked for clarification about the "relocation of a nonconforming structure". Clarke said that this would allow for the relocation of a nonconforming structure within a setback or buffer in a new location within the setback or buffer. Kornfeld said that he does not see the benefit of this allowance to the town. Clarke said that this allowance would enable the redevelopment of the Mobil station. Clarke asked if Kornfeld if he would be in favor of removing the word "relocation". Kornfeld concurred. Venkataraman clarified the terms "reconstruction", "replacement", and "relocation", and that the Mobil project would involve both replacement, relocation, and expansion. Anand asked Kornfeld if he found that the commission is willing to bend the rules too far in favor of this project. Kornfeld said yes, adding that he does not see the project providing a benefit to the town as a whole.

Miller asked if the DRB could have a role in holistically reviewing applications and determining the extent of development. Clarke said that municipalities vary in review processes and that the DRB would not want to make such determinations. Clarke explained that with the review criteria as written, applicants would have to clear a high bar to show compliance. Venkataraman added that with the way

the regulation is written, the Zoning Administrator and the DRB could ask the Conservation Commission for guidance on reviewing the criteria and proving compliance. Fausel said that having the Conservation Commission review the application would add credibility and asked if the requirement to have a review letter from the Conservation Commission be added to Section 4.7.8.

Bressor said that by specifying permitting processes for constructed paths, there is a logical gap in regards to unconstructed paths; and that he is unsure about regulating wetlands because the state is the expert on regulating wetlands, not the Conservation Commission, and the town has a litany of required permits already. Fausel said that the state is a separate entity from the town, that the state's approach may not be best for the town, and that allowing the town the opportunity to review would prioritize the town's interests.

Clarke said that the commission will need to discuss this item along with Vehicle Fueling Stations and Nonconforming Uses and Structures together during the next meeting.

## **8. Discussion on November 3rd Meeting Agenda**

Clarke said that the commission will need to discuss the Gateway District soon, since the Water/Sewer Commission has voted to hold a vote of water/sewer customers on expanding the service area. Clarke said that the commission will need to discuss its stance on expanding the water/sewer service area, and how it wants to approach planning and zoning for the Gateway District.

Clarke said that CCRPC wants to talk to the commission about the Comprehensive Economic Development Strategy (CEDS), and to ask the commission about forthcoming economic opportunities with town.

Clarke said that she had received a survey to fill about town-wide usage of cannabis and opiates, that she was unsure about the data, and that she would like a commission member who knows about this data to fill out the survey.

Venkataraman said that the commission should talk about the FY23 Unified Planning Work Program (UPWP) at a later date if the commission would like to spend funds to properly plan for the Gateway District. Venkataraman added that the commission should discuss FY23 UPWP transportation projects that pertain to the commission, such as the development of an official map and the revision of the impact fee ordinance.

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

Motion by Kornfeld, seconded by Anand to adjourn the meeting.

Voting: unanimous. Motion carried. The meeting adjourned at 9:43 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

## 6.9 Wetlands

~~No building, roadway or septic system shall be constructed within 100 feet of a Class I wetland and within 50 feet of a Class II wetland. Classifications of wetlands are established by the State of Vermont.~~

~~In addition, no draining, dredging, filling, or alteration of the water flow shall occur within 50 feet of Class I and Class II wetlands, unless such use has been approved by the Vermont Department of Environmental Conservation's Wetlands Section through the issuance of a Conditional Use Determination.~~

### 6.9.1 Applicability.

No land development shall occur within a Class I or II wetland, or wetland buffer, except for the encroachments allowed under Section 6.9.3.

6.9.2 Wetland Buffers. All Class I and II wetlands shall be surrounded by a buffer of the following widths:

- a) 100 feet for a Class I wetland;
- b) 50 feet for a Class II wetland;

### 6.9.3 Allowed Encroachments.

6.9.3.1 Permitted—The following **wetland buffer** encroachments may be allowed upon issuance of a Zoning Permit by the Administrative Officer.

- a) Stormwater management and treatment facilities that meet the accepted state sizing criteria and best management practices set forth in the Vermont Stormwater Management Manuals as most recently amended.
- b) Constructed pPaths, trails and sidewalks that cross a wetland buffer for the purpose of public or private access or recreation only if there is no feasible alternative to the crossing.
- c) Public or private roads or driveways that cross a wetland buffer for the purpose of providing safe access to a use only if there is no feasible alternative to the crossing.
- d) Utility lines, including telephone, cable, sewer and water that cross a wetland buffer for the purpose of providing or extending service, only if there is no feasible alternative.

6.9.3.2 Conditional – The following **wetland** encroachments may be allowed upon issuance of a Conditional Use Approval by the DRB.

- a) Constructed pPaths, trails and sidewalks that cross a wetland for the purpose of public or private access or recreation only if there is no feasible alternative to the crossing.
- b) Public or private roads or driveways that cross a wetland for the purpose of providing safe access to a use only if there is no feasible alternative to the crossing.
- c) Utility lines, including telephone, cable, sewer and water that cross a wetland for the purpose of providing or extending service, only if there is no feasible alternative

6.9.3.3 “Constructed” for this section shall mean adding and/or removing any material ~~other than that which is naturally occurring at the site of the crossing.;~~ or moving or removing any naturally occurring material.

6.9.3.43 Conditional Use Approval may be granted for the reconstruction, replacement or relocation of nonconforming structures and existing impervious surfaces that encroaches into a **wetland buffer** pursuant to Section 4.7. 8.

#### 6.9.4 Development Review Standards

6.9.4.1 The proposed allowed encroachment must be designed to produce the least possible impact to the wetland or wetland buffer, and any incursions into a wetland shall have no or minimal impact to the functionality of the natural processes of the wetland. The encroachment shall be only to the minimum extent necessary to carry out the purpose of the development. "Least possible impact" shall include minimizing fill and impervious surfaces.

6.9.4.2 The creation of wetland crossings shall be installed in such a manner as to preserve **hydraulic hydrologic** and ecological connectivity of the wetland, such as by means of a boardwalk or bridge over the surface of the wetland, or by culverts under the crossing that allow for the free flow of water.

6.9.4.3. The creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited, except as outlined in Section 6.9.3.3. Supplemental planting with appropriate native vegetation to restore and enhance the function of the wetland within the wetland and wetland buffer is allowed.

6.9.4.4. New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers.

6.9.4.5. Storage of hazardous or other materials is prohibited in wetlands and wetland buffers.

6.9.5 Application Requirements -Permit applications for land development on a lot containing a known or suspected wetland, or wetland buffer, as indicated by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetland Screening Tool shall provide the following.

- a) A wetlands delineation and assessment of the wetland prepared by a professional wetlands ecologist in accordance with the Vermont Wetlands Rules put forth by the Agency of Natural Resources. ~~Any wetland that has been assessed by a wetlands ecologist as having any one of the functions and values described for wetlands by these rules shall be considered a Class II wetland.~~ **whether or not it has been mapped.**
- b) A site plan indicating the location of the proposed land development in relation to the wetland.
- c) A Vermont Agency of Natural Resources Project Review Sheet ~~if the wetland is a Class I or II wetland.~~
- d) An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.
- e) If applying for a permit for an encroachment, substantive evidence that no other feasible alternative to the proposed encroachment exists.
- f) A permit obtained under these regulations for land development on a lot containing a wetland or wetland buffer shall not relieve the applicant of the responsibility to comply with all other state or federal regulations.

### **Amendments to Section 7 (Definitions)**

Wetland – Those areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, vernal pools and ~~and~~ ponds, but excluding such areas as grow food or crops in connection with farming activities. ~~Vernal pools shall be considered wetlands. The location of wetlands on a lot may or may not be indicated on the State Wetlands Inventory Maps, and Maps and~~ **must be confirmed through site investigation by a wetlands ecologist.**

Wetland Buffer – The area contiguous to a wetland which serves to protect the values and functions of the wetland.

Current sections 4.7 and 4.9 would be replaced by the following:

#### **4.7. Nonconforming Structures**

4.7.1. The regulations under this section does not construe or imply the permitting of the use of a structure declared unsafe by an appropriate governmental authority or the continuation of an establishment declared to be health hazard by an appropriate governmental authority.

4.7.2. Nonconforming structures may continue to exist unchanged indefinitely.

4.7.3. Nonconforming structures within the Flood Hazard Overlay District will also be subject to the regulations of Section 6.8.

4.7.4. Nonconforming structures may undergo normal repair and maintenance without a zoning permit provided that the structure's degree of nonconformity is not increased.

4.7.5. The Administrative Officer may approve the replacement, restoration, or reconstruction of a nonconforming structure after damage or destruction by fire, flood, collapse, explosion, or other similar casualty to its prior condition provided that:

- a) the reconstruction does not increase the degree of nonconformity that existed prior to the damage; and
- b) a zoning permit is obtained within 12 months of the date the damage occurred.

4.7.6. The Administrative Officer may approve the replacement, restoration, reconstruction, and expansion of a nonconforming structure for reasons other than damage or destruction provided that the structure's degree of nonconformity is not increased.

4.7.7. The Administrative Officer may approve the relocation of a nonconforming structure on the same property provided that the change in location of the structure does not increase the structure's degree of nonconformity.

4.7.8. The Development Review Board may grant Conditional Use Review approval to allow a nonconforming structure to extend, or further extend, into a buffer thus increasing its degree of nonconformity provided that the following conditions are met:

- a) No part of the structure or any other impermeable surface will extend into the buffer further than one half (1/2) the required width of the buffer.
- b) The need and justification for the buffer distance reduction must be provided in writing with the Conditional Use Review application.
- c) The Development Review Board must find that the buffer reduction would not pose any adverse effects to adjacent properties, roads or rights-of-way.

d) The Development Review Board must find that, overall, the proposed land development, even with the proposed buffer reduction, will improve the quality and function of the natural resource that the buffer protects.

e) The applicant must provide with the Conditional Use Review application a recommendation letter from the Richmond Conservation Commission on whether the conditions of Section 4.7.8 are met.

4.7.9 Any nonconforming structure shall be deemed discontinued by the Administrative Officer and may no longer be reoccupied if within a continuous period of 12 months any two of the following conditions occur:

- a) The structure is unoccupied and not actively offered for sale or rent;
- b) Regular maintenance of the structure is not performed; and
- c) The structure is not served by activated utilities.

4.7.10. For the purpose of section 4.7, the phrase “degree of nonconformity” shall mean:

- a) the square footage that the nonconforming structure’s footprint occupies within a required setback, or,
- b) the square footage that the nonconforming structure’s footprint or any associated impervious surface occupies within a buffer, or,
- c) the square footage by which the nonconforming structure exceeds any other required dimensional standard.

## **4.8 Nonconforming Uses**

4.8.1 A non-conforming use may be continued indefinitely provided it remains unchanged.

4.8.2 The structure hosting a nonconforming use may undergo normal repair and maintenance without a zoning permit provided that it does not increase the degree of nonconformity of the use.

4.8.3. The Administrative Officer may approve the replacement, restoration, or reconstruction of a structure hosting a nonconforming use after damage or destruction by fire, flood, explosion, collapse, or other similar casualty to its prior condition provided that

- a) the reconstruction does not increase the degree of nonconformity of the use; and
- b) a zoning permit is obtained within 12 months of the date the damage or destruction occurred; and
- c) all other requirements of the zoning district in which the structure hosting+ the use is located are met.

4.8.4 A nonconforming non-residential use that ceases for 12 or more months shall be deemed discontinued by the Zoning Officer and shall not be permitted to resume. A residential use may be resumed within a legal, vacant structure at any time.

**New Definitions (replace current):**

Setback – the distance from a lot line or, if applicable, from the center line of an adjacent road, to the edge of any structure or building footprint on the lot, excluding fences and signs.

Buffer -- a measured zone of naturally occurring vegetation between a natural resource-- including but not limited to a wetland, river, stream, pond or lake-- and the edge of any structure or impervious surface on the lot that protects the ecological functions of a natural resource and minimizes the impacts of adjacent land development and sources of pollution.

Impervious surface – an area of ground which prevents or significantly restricts the penetration of water, including but not limited to buildings, rooftops, pavement, paving stones and compacted gravel or dirt.

## Vehicle Fueling Station PC 10.26.21

### Definitions:

**Vehicle Fueling Station** -- Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of liquid or gaseous vehicular fuels including gasoline, diesel, kerosene, ethanol, ammonia, methane (including natural gas), propane, or hydrogen, in addition to the retail dispensing of electric vehicle charge. An Accessory Electric Vehicle Charging Station shall not constitute a Vehicle Fueling Station.-

**Vehicle Fueling Station** replaces: ~~**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.~~

**Accessory Electric Vehicle Charging Station** – A structure for the free or retail dispensing of electric vehicle charge within an on-street or off-street parking space, or incidental to a residential or commercial building that does not dispense liquid or gaseous fuel.–

**DC Fast Charger** – a battery charger designed for use with commonly available electric vehicles that are capable of receiving direct current (DC) electricity. The DC Fast Charger will comply with Society of Automotive Engineers (SAE) standard J1772 and Underwriters Laboratory standard 2251 and will be rated at a minimum of 50 kilowatts electric power output.

**Setback** - The distance from a Lot Line or, if applicable, the center line of the Road or Highway right of way, to the edge of any structure on the Lot, including the building footprint, edge of deck, cantilevered areas, but not including the roof overhang. However, the setback provisions of these Zoning Regulations do not apply to fences, **accessory electric vehicle charging stations** or signs outside of a road right-of-way, except where specifically provided.

**Structure** - An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, sign, wall or fence, ~~except a wall or fence on an operating farm~~. The term Structure also includes liquid and gas storage tanks that are principally above ground. Unless otherwise specifically provided, (1) the term Structure does not include parking areas and driveways, (2) for purposes of determining setbacks, the term Structure does not include fences **and accessory electric vehicle charging stations**, except where specifically provided, and (3) for the determination of setbacks, septic systems shall not be considered structures and the setbacks shall be dictated by state law. See also Mobile Home, Recreational Vehicle.

### **Regulations (new):**

**4.14 Vehicle Fueling Stations** - All Vehicle Fueling Stations must adhere to the following requirements and standards:

4.14.1. Vehicle Fueling Stations may have up to four pumping islands, allowing up to eight vehicles to receive liquid or gaseous fuels at one time.

4.14.2. All Vehicle Fueling Stations shall have at least one DC Fast Charger electric vehicle charging station with a Society of Automotive Engineers (SAE) Combo (also called CCS for “Combo Charging System”) connector for public use.

4.14.3. Vehicle Fueling Stations are subject to the Exterior Lighting standards under Section 4.11.

4.14.4. Customary accessory uses for Vehicle Fueling Stations include the retail sales of vehicle accessories; food and beverages prepared for off-premises consumption; and other convenience store items.

#### Possible Locations

Vehicle fueling station-- C, I/C (no outdoor storage) (\*\***Let’s take the area of the Mobil Station out of G and put it into I/C**\*\*) )

### **5.10 Requirements for Specific Structures**

**5.10.1 Accessory Structure** - An accessory structure includes any structure that is customarily incidental and subordinate to the principal structure or use on a lot, including but not limited to, fences, walls, barns, sheds, greenhouses, gazebos, patios, **accessory electric vehicle charging stations**, and free-standing garages. Accessory structures (except for non-structural fences and walls which mark property boundaries, or enclose portions of the property, and are less than 6 feet high, **as well as accessory electric vehicle charging stations**) shall conform to the setbacks established in the applicable Zoning District, unless a greater setback is required by these Zoning Regulations.

September 1, 2021

MAX-0465419.00

Mr. Tom Frawley  
Summit Distributing, LLC  
240 Mechanic Street  
Lebanon, New Hampshire 05477

SUBJECT: Traffic Circulation Assessment  
Retail Motor Fuel Outlet  
1436 West Main Street (US Route 2)  
Richmond, Vermont

Dear Mr. Frawley:

**Greenman-Pedersen Inc.** (GPI) previously prepared a *Trip Generation Letter* dated July 1, 2020 to evaluate the increase in vehicle trips that may be generated by the redevelopment of the existing gas station and convenience store located at 1436 West Main Street (US Route 2) in Richmond, Vermont. The site currently contains a convenience store and gasoline facility consisting of 4 Multi-Product Dispensers (MPDs) having 8 vehicle fueling positions (vfps). As part of the redevelopment, the existing structures on the site will be razed and a 3,840 square-foot convenience store with quick service restaurant will be constructed along with a gasoline facility containing 6 MPDs having 12 vfps. Access and egress to the site will continue to be provided via the existing full access/egress driveway on West Main Street (US Route 2). No change in access/egress is proposed as part of the redevelopment. During the permitting process, the Town of Richmond has expressed a desire to maintain only eight (8) vehicle fueling positions at the proposed facility. However, an additional 4 vehicle fueling positions are requested to provide better on-site circulation, meet anticipated demand for fueling positions during the peak hours, and account for drivers leaving vehicles parked at the pumps while using the convenience market. This letter is intended to provide justification for the additional vehicle fueling positions.

### Anticipated Fueling Position Demand

The Institute of Transportation Engineers (ITE) *Trip Generation Manual*<sup>1</sup> contains trip generation rates for a variety of land uses, including Land Use Code (LUC) 945 (Gasoline / Service Station with Convenience Market), which can be used to estimate the volume of traffic a particular development may generate. The trips rates are provided based on a variety of independent variables, the adjacent street traffic volume passing by the site appears to be the most accurate predictor of the traffic volumes generated by a gas station / convenience store. This is because gas stations / convenience stores directly serve vehicles passing by the facilities and the traffic they generate is a direct function of the volume of traffic on the adjacent roads. Therefore, it is important to provide an appropriate number of vehicle fueling positions at a gas station to accommodate the adjacent street traffic. To estimate the number of vehicle fueling positions that are appropriate for this site, GPI compared the ITE trip rates for LUC for the independent variables "Adjacent Street Traffic" and "Vehicle Fueling Positions" to calculate a ratio of the "Volume of Adjacent Street Traffic per Vehicle Fueling Position". The detailed calculations of this ratio are provided as an Attachment to this letter and are summarized in Table 1. Based on this information, one vehicle fueling position should be provided per 104 vehicles passing by on the adjacent street during the weekday AM peak hour and/or per 155 vehicles passing by on the adjacent street during the weekday PM peak hour.

<sup>1</sup> *Trip Generation, 10<sup>th</sup> Edition*. Institute of Transportation Engineers; Washington, DC; 2017.

Based on historic traffic volume data provided on the Vermont Agency of Transportation (VTrans) Transportation Data Management System (TDMS), Main Street (Route 2)<sup>2</sup> along the site frontage currently processes approximately 822 vehicles during the weekday AM peak hour and approximately 975 vehicles during the weekday PM peak hour. However, the proposed site will be located immediately adjacent to Interstate 89 (I-89), will be visible from the highway, and will likely be signed on the highway. In addition, limited alternative gas station / convenience store services are provided in the surrounding area. Therefore, the proposed gas station / convenience market is anticipated to draw a significant portion of its traffic from I-89. ITE data provided in the *Trip Generation Handbook*<sup>3</sup> indicates that as much as 12 – 43 percent of the site-generated traffic could be diverted from I-89 to the site during either the weekday AM or PM peak hours. As a result, the volume of traffic passing by the site on I-89 was also considered when estimating the number of fueling positions needed for this site.

VTrans historic count data provided on the TDMS indicate that I-89 accommodates approximately 3,307 vehicles during the weekday AM peak hour and 3,576 vehicles during the weekday PM peak hour passing by Exit 11 (Route 2). However, not all of this volume was included in the calculation of vehicle fueling positions required. The ITE *Trip Generation Handbook* suggests that diverted link trips should not exceed 10 percent of the traffic volume on that roadway. Therefore, it was assumed that as much as 10 percent of the vehicle traffic on I-89 may utilize Exit 11 to access fuel and convenience services in the area. The combination of existing traffic on Route 2 and potential diversion from I-89 resulted in a potential draw of 1,153 vehicles on the adjacent street during the weekday AM peak hour and 1,333 vehicles on the adjacent street during the weekday PM peak hour. Applying the “Volume of Adjacent Street Traffic per Vehicle Fueling Position” ratio obtained in the first step to these volumes of adjacent street traffic resulted in a demand of 12 vehicle fueling positions during the weekday AM peak hour and 9 vehicle fueling positions during the weekday PM peak hour. Therefore, the site is proposed to contain a total of 12 vehicle fueling positions to accommodate the volume of traffic passing by the site. Provision of fewer vehicle fueling positions has the potential of creating lines of traffic waiting for a pump that could potentially spill back onto West Main Street (Route 2).

### Site Circulation

There are additional site circulation considerations that justify providing the four (4) additional vehicle fueling positions on the site. To provide maximum efficiency, it is preferable to single-stack vehicle fueling positions. However, due to the shape and environmental characteristics of the site, the vehicle fueling positions need to be double-stacked. With this configuration, the fueling positions are less efficient as a large vehicle may pull forward to align their tank with one fueling position, while blocking the second station in the stack. Vehicles may also enter the vehicle fueling positions from opposing directions and need to reverse direction to enter or exit. This creates the need for additional circulation space around the pumps. Providing additional fueling positions allows more drivers to access empty fueling positions without the need to back up to access or egress a position.

The site is also proposed to provide a large convenience market with a quick-service restaurant. Based on information provided by the Applicant, it is estimated that approximately 18 percent of the customers using the vehicle fueling positions will also visit the convenience market. When this occurs, drivers may be inclined to leave their vehicles at the fueling positions to go inside the convenience market. Providing additional fueling positions on the site ensures that adequate fueling positions will be provided to accommodate peak demand even when drivers leave vehicles at the fueling positions to visit the convenience market.

Based on this information, it is the opinion on GPI that provision of 12 vehicle fueling positions is appropriate for this site given the layout of the fueling positions and the volume of traffic passing by on the adjacent roadway

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<sup>2</sup> VTrans Transportation Data Management System (TDMS) Count Station #D112 (West Main Street (Route 2) south of I-89 SB On-ramp); Collected in 2019.

<sup>3</sup> *Trip Generation Handbook, 3<sup>rd</sup> Edition*; Institute of Transportation Engineers; September 2017.

networks. Reducing the number of vehicle fueling positions to 8 positions may result in vehicle queues forming to access the fueling positions that could block access to the parking spaces and potentially spill onto Route 2.

Should you have any questions, or require additional information, please contact me at (978) 570-2968.

Sincerely,

**GREENMAN-PEDERSEN, INC.**

A handwritten signature in cursive script that reads "Heather Monticup".

Heather L. Monticup, P.E.  
Assistant Vice President / Director of Land Development Traffic

**Enclosures:**

**1. Vehicle Fueling Position Calculations**

Time Period	Adjacent Street Volumes				ITE Trip Rates		Volume of Adjacent Street Traffic Per Vehicle Fueling Position	Fueling Positions Needed for Adjacent Street Traffic
					Per Adjacent St Traffic	Per Vehicle Fueling Position		
	Main Street (Route 2)	I-89	Applicable % of I-89 Traffic	Total Traffic with I-89	LUC 945	LUC 945	LUC 945	
Weekday AM Peak Hour	822	3307	10%	1153	0.12	12.47	103.92	12
Weekday PM Peak Hour	975	3576	10%	1333	0.09	13.99	155.44	9



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**RE: Update - Richmond Mobil**

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**Rebecca Brown** <rebeccabrown@gpinet.com>

Thu, Oct 14, 2021 at 3:47 PM

To: Huseyin Sevincgil <hsevincgil@gpinet.com>, Ravi Venkataraman <rvenkataraman@richmondvt.gov>

Cc: Tom Frawley <tomf@sumd.com>, Heather Monticup <hmonticup@gpinet.com>

Hi Ravi,

To respond to your question, the proposed development will generate more traffic during the weekday AM peak hour than during the weekday PM peak hour. The trip generation assessment prepared back in July 2020 and attached shows that the development is expected to generate a total of 337 vehicle trips in the weekday AM peak hour and 276 vehicle trips during the weekday PM peak hour.

I think the confusion is in the volume of traffic on the adjacent roadways. Main Street and I-89 carry a lower volume of traffic during the weekday AM peak hour than during the weekday PM peak hour. The Traffic Circulation Assessment identified a potential draw of 1153 vehicles from either Main Street or I-89 in the morning and a potential draw from either road of 1333 vehicles in the evening. However, that represents only traffic passing by the site and not actual trips generated by the project. This type of gas-station / C-store development generates approximately 0.12 trips per vehicle on the adjacent street in the morning and 0.09 trips per vehicle on the adjacent street in the evening. Therefore, the trip rate per vehicle passing by the site is higher in the morning and results in a higher trip generation. Because the gas station/c-store will generate more trips per vehicle passing by the site in the morning, it requires more fueling positions in the morning to serve the adjacent street traffic. One fueling position per 103.92 vehicles passing by the site is required in the morning, while only one fueling position per 155.44 vehicles passing by the site is needed in the afternoon. Dividing the 1153 vehicles passing by the site in the morning by the trip fueling position-to-vehicles ratio of one fueling position per 103.92 vehicles pass by the site results in a demand of 12 vehicle fueling positions in the morning. Dividing the 1333 vehicles passing by the site in the evening by the ratio of one fueling position per 155.44 vehicles results in a demand of 9 vehicle fueling positions in the afternoon.

I hope that helps to clarify the fueling position demand calculations. Please feel free to reach out to me if there are other questions.

Thank you.

[Quoted text hidden]

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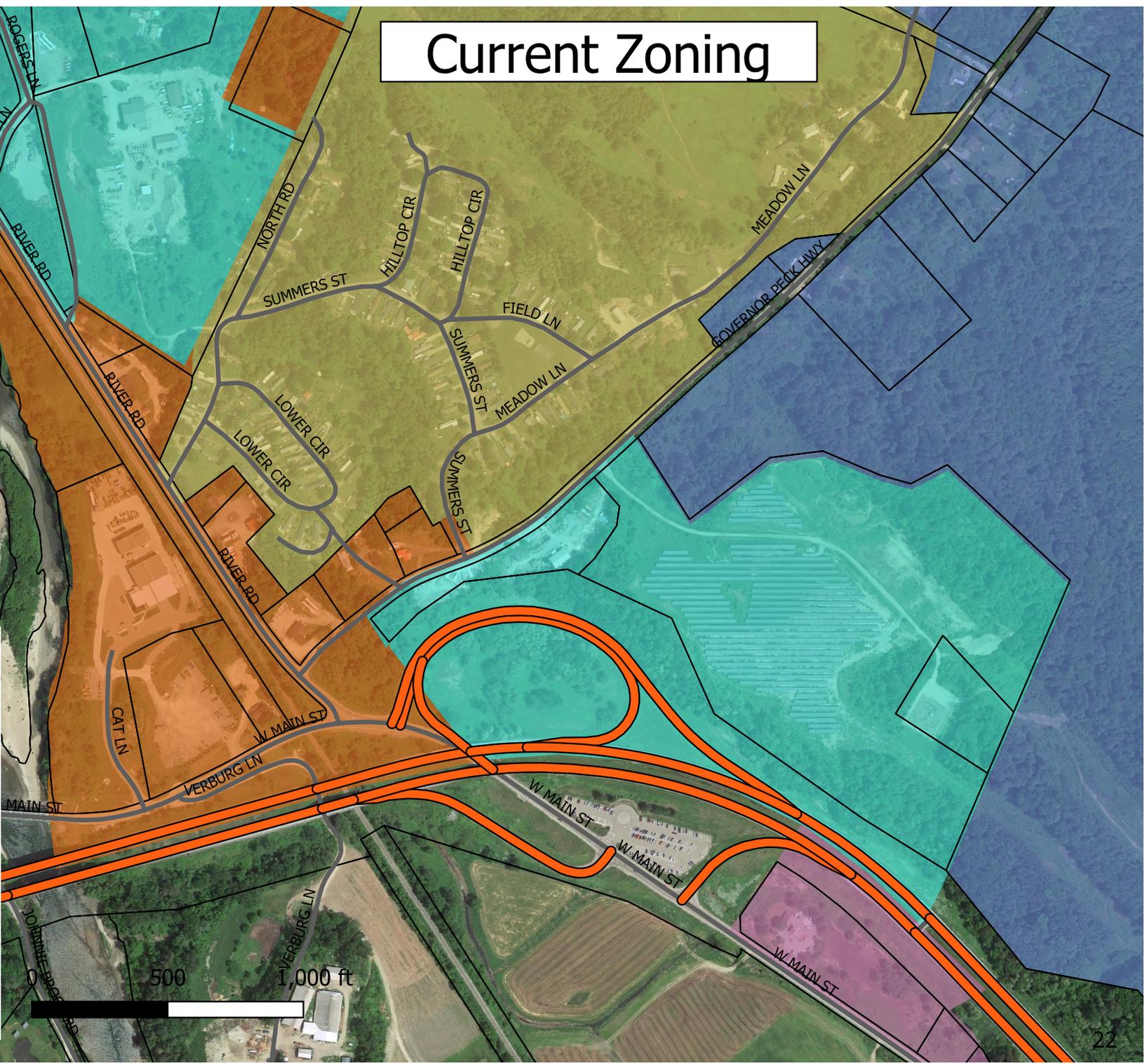
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# Current Zoning

## LEGEND

-  I-89
-  Roads
-  Parcel Lines

- ### CURRENT ZONING DISTRICTS
-  AGRICULTURAL/RESIDENTIAL
  -  COMMERCIAL
  -  GATEWAY COMMERCIAL
  -  HIGH DENSITY RESIDENTIAL
  -  INDUSTRIAL/COMMERCIAL
  -  MOBILE\_HOME\_PARK



# Draft Zoning

## LEGEND

-  I-89
-  Roads
-  Parcel Lines
- 9-15DraftZoning
-  AGRICULTURAL/RESIDENTIAL
-  COMMERCIAL
-  GATEWAY
-  HIGH\_DENSITY\_RESIDENTIAL
-  INDUSTRIAL/COMMERCIAL
-  MOBILE\_HOME\_PARK

0 500 1,000 ft

To \_\_\_\_\_:

The Richmond Planning Commission would like to support the Water & Sewer Commission's proposal to expand the Richmond Water & Sewer District in a westerly and northerly direction from the current district, as described in the resolution presented for approval by the Richmond Selectboard on \_\_\_\_\_ 2021. The area proposed for the expansion includes the Gateway Zoning District, the Riverview Commons Mobile Home Park and two of the Town's three Industrial/Commercial areas. There are several reasons why we believe that this expansion makes sense from a long-term planning perspective.

The areas proposed for the expansion has long been contemplated as suitable for mixed uses, with the understanding that these uses would need to be developed in such a way as to maintain an attractive and inviting entrance to Richmond's historic town center from the west and north. In addition, providing municipal water and sewer service is suggested as a possibility in the areas under discussion in the Future Land Use section of the 2018 Town Plan. Should these areas be able to access municipal water and sewer services, additional services and housing could be provided to town residents without consuming valuable farm and forest land.

Furthermore, municipal water and sewer service would improve the feasibility of creating residential units in the proposed expansion area. Residential uses, including multifamily housing, are currently allowed in the Gateway District with a minimum lot size and density of 1 unit per acre if there is no municipal water and sewer provided, and 3 units per acre if the property is connected to municipal water and sewer. Providing water and sewer service would increase density allowances for property owners within the Gateway District, and make multifamily dwelling projects more viable. In return, this would help with alleviating the county-wide housing shortage.

Municipal water and sewer service would also improve the sustainability of uses within the proposed expansion area, including for the Riverview Commons Mobile Home Park. The Park currently has on-site private water and sewer services. These systems have a finite lifespan and will be costly to replace. In addition, there is space in the Park for additional lots to be developed, which could be well served by being able to connect to a municipal system. However, it is important to mention, of course, that we understand that an expansion of the W&S district does not mean that the lines will necessarily be extended to the Park without extensive further deliberation with the Park's owner and the residents, and a thorough investigation of possible funding sources.

The appetite for municipal W&S services in this district is unknown at the moment, but an expansion of the ability to extend the lines, without any obligation to do so, makes sense from the perspective of future planning. Please do not hesitate to contact the Planning Commission for questions.

Thank you for your consideration,

**TOWN OF RICHMOND**  
**SELECTBOARD**

**RESOLUTION FOR EXPANSION OF WATER AND SEWER DISTRICT**

**WHEREAS**, Section 701 of the Town of Richmond (the “Town”) Charter, 24 App. V.S.A. ch. 143, § 701, provides that the Selectboard, by resolution, may designate areas of the Town as special water and sewer system districts; and

**WHEREAS**, Section 701 of the Town Charter, 24 App. V.S.A. ch. 143, § 701, further provides that the Selectboard may provide that property within said special water and sewer system district be provided with services not so provided to all other areas within the Town; and

**WHEREAS**, the Selectboard has determined that the public good, necessity and convenience of the inhabitants of the Town warrant expansion of the Town’s Water and Sewer District westerly along West Main Street (U.S. Route 2) to the Winooski River; also northwesterly from West Main Street (U.S. Route 2) along River Road (VT Route 117) to the Town boundary line with Jericho, including the Riverview Commons Mobile Home Park; also from River Road (VT Route 117) northerly and then northwesterly along Rogers Lane; also northeasterly from River Road (VT Route 117) along Governor Peck Highway to the Town boundary line with Jericho; and southerly from West Main Street (U.S. Route 2) along Verburg Lane to its terminus.

**NOW THEREFORE, BE IT RESOLVED** that on the basis of the foregoing premises and pursuant to the authority granted by § 701 of the Town Charter, 24 App. V.S.A. ch. 143, § 701, and Title 24, chapters 89, 95, 97 and 101, the Town of Richmond

Selectboard hereby approves the expansion of the Town's Water and Sewer District westerly along West Main Street (U.S. Route 2) to the Winooski River; also northwesterly from West Main Street (U.S. Route 2) along River Road (VT Route 117) to the Town boundary line with Jericho, including the Riverview Commons Mobile Home Park; also from River Road (VT Route 117) northerly and then northwesterly along Rogers Lane; also northeasterly from River Road (VT Route 117) along Governor Peck Highway to the Town boundary line with Jericho; and southerly from West Main Street (U.S. Route 2) along Verburg Lane to its terminus; and

**BE IT FURTHER RESOLVED** that the Selectboard finds the expanded special water and sewer system district is reasonable geographically, taking into account the areas, property and persons actually benefited, the types of service to be provided, and the fact that the efficiency of providing multiple services outweighs the fact that the areas and property benefitting do not exactly coincide; and

**BE IT FURTHER RESOLVED** that all costs required to support a given special service district shall be paid for by persons receiving the service, by a tax on the grand list for that special service district involved, to be assessed annually by the Selectboard, or by any other charge or fee permitted by law; and

**BE IT FURTHER RESOLVED** that said expansion of the water and sewer district shall not become effective until approved by a majority of all voters residing within the proposed district present and voting at a special meeting called and held for that purpose; and

**BE IT FURTHER RESOLVED** that the question of whether the water and sewer district shall be so expanded should be submitted to the voters residing within the proposed district on November \_\_\_\_, 2021; and

**BE IT FURTHER RESOLVED** that the attached Warning be adopted for use in connection with the above-stated proposition for expansion of the water and sewer district.

DATED at Richmond, Vermont, this \_\_\_\_ day of October, 2021.

**RICHMOND SELECTBOARD**

\_\_\_\_\_  
Christine Werneke , Chair

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Bard Hill

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David Sander

\_\_\_\_\_  
June Heston

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Jay Furr

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