

Richmond Planning Commission
REGULAR MEETING MINUTES FOR November 3, 2021

Members Present:	Virginia Clarke, Lisa Miller, Dan Mullen, Mark Fausel, Jake Kornfeld, Chris Granda, Chris Cole, Alison Anand,
Members Absent:	Joy Reap,
Others Present:	Ravi Venkataraman (Town Planner/Staff), MMCTV, Huseyin Sevincgil, Tom Frawley, Christy Witters

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

Clarke said she would like to clarify item #5 to include “Nonconforming Structures and Uses”.

4. Approval of Minutes

No comments, additions, or corrections. Minutes adopted into the record as written.

Chris Granda asked if any materials for the Zoning for Affordable Housing item was distributed. Clarke said that no additional documents were provided and pointed to the materials included in past packets.

Clarke asked Ravi Venkataraman about the status of the focus groups, noting that Brandy Saxton said during the last Planning Commission meeting that she had trouble finding participants. Venkataraman said he will need to follow up with possible participants. Clarke asked about the slated interviews with developers. Venkataraman said that he does not have any updates on the interviews with developers, but is aware that Saxton has started outreach with developers.

5. Discussion on Draft Regulations for Wetlands, Vehicle Fueling Stations and Nonconforming Structures and Uses

Clarke reviewed the changes to the proposed regulations for wetlands. Dan Mullen asked for clarification on the purpose of the proposed regulations. Clarke said that these proposed regulations signals to developers that Richmond is invested in the protection of wetlands, that Richmond has particular standards for the protection of wetlands, and that certain types of land development would not need a variance.

Huseyin Sevincgil asked about the prohibition of septic systems within wetland buffer and allowances for replacing septic systems. Clarke asked Venkataraman about state regulations for replacing septic

systems. Venkataraman said that he thinks the state would allow for one-to-one replacements. Venkataraman added that restrictions on the placement of septic systems and wells is uncommon in zoning regulations because municipalities have the authority to regulate on-site systems in a separate ordinance and therefore typically permitting for on-site systems occur in a completely separate process. Clarke asked if a state water/wastewater permit would be needed. Venkataraman said that he is unsure if a state water/wastewater permit is needed for one-to-one replacements, but that one would be needed if the system needed to be resized. Alison Anand said that on-site water and wastewater is wholly in the state's purview and that that is why the zoning regulations has not included any regulation on on-site water and wastewater systems. Anand said she had questions and concerns about allowances for crossing across wetlands, and said she will research the topic further. Venkataraman said that he can direct Anand to the State Wetland Rules, and to the presentation a state wetlands ecologist gave to the Planning Commission last December. Cole explained the basis of the proposed changes—that the state was permitting wetlands crossings, landowners were following through with wetlands crossings sometimes without local permits, and the commission aims to align local regulations with state allowances.

Cole asked Sevincgil if they plan to move the septic field onsite. Tom Frawley said that there was no plan to move the septic field, and that the plan is to either connect to municipal wastewater or establish the system on the other side of the freeway. Clarke asked for clarification about the storage tank. Frawley said that they would need a storage tank onsite in order to set up the leach field offsite. Clarke asked for clarification on the location of the storage tank. Sevincgil said that the storage tank would be located 20 feet from the wetland, compared to the location of the current septic tank 30 feet from the wetland.

Clarke reviewed the proposed changes to wetlands considered within jurisdiction, and the review criteria. Lisa Miller said that the storage tanks could be categorized as a structure. Clarke said that structures would not include sub-surface elements. Venkataraman clarified that structures are assemblages of materials for occupancy or use above ground.

Clarke reviewed the proposed nonconforming structures and uses regulations. Granda asked about the integrity of the buffer for projects that are allowed to encroach into the buffer. Clarke said that for such projects the buffer would be 25 feet, and theoretically, reducing the buffer would reduce the effectiveness of the buffer. Mullen asked for clarification about the buffer and if it only applies to surface water resources. Clarke said that buffers are a water resource aspect. Mullen recommended adding the water resources aspect to the definition of buffer. Cole suggested clarifying the term "buffer" further by adding "wetland". Frawley asked for explanation about the stipulation allowing for a reduction of the buffer by half. Clarke said that the allowance is based on compromising protection of the wetland and allowing development and that other municipalities have similar allowances. Frawley asked for further flexibility for encroachment for projects that provide an overall benefit to the water quality and wetland integrity. Clarke said that allowing a full reduction of the buffer may not be possible but will warrant further discussion. Fausel suggested offsets for wetland and wetland buffer encroachments. Granda recommended soliciting expert advice on the impacts of allowing a reduction of the wetlands buffer. Fausel asked about the basis of the required buffer, and about methods that could improve the function of the wetlands such as berms without the need of a buffer.

Clarke overviewed the nonconforming uses allowances.

Clarke reviewed the Vehicle Fueling Station uses requirements. Mullen recommended adding "including but not limited to" before the list of possible fuels, and adding "or its replacement standard" after the

reference to the SAE standard. Mullen asked about modifications to the definition of structure. Clarke said that the suggestions regarding the definition of structure are outside of scope but worth discussion. Venkataraman said that the term “assemblage of materials” is standard for a zoning definition of the term “structure”, adding that the verbiage could be interpreted as far-reaching but zoning administrators rely on common sense when regulating structures.

Clarke reviewed the standards for Vehicle Fueling Station uses. Fausel asked about the reference to exterior lighting and whether it is necessary. Venkataraman said that the reference isn’t necessary because applicants are required to be in compliance with the entire zoning regulations, that the zoning regulations have standards for exterior lighting for gas stations in the lighting section, and that it was added because typically gas stations need exterior lighting. Clarke said that the commission should consider removing the reference.

Frawley asked for a reconsideration of the limit to the number of pumping islands, citing the traffic study their engineers prepared supporting the need for additional pumping islands. Clarke asked for clarification about trip ends. Sevincgil referred to the ITE Trip Generation Manual to explain the calculations for anticipated traffic into the site. Clarke said that the calculation doesn’t show whether customers are entering the site for gas or for the convenience store. Frawley said that the calculation is for all the activities on site and that typically 15 to 18 percent of trips are not for fueling. Cole said that as a regular customer of the gas station, he has never seen traffic back up at the pumps and that having no more than eight vehicles able to fill up at a time fits into the current and planned context for the town. Clarke asked if the Lucky Spot was taken into consideration into the trip generation calculation. Frawley said no, and that the calculation is based on traffic on the roads. Miller asked about the source of the traffic numbers. Frawley said that Agency of Transportation collects data on average daily traffic.

Clarke noted that most gas stations on Route 2 have two to four pumping islands—some have five pumping islands—and therefore concluded the appropriateness of four pumping islands.

6. Debrief on Discussion on Zoning For Affordable Housing project

Clarke overviewed the discussion topic, stating that she applied Brandy Saxton’s suggestions into the outline for the Residential/Commercial District. Clarke said that in the Chittenden County Housing Needs Assessment, it calls for the addition of 5,000 new housing units over the next five years, therefore about 125 new homes in Richmond if calculated proportionally. Clarke said that the town has permitted 14 new homes this year, which is below targets. Clarke said that the commission will have to determine where to cite future housing, as housing within the water/sewer service area is more attractive and there are natural resources to consider in areas outside the village. Clarke said that the commission will need to consider a density number with the plan for multifamily dwellings.

Christy Witters called attention to the districts Saxton drew in her technical memo, the need to consider the impacts of increasing density on the historic character of the village, planned housing in the village, and the input village residents provided. Anand said that the commission will need to take into consideration the topography of the town and the residents’ concerns. Mullen asked Witters if she is proposing the creation of an architectural review board. Witters said no, that she wants to maintain existing conditions, that she has the ability to convert her house into a four-plex, that her neighbors are involved in the community, and that renters typically are not involved in town boards and committees. Cole asked if Witters had any concerns about the proposed zoning regulations. Witters said she was

concerned about Saxton's recommendations. Cole said that he hasn't see Saxton's final recommendations, that the commission has only seen draft recommendations, and that the commission knows that it has to keep the town residents' input at its forefront when reviewing proposals. Miller said that the forthcoming process of drafting bylaw proposals will clarify the commission's approach to confronting the issue of housing, and include opportunities to provide input.

7. Discussion on possible Water/Sewer District Expansion

Clarke asked for feedback about the letter regarding the water/sewer district expansion. Fausel supported the letter as drafted. Miller suggested further guidance to the Selectboard. Clarke said that further details will be provided once the commission has decided on those details.

8. Other Business, Correspondence, and Adjournment

Clarke said that CCRPC may attend the Dec. 1 meeting to talk about the economic development strategy. Clarke asked the commission to think about the number of fueling islands. Venkataraman said that the commission should discuss the FY23 UPWP in December, and any planning projects they would like to pursue.

Motion by Granda, seconded by Fausel to adjourn the meeting.

Voting: unanimous. Motion carried. The meeting adjourned at 9:04 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner