

Richmond Planning Commission
REGULAR MEETING MINUTES FOR December 1, 2021

Members Present:	Virginia Clarke, Dan Mullen, Mark Fausel, Chris Granda, Joy Reap, Jake Kornfeld, Lisa Miller, Alison Anand, Chris Cole
Members Absent:	
Others Present:	Ravi Venkataraman (Town Planner/Staff), MMCTV, Tina Heath, Regina Mahony, Taylor Newton

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

The commission approved the minutes as written.

5. Review and Discussion of State Wetlands permitting for Mobil Gas Station

Clarke said that currently, the town does not allow any development within the wetlands and wetlands buffer, and that the commission is reconsidering this regulation in light of the Mobil gas station redevelopment request. Clarke asked Tina Heath about the review process, and aspects the town should look into with local review of development within wetlands.

Heath said that the project had been under review for five years, and that she will overview the review process in general. Heath said that the goal of the Wetlands Rules is to protect significant wetlands, that significant wetlands are wetlands with at least one of the ten functions and values, and that ANR has a system in place to identify and review wetlands to determine significance. Heath said that generally wetlands that are a half-acre or more in size and are associated with waterways are considered significant wetlands. Heath said that wetlands that are not considered significant are considered Class III wetlands. Heath said that the wetlands surrounding the Mobil gas station are considered significant because of its role in flood storage, water quality protection, and wildlife habitat. Heath said that when reviewing wetlands, they look at the larger system of wetlands because of the interconnectedness, and that the wetlands surrounding the Mobil gas station are associated with larger floodplain wetlands across Route 2.

Heath said that for the Mobil gas station they initially reviewed a redevelopment proposal that encroached into the wetlands and that they advised the applicant that they wouldn't be able to encroach further into the wetland than existing conditions. Heath had reviewed different proposals before the

agency approved the finalized proposal for redevelopment. Heath said that the agency issued two permits prior to the current redevelopment proposal—a redevelopment proposal in 2016, and a wastewater system overhaul in 2020. Regarding the current proposal to create an offsite wastewater system north of I-89, Heath said that the agency does not consider drilling underneath the wetlands to be an impact because it does not involve any physical alterations to the entry or exit point. Heath said that overall the current proposed project was pretty low impact, and that based on the minimizations the applicant used and their avoidance of two out of the three wetlands on project sites, the permit was issued.

Heath overviewed the review lens of the existing conditions, noting that the site is an existing filled site and therefore already disturbed, that the proposal did not call for any direct wetland impacts, that the proposal calls for impacts to a buffer that already functions poorly in terms of protecting the wetland and its functions, and that the redevelopment proposal would be on the existing disturbed footprint. Heath also noted the proposed additional minimization measures of landscaping and removal of stockpiled fill.

Chris Granda asked about the function of the buffer. Heath said that they are looking for buffers that protect the functions and values of the wetland, that forested or vegetated buffers protect the functions and values of wetlands. Heath said that proposals that impact managed buffers over naturalized (vegetated) buffers if the project has to impact buffers is considered a minimization attempt. Heath said that for projects with disturbed buffers or disturbed wetlands, additional minimization efforts are required such as restoration or enhancement of buffers and wetlands in the form of restoration or mowing restrictions. Heath said that the Mobil project team was under the assumption that since the buffer was already paved and disturbed a permit wouldn't be required and that she had to notify them that a permit is required to determine that the activities do not adversely impact the wetland.

Granda asked about the status of the directional drilling. Clarke said that the project team is keeping tabs on the sewer line extension project.

Granda asked Heath if an amendment to the permit would be needed if the wastewater connection is different from proposed. Heath said that amendments may be needed depending on the degree of change.

Cole asked if an oil/water filtration separator would be a requirement for the permit. Heath said that wetlands permitting is for physical alterations of wetlands, that they do not have a permit condition regarding the contaminants, and that discharges not associated with a conveyance within the wetland are not within jurisdiction. Heath noted that for this project stormwater management would be required.

Fausel asked about the buffer regulations. Heath said that federal regulations do not cover wetland buffers and that most states do not cover buffers. Fausel asked about the basis for the buffer distance. Heath said that for Class II wetlands the buffer requirement was based on compromise, and that for Class I wetlands, the buffer requirement may be more than the required 100 feet based on the context of the wetland and its buffer. Fausel asked for more information about the difference between Class II and Class III wetlands to determine possible buffer requirements. Heath said that Class II wetlands has one of the significant functions and values and therefore within jurisdiction; that Class III wetlands do not have any of the significant functions and values, are low in function, and therefore considered outside jurisdiction; and that to change the classification of a Class II wetland to a Class III wetland is a process. Heath said that generally wetlands that are a half-acre or more in size or are near waterways are considered jurisdictional, significant wetlands. Heath said that vernal pools and bogs—wetlands could be are smaller than half an acre—are within jurisdiction. Fausel asked for clarification on the half acre threshold. Heath said that the wetland would have the hydrology, hydric soils, and wetlands-specific vegetation, and that there is a standard methodology set by the Army Corps of Engineers used for

delineations.

Clarke asked about how the agency would evaluate amendments that request additional encroachments within the buffer. Heath said that for this site the existing development encroaches the buffer entirely, and that the site does not have much more buffer for the applicants to impact. Heath said that any further proposed encroachments would be wetlands impact and that any approvals for wetlands impact for this site would be highly unlikely.

Anand asked for clarification on Class III wetlands. Heath said that Class III wetlands may not have completely no value, that they may be under the jurisdiction of the Army Corps of Engineers. Heath said that Class III wetlands are small (half acre in size), and are usually found in managed farm fields, residences, in between parking lots, or in places due to stormwater runoff. Heath said that 80-85 percent of the time, they are dealing with Class II wetlands. Anand noted that while the proposed development to the site are improvements, the proposal does not maximize natural resource protection and she does not want applicants to have the impression that development with a lower regard for natural resource protection is allowed. Heath said that all applications require an alternatives analysis to prioritize natural resource protection, and that with this site the applicant is restricted to the existing disturbed area for redevelopment.

Fausel asked for clarification in the difference between the definition between a Class II wetland, a Class III wetland, and a stream. Heath referred back to the three qualities of wetlands (soils, vegetation, and hydrology); said that stream is not a wetland because of its difference in ecology, geology and function; and said that similarly a lake differs from a wetland. Heath said that on-site evaluations and delineations of wetlands help determine the various natural resources on site, and that wetland delineations are required for applications.

Clarke asked if the applicant had to validate their reasoning for redevelopment. Heath said that for this project they did not require a traffic study and other documents, that the standard of review for the impact the applicant was proposing did not require additional information, and that such information is required for large-impact projects (projects involving large-scale wetland fill and alteration, commercial projects, city center projects).

6. Discussion on ECOS Comprehensive Economic Development Strategy (CEDS) (8:09)

Regina Mahony introduced the Comprehensive Economic Development Strategy, explaining that the plan is required for receiving federal funds into the region—possibly used for workforce development or overall economic development--and is focused on the outlook of economic development in the region. Mahony said that the CEDS will be incorporated into an updated comprehensive ECOS plan for the entire county once the CEDS is complete.

Mahony asked the committee for general input. Reap noted the current need for employees to fill open jobs and for affordable housing. Dan Mullen asked which organizations Mahony are reaching out to within the BIPOC community. Mahony noted the Vermont Professionals of Color, Blink Equity, Peace and Justice Center, Vermont Racial Justice Alliance, and Equity Coordinators in Burlington and Winooski. Clarke referred to the workforce recommendations in the Climate Action Plan, and asked about coordination with the Climate Action Plan, as well as the correlation between labor and housing. Taylor Newton said that the Climate Action Plan will be reviewed for integration in the CEDS. Newton said that the primary sources of funding linked to the CEDS does not fund housing, but housing will be stressed in the ECOS plan. Mahony said that CCRPC has had conversations with housing partners and

that planning commissions have a larger role in removing barriers to create new housing. Cole identified housing, mobility and day care issues with the economic issues in Vermont, and recommended that CCRPC work with the federal government to push for more funding for housing to boost economic development. Clarke asked about the future of commercial spaces and expansion of broadband. Mahony said that only a small percentage of available jobs are work-from-home, and that regarding broadband, it is a challenge currently because the state funds are not directly accessible by some firms and certain regions are not served by eligible firms.

Miller asked if CCRPC had methods to inform the public on potential projects on the horizon, like broadband, and how the future will look like with the implementation of projects. Newton said that Miller's idea was a good idea, and that it could be incorporated into the ECOS project in the future. Mahony referenced the Vermont futures project as an example of Miller's idea. Clarke concurred on the need for more information and visualizations on implementation. Mahony said she identified the need of a public education component of the "Building Homes Campaign" but that more is needed with the general public. Mahony suggested presenting visualization of the built form to educate the public.

7. Discussion on FY23 UPWP (8:44)

Venkataraman reviewed the ideas discussed during the last Planning Commission meeting: a Gateway District master plan, and bylaw revisions.

Mahony overviewed the UPWP, noting that if the project has a transportation component, CCRPC can hire a consultant and require a 20 percent match for the completion of the work, and if the project does not have a transportation component, CCRPC staff would assist and the town would bear the full cost of the project. Mahony said that they have been able to complete form-based code work with transportation funds, but that the project does not necessarily need to be a form-based code project and could be a combination land use/transportation scenario project. Newton suggested that the town start with a corridor plan and then possibly transition to an implementation of form-based code, referring to the Taft Corners project in Williston.

Newton noted that the zoning regulations could be updated in the Gateway District, specifically in terms of housing. Reap asked if the commercial use requirements are a factor. Newton said yes, if that is the case; the manner in which density is regulated inhibits full build-out; and height regulations. Clarke asked about methods to regulate height considering Richmond's lack of a ladder truck. Newton noted that typically for large buildings, fire codes require sprinklers, and that a mutual aid agreement could be arranged. Mahony said that she doesn't have a solution but is aware of towns with similar situations of having buildings taller than the ladder the town has.

Clarke asked Venkataraman about application deadlines on his end. Venkataraman overviewed the three projects the Transportation Committee forwarded to the Selectboard for approval to pursue, adding that one of the projects, a Route 2 scoping study, could integrate the Planning Commission's project idea. Clarke asked about available funds. Venkataraman said as of now the transportation planning funds would be used entirely for transportation planning projects, and that he will have to talk to Mahony and Newton about budgets for the new proposed project scope.

Reap asked about the letter the commission prepared in support of expanding the water/sewer district. Clarke said that the letter was sent to the Water/Sewer Commission and the Selectboard, that outreach will need to be discussed, and that the Housing Committee distributed a letter of support.

Clarke asked Reap her opinion about the corridor study proposal. Reap said she would be in favor of the study, and noted the uncertainty on regulating uses, like Dollar General-type uses. Newton suggested restricting footprint size. Mahony suggested site layout regulations, and building height requirements.

Clarke asked the commission whether it wants to pursue the proposed project. Reap asked about the timeline for the project. Newton outlined the UPWP review period (6 months), project period (1 year), and implementation period (18 months to two years).

Fausel asked how the deliverable would look. Newton said that it could vary based on the town's needs. Fausel asked if form-based codes would be available as a deliverable. Newton said that it could be. Mahony referenced the need for a charrette to establish a vision for the corridor for form-based zoning, and said that the Route 2 corridor update could include the visioning piece. Fausel said that past outreach efforts could be incorporated in the project to guide the development of form-based code. Clarke said that outreach for this specific project would be necessary. Mahony said that finding consensus on the vision is vital for form-based code to work well. Clarke suggested undergoing a visioning process for the FY23 UPWP, and form-based code implementation for the FY24 UPWP.

Reap said that regardless of the expansion vote, she will be looking into extending the sewer line to her properties. Clarke said that zoning needs to be revisited and updated in the Gateway District. Cole concurred, especially considering state-wide housing needs, and said that housing will need to be emphasized to discourage strip development. Mahony called attention to Act 250 Criteria 9L. Newton said that the sewer extension would require Act 250 and that future development patterns will be reviewed.

Anand asked about government funding for the sewer extension project. Venkataraman said that the town received the Northern Borders Regional Commission grant for the sewer extension, that the primary reason a vote is going to be held to expand the water/sewer district is to make the town eligible for grant funds, that private property owners can hook up to the water and sewer if they'd like, and that since the town intends to extend infrastructure, it needs to be eligible for more funding.

8. Other Business, Correspondence, and Adjournment (9:27)

Clarke said that for the next meeting, the commission will discuss whether it wants to pursue the Gateway master plan project.

Clarke asked the commission if it would like to publicize the letter of support to expand the water/sewer district.

Motion by Cole, seconded by Anand to publicize the letter supporting voting in favor of expanding the water/sewer district. Voting: 7-0 (Reap abstained). Motion carried.

Clarke asked Cole for more information about the Transportation Committee's intent for the proposed Route 2 scoping project. Cole overviewed the project as an update to the 2014 Route 2 path scoping study, with an intersection study of Route 2, the park and ride, I-89 and VT-117, and a feasibility analysis of a path within the I-89 ROW between the park and ride and the schools. Clarke asked the commission on how it would like to proceed with the project. Cole said that adding the commission's requests to the Transportation Committee's project would dilute all the project elements. Miller noted that clarity on future roads is needed. Clarke said that clarity on the projects the Selectboard would like to support is needed to determine how it would like to proceed. Venkataraman said that the committee

has a number of options on how to proceed. Clarke said she and Venkataraman will determine options for proceeding for the next meeting.

Motion by Cole, 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