

Richmond Planning Commission  
REGULAR MEETING MINUTES FOR July 21, 2021

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

**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 called attention to the "Vehicle and Machine Repair" definitions for agenda item #6.

**4. Approval of Minutes**

Motion by Chris Granda, seconded by Lisa Miller, to approve the July 7, 2021 Planning Commission meeting minutes. Voting: unanimous. Motion carried.

**5 Public Hearing - State Permit References, Nonconforming Lots, and Certificates of Occupancy**

Motion by Miller, seconded by Granda, to open the public hearing. Voting: unanimous. Motion carried.

Clarke introduced the topics under consideration, said that there is no public in attendance, asked the commission for comment, and noted that the Town Attorney has provided comment on the draft regulations for the commission's consideration. Ravi Venkataraman and Clarke overviewed the recommendations from the Town Attorney. Clarke said that she recommends the addition of 4.6.2, regarding development rights for lots that are nonconforming other than acreage. Venkataraman said that lots that are nonconforming other than size tend to be nonconforming because of a lack of frontage. Miller asked for the rationale for the proposed changes. Venkataraman said that the proposed changes are to align the zoning regulations with Act 179 and to allow for development on nonconforming lots that may exist in town. Clarke said that no changes are recommended to lot merger language.

Clarke reviewed the reason for changing the references to state permits in the zoning regulations. Clarke discussed the building energy standards reference. Clarke overviewed the performance

standards. Miller said that "highly flammable" is not a term in use, that "flammable" is, and that "highly" should be removed. Granda agreed. Granda asked if these standards includes all possible hazardous materials, referring to the materials previously stored in The Creamery. Clarke asked if "safety hazard" covers materials that are hazardous but not "hazardous materials". Miller recommended referring to federal standards. Granda agreed. Cole suggested including previous sections (h) and (i) that are struck through. Granda agreed. Granda said that "industrial materials" would not fully include the materials in The Creamery and suggested that the new language be "industrial materials and waste". Clarke suggested overlapping old sections (h) and (i) with new section (j), and asked if other terms should be used instead of "industrial". Fausel suggested "hazardous materials and waste". Venkataraman asked for clarification on the old sections (h) and (i) if both sections are to refer to "hazardous materials and waste". Clarke said that the proposed section (h) should be limited to fire and explosives and that the toxic items should be on its own. Granda appreciated the structure and sequencing of standards with the old standards and new standards as it proceeds from broad to focused. Cole identified that proposed section (j) calls for hazardous wastes to be stored within structures. Venkataraman suggested combining sections to have the hazardous wastes references on one line. Cole and Granda clarified that the standard they wanted to keep was the reference to "industrious materials and waste". Cole said that keeping all references to "hazardous materials and waste" to previous section (i). Clarke said that the old and new language must come from state statute. Venkataraman said that the proposed language comes from performance standards from zoning regulations in other municipalities, the logic being that since municipalities cannot administer and enforce state and federal regulations, municipalities are lighter yet specific on what it enforces and when the rules are enforced, "common sense" definitions are applied. Venkataraman said that based on this logic, he recommends that the commission go with the proposed sections (h), (i), and (j). Granda said that the proposed sections (h), (i) and (j) appear heavier than the previous sections (h) and (i) because of its specifics. Venkataraman clarified that he meant lighter because it doesn't crossreference federal and state standards to give the language weight, but that the language is focused to ensure that specifics are enforced. Clarke recommended concluding this subject, revising the document and returning to the item at another meeting.

Clarke introduced the discussion on Certificates of Occupancy, the initial proposed language, the recommended language, and Venkataraman's rationale in the memo. Clarke explained that the reason for the recommended changes is to reduce ambiguity.

Motion by Cole, seconded by Miller, to close the public hearing. Voting: unanimous. Motion carried.

Clarke said that revisions will be made and brought back to the commission at the next meeting.

## **6. Discussion on Automobile Service Station Uses and Nonconforming Structures**

Granda overviewed his proposed revision to the vehicle fueling station definition, keeping in mind future trends, and current vehicular fuels. Miller asked about the Mobil station and the current configuration. Clarke asked about pumping islands and the threshold of four cars per pumping island. Granda recommended removing references to the islands and discuss the number of pumps. Cole suggested changing the language to a maximum of eight vehicles, and inserting "not limited to" after

fuels to keep in mind of future fuels. Cole discussed who has the authority to provide electric fuels. Granda referenced case law specifying that the provision of EV charging does not make the establishment a utility and clarified that the intent of the language about accessory uses is to allow businesses to provide EV charging without them becoming vehicle fueling stations. Cole recommended specifying that public and private EV fueling stations are not vehicle fueling stations. Venkataraman said that with this suggestion, there would be no way for the town to permit a lot to have only EV charging facilities. Clarke suggested connecting EV charging as accessory use to an existing establishment. Venkataraman recommended including "electricity" next to "liquid and gaseous fuels", and setting parameters for accessory uses to make sure the use is accessory. Clarke asked if the latter is an issue the commission needs to consider. Granda said that he predicts that EV charging technology would not be able to rapidly fuel vehicles akin to a gas station. Miller said that to her it didn't matter if a convenience store had many EV charging stations. Clarke said she liked the statement on EV charging as accessory uses considering the current context.

Clarke asked considering allowances for EV charging whether the commission would like to allow "sit-down" uses like restaurants as accessory to the vehicle fueling station, and said that she was in favor of such an allowance. Cole, and Alison Anand agreed. Cole suggested a limitation on the space for the accessory uses. Venkataraman said that 20 to 25 percent of the area of the structure hosting the primary use is customary. Granda asked if the limit would be placed on the entire lot. Clarke said the limitation would be placed on the amount of space within the structure for eating and drinking. Anand asked if the limitation is needed. Clarke said she thought its not. Granda said he had concerns about how the neighboring establishments would react, considering past conversations about the Gateway District and truck stops. Clarke and Dan Mullen mentioned the limitations the Mobil Station site has for accessory uses already. Granda said that uses that would be customarily allowed could creep over through the vehicle fueling station allowances. Venkataraman presented to the commission the plans the Mobil Station team presented during the May 19th Planning Commission meeting as a reference and said that the plans reminded him of a Wawa. Clarke asked if restaurants are customary to gas stations. Cole said it was on the west coast, and made note that considering that there are only three gas stations in town and the long-term financial viability, giving allowances to vehicle fueling stations does not seem like a huge risk and that the gas station patrons would generally be travelers making a quick stop. Mullen said that he likes the focus on off-site consumption, said that he cannot imagine a Wawa-like store competing with local restaurants based on personal experience, and recommended the language "pre-packaged foods for off-premises consumption". Clarke suggested instead "prepared foods for off-premises consumption". Miller noted that past conversations highlighted that the viability of gas stations are dependent on accessory convenience stores.

## **7. Section 248 Notice - Vermont Electric Cooperative and Green Mountain Power**

Venkataraman reviewed the Section 248 notice and plans. Granda described the site and location. Clarke asked about the role of the improved substation with the solar field. Venkataraman said that he figured it would improve the functionality of the solar field but would have to defer to Granda. Granda said that he was not too familiar with the technical aspects of this site. Venkataraman said that based on his understanding and Jeff Forward's comments during the Selectboard meeting, the project would be a minor improvement to the existing substation and would not have a major impact on the area. Anand asked about the location of the nearest houses. Venkataraman said that the nearest dwellings to

the substation are thousands of feet away. Venkataraman reviewed the commission's options to move forward. Granda recommended deferring to Energy Coordinator Jeff Forward to provide comment. Cole said that the project seems like a routine improvement to an existing substation. Mullen said he has to recuse himself from this item and cannot provide comment. Anand asked if the neighbors are aware of the project and have comments. Miller asked for clarification about the public hearing. Venkataraman said that the commission has the right to hold a public hearing with the applicant and the Department of Public Service in attendance. Anand said that holding a public hearing would be a good idea. Granda disagreed, and suggested that the commission should hear from the town Energy Coordinator on how to proceed. Miller and Clarke agreed. Clarke said that she or Venkataraman will reach out to Forward for comments.

#### **8. Discussion on August 4th Meeting Agenda**

Clarke said that a discussion on Williams Hill Road will be on the August 4th agenda and asked what the Planning Commission would like to know about this subject. Cole asked for clarification on the commission's role. Venkataraman said that he and the commission have the ability to provide testimony during the hearing for the Selectboard's consideration in their rendering of the decision. Cole said he wanted a better understanding of the basis for giving up a town asset. Cole said the town's ability to restrict access is indirect and is tied with the town's desire to maintain the road. Fausel said the commission needs to find out about the official decision regarding Williams Hill Road and Ancient Roads. Cole said that he does not believe Williams Hill Road is an Ancient Road because it has been on the Town Highways Map since 1931 and asked for additional information about Johnnie Brook Road to see the town's options going forward. Cole asked about the intent of this item during the August 4th meeting. Clarke said that it was for fact-finding and determining the stance of the commission. Cole suggested that Venkataraman reach out to VTrans about the levels of maintenance on Class 4 roads--can the town choose to maintain a swath of the road that would indirectly not allow vehicles--and asked the commission wants to give up an asset, even as a trail. Clarke asked for more information about the petition, and the trails committee's request.

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

Motion by Granda, seconded by Cole to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:02 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner