

Richmond Planning Commission
REGULAR MEETING MINUTES FOR August 4, 2021

Members Present:	Lisa Miller, Mark Fausel, Dan Mullen, Chris Granda, Chris Cole, Joy Reap, Alison Anand,
Members Absent:	Virginia Clarke, Jake Kornfeld,
Others Present:	Ravi Venkataraman (Town Planner/Staff), Lauck Parke, Stephanie Rogers, Jeff Forward, Tyler Merritt, Allen Knowles, MMCTV

1. Welcome and troubleshooting

Chris Cole called the meeting to order at 7:05 pm.

2. Public Comment for non-agenda items

None

3. Adjustments to the Agenda

None

4. Approval of Minutes

Motion by Mark Fausel seconded by Lisa Miller, to approve the July 21, 2021 Planning Commission meeting minutes. Voting: unanimous. Motion carried.

5. Section 248 Notice - Vermont Electric Cooperative and Green Mountain Power

Venkataraman provided an overview and an update to the substation improvements proposal. Venkataraman said that he did not note any flagging issues with the proposal. Venkataraman said that per statute, the Planning Commission can provide comments directly to the applicant, hold a public hearing with the applicant and the Department of Public Service in attendance, and/or provide comments during the PUC's public hearing. Chris Granda asked if a representative from Green Mountain Power is in attendance for this meeting. Venkataraman said no. Venkataraman added that per Section 248, direct abutters are notified by mail, and that he and the Selectboard have not received comments for this project.

Jeff Forward agreed that the proposal is minor in nature. Forward provided a history of the substation project. Forward identified the proposed lighting, noted that the lighting would only be on in case of emergency. Forward said that he does not note any visual or significant impacts with the proposal.

Miller asked about if battery banks will be in place. Forward said that the proposal does not include

battery banks, that he has talked to Green Mountain Power and Vermont Electric Coop about battery banks, that the building has a small battery backup for the relay switches for short periods of time, and that he would encourage the development of larger battery banks due to the significance of the substation.

Cole asked Venkataraman if the point of the discussion is to decide whether the Planning Commission wants to hold a public hearing. Venkataraman listed the commissions options to move forward. Forward identified the land tenure issues from the past development of the substation. Granda noted the high intensity of the lighting and the timer setting. Granda recommended that the lighting have a timer setting and a motion detector. Cole asked for clarification on the lighting. Venkataraman and Forward said that the lighting would be on for emergencies, and recommended that the commission provide those comments to the applicant to control the quality and intensity of the lighting. Forward suggested sending the applicant the town's lighting ordinance, and recommended that the applicant comply with the lighting ordinance.

Forward made note of Mary Houle's comments during the Selectboard meeting regarding the transfer of land tenure to the town. Cole said that the focus of this discussion should be on the technical aspects of the applicant's proposal, and that the land ownership matter should be handled by the Selectboard.

Cole requested that Venkataraman compile the commission's comments on the proposed lighting for the PUC, and asked when the comments need to be submitted. Venkataraman clarified that the comments would be to the applicant pursuant to Section 248, not the PUC, and that the deadline is August 24, 2021. Forward recommended sending the comments to the PUC, GMP, and VEC. Venkataraman asked if the commission would like to include comments about the battery. Cole said yes.

6. Discussion on Performance Standards for Hazardous Materials

Venkataraman presented the draft language to the Planning Commission and pointed out that subdivisions (a) through (g) are currently in the zoning ordinance and are unchanged, and that subdivisions (h), (i), and (j) are under review. Miller pointed out that proposed subdivisions (h), (i) and (j) are similar in language and intent, and asked if all three points are necessary. Cole said that the three referenced materials are similar but not the same, and that he would be open to recommendations to combine all three points. Miller noted the overlap, that all three referenced materials are "hazardous", and that combining the points would make sense.

Cole said that for future reference, if commission members have concerns about the proposed language in the packet, members should put together ahead of time and present during the meeting a revision to that language.

Miller suggested the following: "(h) Hazardous materials and wastes shall be stored on and removed from lots without causing detrimental effects to adjacent lots or to public or environmental health. These substances shall be stored only within a structure. All uses shall comply with all federal and state regulations for the use, storage, transport, and disposal of hazardous materials and wastes." Miller

suggested striking through (i) and (j). Fausel made note that aboveground diesel storage for home heating is a hazardous material not stored within a structure. Fausel said that hazard materials and wastes are governed by Vermont Department of Environmental Conservation, and that towns cannot contradict the state's regulations. Fausel agreed with Miller's revision, with the suggestion of removing the requirement that hazardous materials and wastes need to be stored within structures.

Cole asked if with the suggested revisions, the language should be in a standalone ordinance. Venkataraman said that the current markup of the performance standards can be kept within zoning because it reads like zoning performance standards. Venkataraman added that typically towns keep lighter performance standards to give itself the flexibility to enforce performance standards without conflicting with agencies with greater jurisdiction, and that these performance standards will need to be placed in a different section of the zoning so that it applies to the entire town, not just Conditional Use Review. Cole asked Venkataraman's thoughts on the proposed revision. Venkataraman said that he had no qualms about the proposed changes because of the overlap in regulations. Fausel and Cole said that removing the requirement that hazardous materials need to be stored within structures does not exempt uses from complying with DEC requirements of storing hazardous materials within structures. Venkataraman said that the definition of "structure" in the zoning regulations include aboveground storage tanks.

Cole asked Venkataraman if the commission needed to vote on the proposed language. Venkataraman said that it can be voted on during the next meeting, along with the proposal to amend the Certificate of Occupancy requirements and nonconforming lots language.

7. Discussion on Vehicle Fueling Stations, Powered Vehicle Service, and Powered Machinery Service uses

Granda overviewed the proposed language for vehicle fueling station uses, noting that EV fueling takes significantly longer than fueling vehicles using other types of fuels, and recommended removing the option to install a Level 2 charger, thereby requiring the installation of a DC fast charger. Granda highlighted the difference in charging speeds among different types of chargers, citing the Kia Niro as an example. Granda said that the DC fast charger would have more utility and practicality at a vehicle fueling station. Dan Mullen asked about the cost difference between a level 2 charging station and a DC fast charging station. Granda said that the costs are changing on a month-by-month basis, and that DC fast chargers have become significantly cheaper over the course of the last few years. Granda recommended including a definition for DC fast chargers that would be modest in comparison to the technical standards for Tesla superchargers. Forward said that having an accessible DC fast charger so that community members can get enough fuel to get home would be appreciated, that the amount of energy needed for DC fast chargers would have an impact on the energy utilities and their ability to provide enough wattage, and that even though a Level 3 charger would be fitting for the Mobil station, the commission should get technical advice from the energy utility on the impacts of such a requirement. Granda said that the definition of a DC fast charger needs to be in place so that the requirement is appropriately scaled.

Cole asked how the addition of the vehicle fueling station definition would affect the gas stations currently in town. Venkataraman said that the effects will depend on a number of different factors--

whether the other gas stations want to redevelop and expand in the future, thereby forcing them to become vehicle fueling stations in order to do so--because the existing gas stations can remain as nonconforming uses as long as the scale of nonconforming use is unchanged. Grand asked for clarification on the degree of proposed change that would force current gas station owners to have to consider becoming a vehicle fueling station. Venkataraman said that that too will depend on the changes the commission would like to put in place for nonconforming uses, that typically nonconforming uses can remain unchanged perpetually, and that if expansion is being considered, he and Keith Osborne would suggest that the applicant aim to conform to the vehicle fueling station definition.

Miller raised discussion about the potential presence of EV charging stations as accessory uses. Cole said that it is currently hard to determine how widespread EV charging stations will be in the future and that he foresees people charging their cars in locations where they would stay for longer periods of time, like downtowns and shopping centers.

Forward recommended including the provision of biodiesel in the definition. Miller noted clarification is needed on the food service accessory use--namely "pre-packaged foods for off-premises consumption".

Venkataraman recommended that before the next meeting the commission look at a map to determine where they would want to have powered vehicle services and powered machinery services in order to determine the need for two separate definitions.

8. Discussion on Williams Hill Road

Cole introduced the discussion, framed the discussion on understanding the facts, and said that no decisions on the matter can or will be made. Cole reviewed Venkataraman's memo.

Tyler Merritt said that Williams Hill Road would be a useful connector for commuters and for recreational users on bike and on foot, that the town should never give up a right-of-way, and that he and the Trails Committee would support changing the road designation to a Legal Trail. Allen Knowles concurred with Merritt's statements as a member of the Transportation Committee, noted that Williams Hill Road is an excellent way to go to Hinesburg via e-bike, and that this connection would be highlighted as connection between Richmond and Hinesburg on the currently ongoing bicycle/pedestrian master plan work.

Joy Reap asked about the status for e-bikes if Williams Hill Road were to be open as a Legal Trail. Merritt said that the Trails Committee's policy on e-bikes is to be determined. Knowles said that class 1 e-bikes are not considered motorized vehicles and would not be subject to those regulations. Venkataraman said that towns can limit the types of motorized vehicles and wholly prohibit motorized vehicles on legal trails as long as the limitation or the prohibition is in an ordinance. Cole asked about the status of Johnnie Brook Trails. Venkataraman said that he understands that Johnnie Brook Trail is a Legal Trail but it is listed on the Town Highways Map as a primitive road. Merritt said that Johnnie Brook Trail is considered a class 4 road. Forward said that e-bikes are widely misunderstood, and that e-bikes are more like bikes than motorized vehicles. Reap asked about the procedure for changing the road from a Legal Trail to a Class 4 road. Merritt said that since the town retains the right-of-way for Legal

Trails, the Legal Trail can be upgraded back to a Class 4 road or higher. Venkataraman said that he was not sure about the process for turning the Legal Trail back into a Class 4 road but is aware that it is possible.

Miller asked about the status of the culverts on Williams Hill Road as shown in the enclosed survey. Cole said that the town is not required to maintain Class 4 roads, and that he is somewhat aware that the town cannot neglect infrastructure if it negatively impacts neighboring properties. Venkataraman pointed out that the culvert referenced is for the driveway, not for Williams Hill Road.

Fausel asked about the costs involved to turn Williams Hill Road into a viable trail. Merritt said that work would be involved and that because the segment is not that long, it could be done by volunteers. Cole asked if the town could retain Williams Hill Road as a Class 4 Road but restrict maintenance to make it viable to only bicycles and pedestrians. Merritt noted that Johnnie Brook Trail is maintained by the Cross Vermont Trail and that the Trails Committee does do some maintenance with its limited budget. Venkataraman said that access to Class 4 roads is done indirectly by limiting the amount of maintenance on class 4 roads, the types of uses that can use the class 4 road, and future development off class 4 roads. Miller asked if there are landlocked parcels. Cole said no, and that the right-of-way would be given either back to the parent parcels or to adjoining parcels equally.

Forward said that Williams Hill Road may be older than 1931. Merritt said that Williams Hill Road is in maps from the 1870s.

Cole asked by when the commission would need to communicate to the Selectboard in writing. Venkataraman said that the commission should provide written comments by the end of the day of September 16th.

9. Discussion on August 18th Meeting Agenda

Venkataraman said that for the next meeting, the commission will need to finalize the proposed amendments that have already been reviewed during a public hearing (state permit references, nonconforming lots, COs), to discuss nonconforming uses and structures, and to go over the status of the Town Plan goals.

10. Other Business, Correspondence, and Adjournment

Motion by Granda, seconded by Fausel to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:01 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner