Town of Richmond
Planning Commission Meeting
AGENDA
Wednesday, December 15th, 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/83503119719
Meeting ID: 835 0311 9719
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.

1. Welcome, sign in and troubleshooting (7:00 pm)

2. Public Comment for non-agenda items (7:01 pm or upon completion of Item #1)

3. Adjustments to the Agenda (7:05 pm or upon completion of Item #2)

4. Approval of Minutes (7:06 pm or upon completion of Item #3)
- November 3rd, 2021

5. Presentation on Conservation Subdivisions by Kayla Vaccaro (7:10 pm or upon completion of Item #4)

6. Discussion and Finalization of FY23 UPWP applications; and creation of plan for upcoming Gateway District zoning discussion and update (7:30 pm or upon completion of Item #5)

7. Preparation of draft regulations on wetlands, vehicle fueling station, and nonconforming structures and uses for Public Hearing (8:30 pm or upon completion of Item #6)

8. Other Business, Correspondence, and Adjournment (9:00 pm or upon completion of Item #7)

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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 welands 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

To: Richmond, VT Planning Commission

From: Kayla Vaccaro

Date: 12/10/2021

Subject: Fall 2021 Planning Intern Study on future PUD design in Richmond

Summary of Position: The goal of the Planning Intern position was to determine best practices for future planned unit developments (PUD) in Richmond's Agricultural/Residential district. Through this internship, I completed the task of assessing the character of the land and development of Richmond, researched planned unit developments, studied surrounding Vermont town's planned unit development/conservation subdivision regulations, and modeled what future planned unit developments could look like in the Agricultural/Residential district based on found best practices.

Methods:

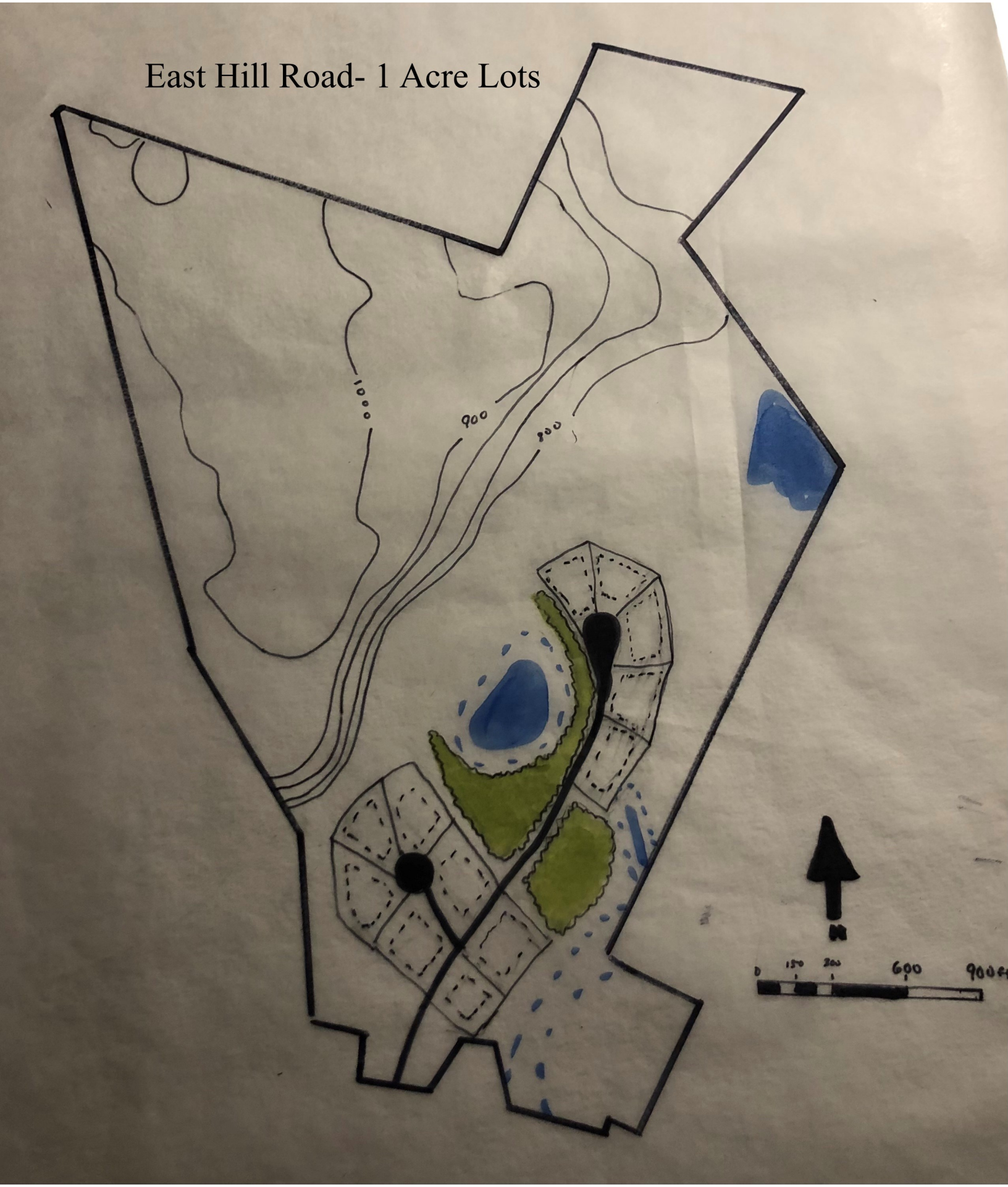
- Assessing Character of Land: By driving through Richmond and reviewing zoning files including subdivision plans I was able to get a handle on what density, lot configurations, and lot sizes are the status quo in Richmond.
- Density Calculations: GIS and Excel were used to calculate average density of the Ag-Res district resulting in 5-10 acres/unit rather than 1 acre/unit maximum density. This was important to note in order to justify conservation subdivisions that would not be able to maximize the density like a typical subdivision due to open space requirements.
- Natural Resource Maps: The purpose of the Planned Unit Development regulations in the Agricultural/Residential District is to preserve the natural and scenic qualities of Richmond. In order to visualize resource constraints, I created five natural resource maps based off of the natural resource maps found in Richmond's town plan using data from VCGI. These maps included the visualization of the average density calculations.
- PUD study/ Comparison Table: After reading various papers on Planned Unit Developments I read PUD regulations surrounding Vermont towns have for conservation subdivision design and created a comparison table that highlights their dimensional standards, purposes, open space criteria, etc.
- Model PUD Design: To visualize a planned unit development that maximizes open space and natural resource preservation we chose two parcels in Richmond to model. I designed example PUDs on these properties according to sample dimensional and open space requirements. By first mapping natural resource constraints, identifying areas for housing clusters, drawing in streets, and then drawing in lot boundaries.

Recommendations:

- Identify primary and secondary conservation resources, and prioritize these resources in the open space criteria.

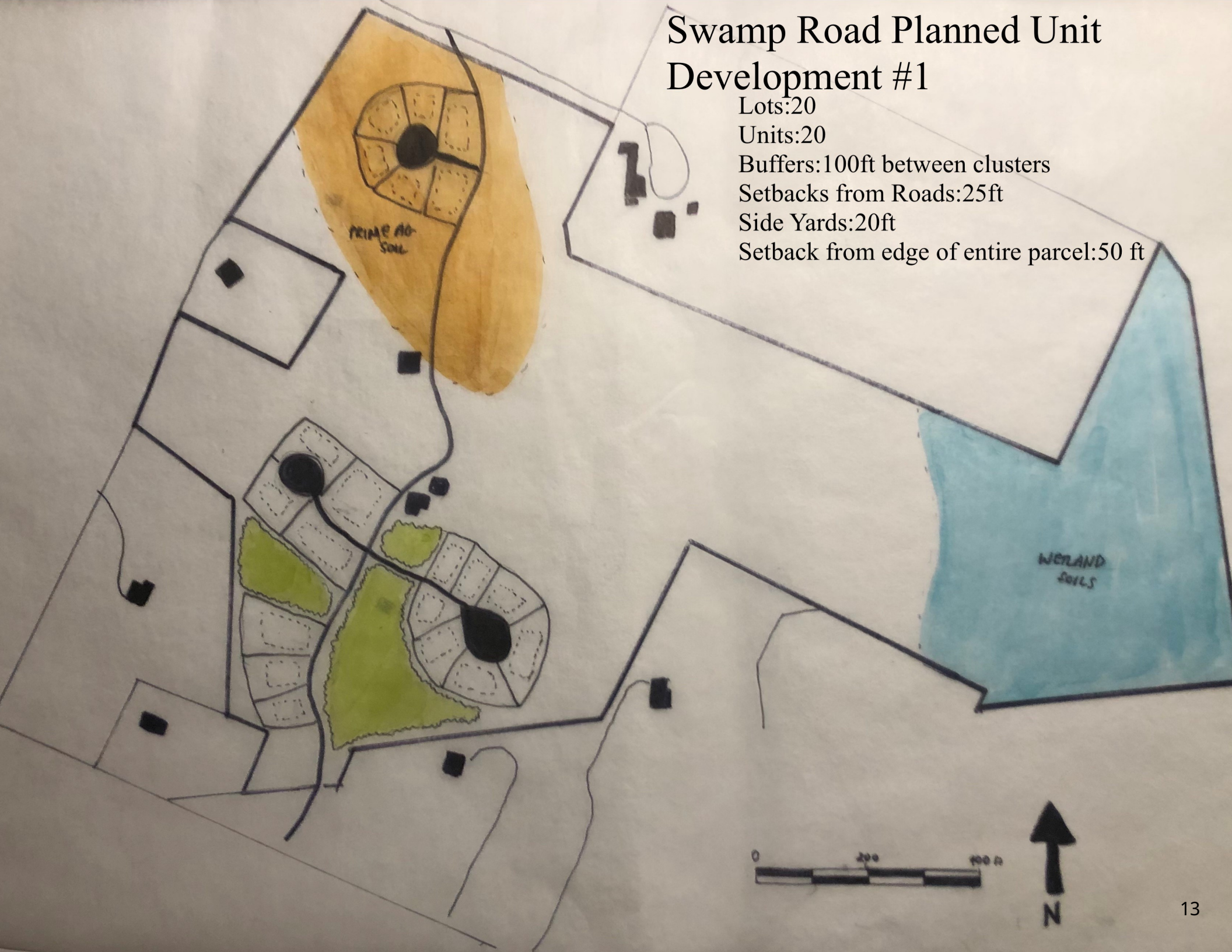
- Maximize buffer requirements in order to provide both privacy screening and wildlife corridors. This could include some landscaping details. Ideally, buffers would preserve existing vegetation on property when possible. Fifty feet of well-landscaped buffers may be more useful than 150 ft of sparsely landscaped buffers.
- In order to maintain rural character it is generally recommended that 60-75% of open space is preserved.

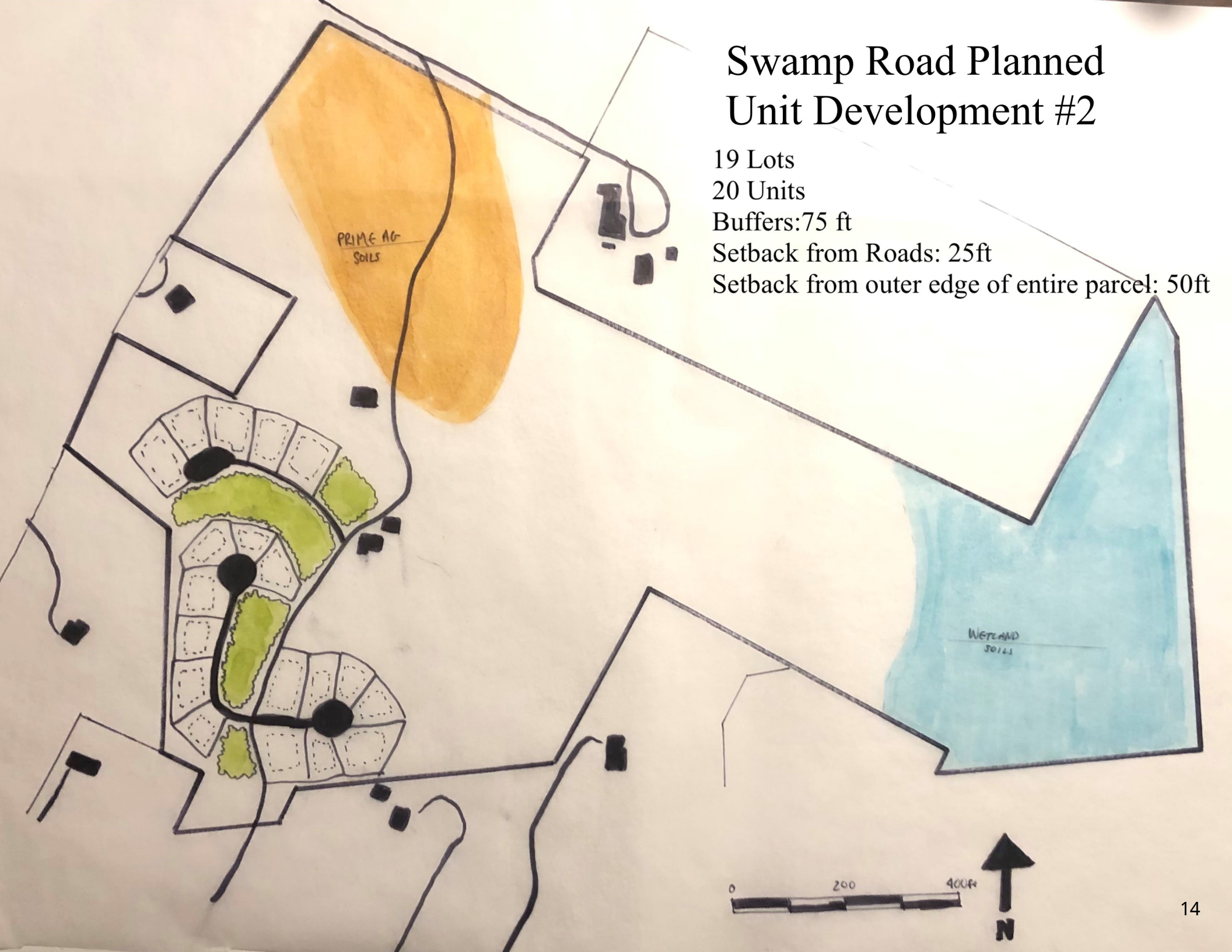

East Hill Road
Lots: 27
Units:33
Single Family Dwellings:21
Multi-Family Dwellings(2-units):6
Road Set Back: 50ft
Side Yard minimum: 20ft
Buffers:150ft minimum
Lot sizes in this model .51-1.63Acres
% Open Space:80%
1000
900
800
N
0 150 300 600 900ft


East Hill Road- 1 Acre Lots
1000
900
800
N
0
150
300
600
900+

Swamp Road Planned Unit Development #1

Lots:20
Units:20
Buffers:100ft between clusters
Setbacks from Roads:25ft
Side Yards:20ft
Setback from edge of entire parcel:50 ft

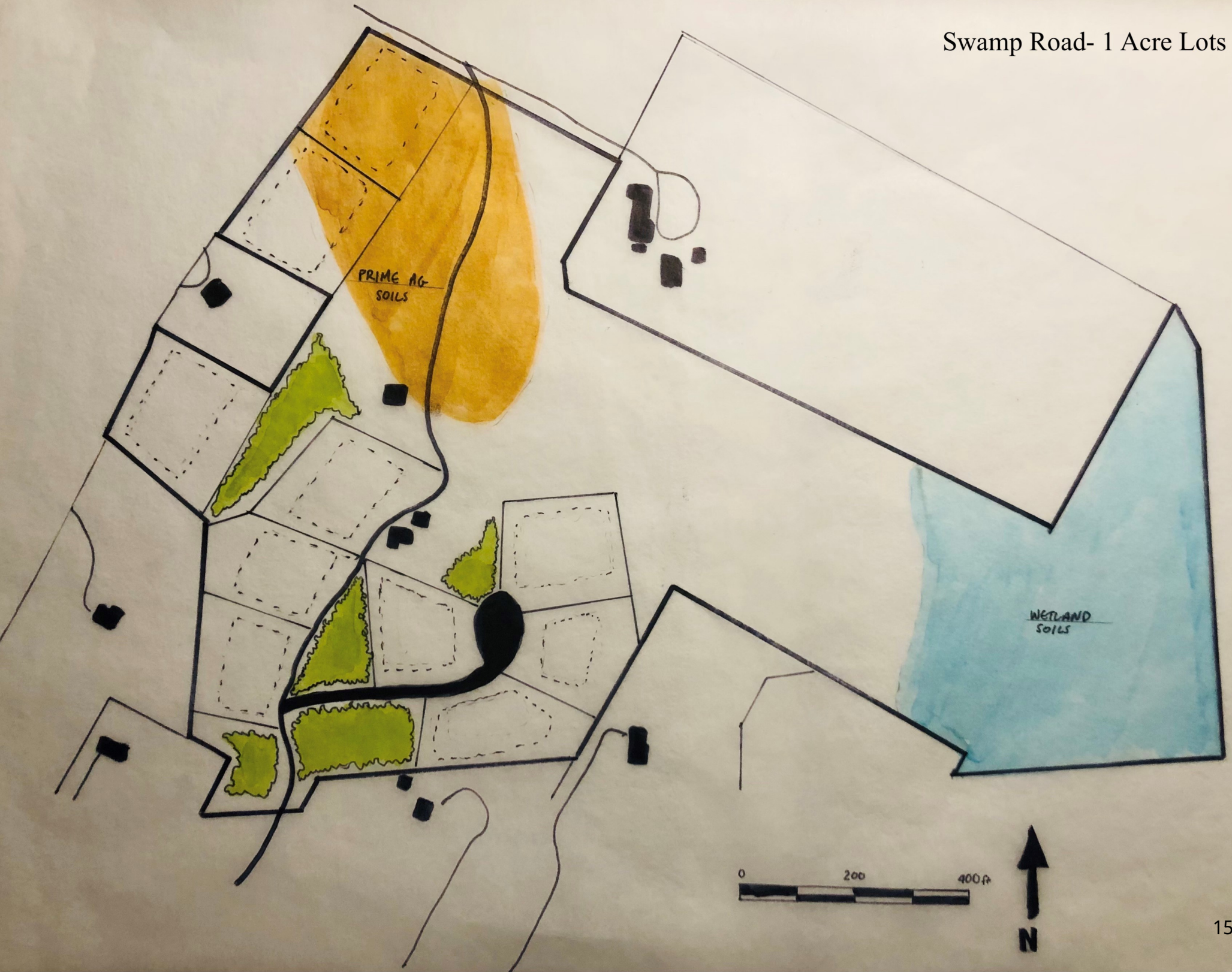




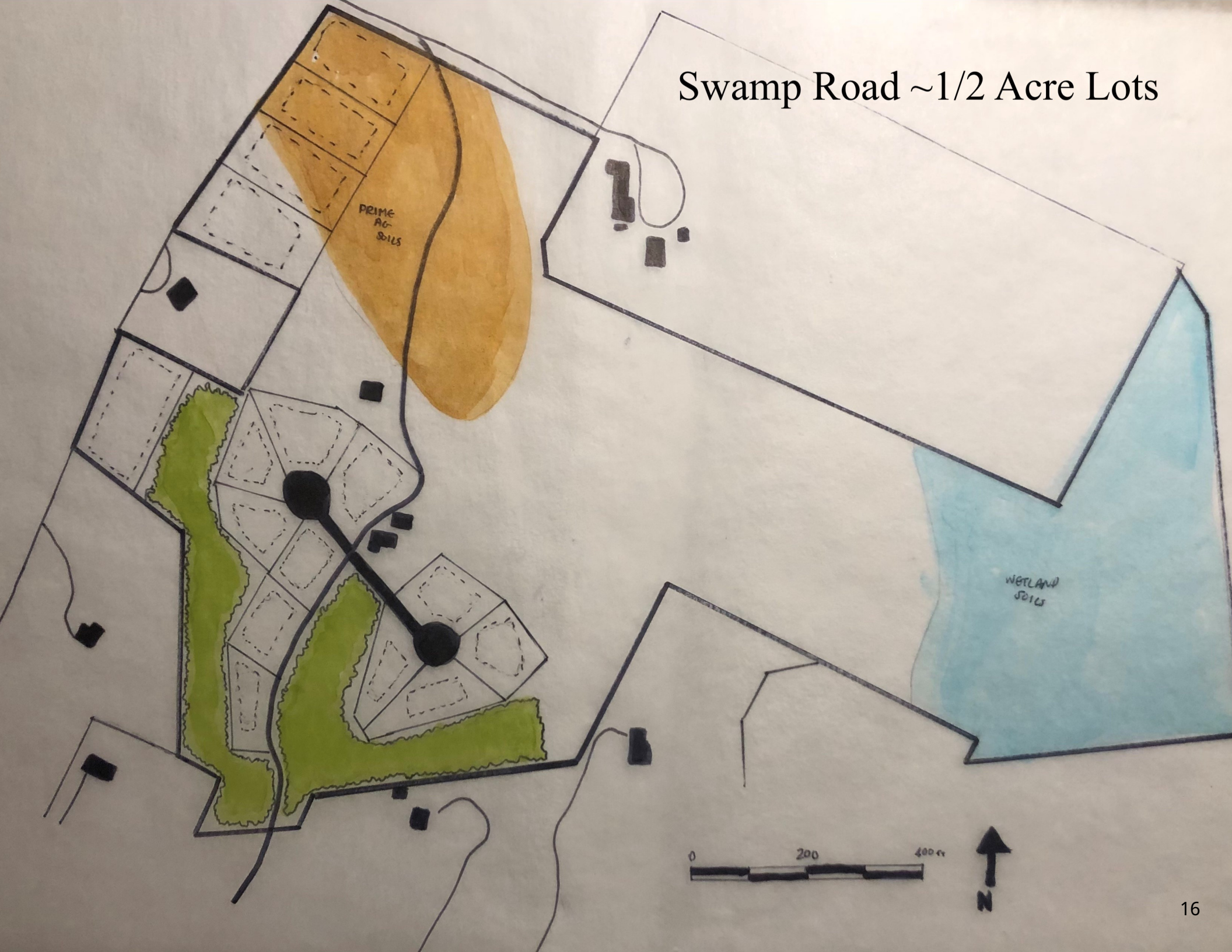
Swamp Road Planned Unit Development #2

19 Lots
20 Units
Buffers:75 ft
Setback from Roads: 25ft
Setback from outer edge of entire parcel: 50ft

Swamp Road- 1 Acre Lots



Swamp Road ~1/2 Acre Lots



Town of Richmond, Vermont
Phase I - West Main Street Wastewater Extension (End at Reap Property)
Estimated Permitting/Design/Construction Schedule

DRAFT

Revised 10/27/21

Task Number	Task Description	Early Timeframe (Days)	Late Timeframe (Days)	Early Schedule		Late Schedule		Comments/Responsibility
				Begin	End	Begin	End	
1	Resident Vote to Expand W/S District	60	60	10/11/2021	12/10/2021	10/11/2021	12/10/2021	Town of Richmond
2	Richmond Bond Vote	115	115	12/11/2021	4/5/2022	12/11/2021	4/5/2022	Town of Richmond - Town Meeting Day
3	Design Agreement/Review & Town Approval	30	30	4/6/2022	5/6/2022	4/6/2022	5/6/2022	GME/Town of Richmond
4	Surveying/Geotechnical/Design	60	60	5/7/2022	7/6/2022	5/7/2022	7/6/2022	GME
5	Selectboard Review/Approval	14	30	7/7/2022	7/21/2022	7/7/2022	8/6/2022	Town of Richmond
6	Local Zoning Review/Approval [1]	0	0	7/22/2022	7/22/2022	8/7/2022	8/7/2022	Not Required for Phase I
7	Wetlands Permitting/Review/Approval [1]	60	60	7/23/2022	9/21/2022	8/8/2022	10/7/2022	GME/State
8	Vtrans Permitting/Review/Approval [1]	60	120	7/23/2022	9/21/2022	8/8/2022	12/6/2022	Town of Richmond/GME/State
9	SHPO Review/Permitting [1]	45	45	7/23/2022	9/6/2022	8/8/2022	9/22/2022	GME/State
10	Act 250 Permitting	60	120	9/22/2022	11/21/2022	12/7/2022	4/6/2023	GME/Assumes review limited to Phase I
11	Permit to Construct	45	45	11/22/2022	1/6/2023	4/7/2023	5/22/2023	GME/State
12	Bid Document Preparation	14	14	1/7/2023	1/21/2023	5/23/2023	6/6/2023	GME
13	Public Bidding Period	30	30	1/22/2023	2/21/2023	6/7/2023	7/7/2023	GME/Town of Richmond
14	Bid Opening/Review/Award	30	30	2/22/2023	3/24/2023	7/8/2023	8/7/2023	GME/Town of Richmond
15	Construction (No winter construction, start 5/1)	45	45	5/8/2023	6/22/2023	8/8/2023	9/22/2023	GME/Town of Richmond
16	Final Completion/Approval/Payment	14	14	6/23/2023	7/7/2023	9/23/2023	10/7/2023	GME/Town of Richmond

Legend

[1] Represents concurrent tasks

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: December 10, 2021

SUBJECT: Proposed amendments to Wetlands, Nonconforming uses and structures, and Vehicle Fueling Stations

Materials for Consideration

For your consideration, enclosed are:

- Draft Regulations on Wetlands
- Draft Regulations on Nonconforming Structures and Uses
- Draft Regulations on Vehicle Fueling Stations
- Draft Municipal Bylaw Amendment Report
- A statement prepared by Virginia Clarke on the Planning Commission's rationale to limit the development of Vehicle Fueling Station uses to four pumping islands

Process Going Forward

If you are satisfied with the enclosed draft language, I recommend that you move to warn a public hearing for January 19, 2022.

Once finalized, the proposed amendments will be forwarded to the Town Attorney for legal review.

To facilitate action, I have prepared the following draft motion:

> *I,_____, move warn a public hearing for January 19, 2022 on the amendments to the Richmond Zoning Regulations 4.7, 4.8, 4.9, 4.14, 5.10.1, 6.9, and 7*

Wetlands -- clean copy 12.5.21

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 paths, 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 paths, 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 at the site of the crossing.

6.9.3.4 Conditional Use Approval may be granted for the reconstruction, replacement or relocation of nonconforming structures and existing impervious surfaces that encroach 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 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. 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;
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;
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 ponds, but excluding such areas as grow food or crops in connection with farming activities.

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

Nonconforming structures and uses -- proposed new language for 4.7 – 4.9 12.5.21
Current sections ~~4.7, 4.8~~ 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 wetland 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 shall extend into the buffer further than one half (1/2) the required width of the buffer;~~

a) The need and justification for the buffer distance reduction shall be provided;

b) The buffer reduction will not pose any adverse effects to adjacent properties, roads or rights-of-way;

c) Overall, the proposed land development, even with the proposed buffer reduction, will improve the quality and function of the wetland that the buffer protects.

d) The Richmond Conservation Commission shall provide a letter indicating the degree to which the conditions of Section 4.7.8 have been 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.

<u>New Definitions (replace current):</u>

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.

(Setback – *same as new definition in vehicle fueling station)*
(Structure – *same as new definition in vehicle fueling station)*

Vehicle Fueling Station clean copy 12.5.21

Definitions:

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.~~

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, but not limited to, 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.-

Powered Vehicle and/or Machinery Service - A commercial establishment, including land and buildings, for which the principal use is the repair and maintenance of powered vehicles and/or machinery. Accessory uses include rebuilding, reconditioning and body shop work; the sale and installation of parts and accessories, and the sale or leasing of no more than 4 vehicles at any one time.

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, or successor standards, and will be rated at a minimum of 50 kilowatts electric power output.

Setback – *[replaces existing]* The distance from a lot line or, if applicable, from the center line of a road or highway right-of-way, to the edge of the building footprint or of any structure on the lot, including the edge of a deck or cantilevered area. The setback provisions of these Zoning Regulations do not apply to fences, accessory electric vehicle charging stations, roof overhangs or signs outside a road right-of-way, except where specifically provided.

Structure – *[replaces existing]* An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home, sign, wall, fence, or storage tank for liquid or gas that is principally above ground. The term structure does not include tanks that are fully underground, septic system components, or impervious surfaces such as driveways or parking areas.

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. 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.

Planning Commission Reporting Form
for Municipal Bylaw Amendments
(Modifications to parts of the Zoning Regulations to clarify development rights for nonconformities, for properties within wetlands, and for EV charging)

This report is in accordance with 24 V.S.A. §4441 (c) which states:

When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384 (c) of this title concerning plan amendments...The report shall provide:

(A) Brief explanation of the proposed amendment and...include a statement of purpose as required for notice under §4444 of this title:

This Planning Commission proposal modifies zoning regulations for nonconforming uses and structures, vehicle fueling station uses, electric vehicle (EV) charging stations, vehicle and machinery repair uses, and development within wetlands. The proposal includes the rezoning of a parcel from the Gateway District to the Industrial/Commercial District. The proposal would clarify development rights for properties containing nonconforming uses and structures, and wetlands. The proposal would also further the Town's energy goals by stipulating EV charging station requirements for certain commercial uses.

And shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The Planning Commission concluded that the proposal conforms and furthers the goals contained in the municipal plan by promoting compliance with state statute. Specifically, the Planning Commission cited the following objectives from the 2018 Town Plan:

- Create clear guidelines and information resources for permit applicants, clarifying requirements and steps for permitting and approval.
- Support the installation of private and public electric vehicle (EV) charging stations in convenient locations. Consider installing one at the Town Center, the Park and Ride and along travel corridors.
- Consider requiring EV charging stations for new commercial development.
- Update zoning regulations to include language to clarify permitting requirements for new electric vehicle charging installations and support the ongoing development of this infrastructure.
- Encourage development that protects natural resources and preserves scenic and/or historic character of Richmond
- Utilize the best available science to inform the creation of supplemental land use regulations and maps that would further conserve or protect sensitive natural areas
- Review land use regulations to ensure compliance with all Vermont and federal regulations that provide surface water protection

2. *Is compatible with proposed future land uses and densities of the municipal plan:*

The Planning Commission concluded that the proposed new commercial uses and the proposed locations would be compatible with the 2018 Town Plan. The location of the proposed new commercial uses would be located within the following districts listed in the Future Land Use section of the 2018 Town Plan: Northwest Industrial-Commercial, Gateway, and Villages.

In addition, the Planning Commission concluded that the proposed rezoning of one parcel from the Gateway District to the Commercial/Industrial District would be compatible with future land uses specified in the 2018 Town plan.

Proposed amendments to regulations for nonconforming uses and structures and wetlands would not affect proposed future land uses and densities of the Town Plan.

3. Carries out, as applicable, any specific proposals for any planned community facilities:

The proposed amendments does not carry out any specific proposals for any planned community facilities. In addition, the proposed amendment does not conflict with any proposals for planned community facilities.

Vehicle Fueling Station – Proposed Rationale for Maximum of 4 Pumping Islands -- 11.7.21

In the course of updating and modernizing our vehicle fueling station definition and regulations, we have considered the issue of the number of pumping islands that might be incorporated into such a facility, and concluded that, for Richmond, the maximum number of islands should be four. The reasons for this fall into two categories: **scale** and **energy transition.**

Scale is relevant both in reference to the size of our region (Rt 2 corridor), our village, and to the size of the site. This location is not strictly "on" the interstate highway (I-89), although it is accessible from Exit 11, as is the Lucky Spot fueling station nearby on another state road, Rt 117. Fueling stations along Rt 2 between Richmond and Burlington, including at Exits 12 and 14, tend to have 2 – 4 pumping islands, generally in the stacked configuration (if 4). In this corridor, there are 2 stations with 5 pumping islands, both with 3 islands on one side of the convenience store building, and 2 on the other. This configuration reduces the massing effect which would occur if all islands were arranged together. These smaller stations along Rt 2 contribute to the sense that our region is a chain of villages linked by a local road to our small city. For those drivers that exit the interstate seeking fuel, they can feel that they are entering into the world of Vermont villages, even as they enjoy the proximity of the station close to the highway.

The section of Rt 2 between Exit 11 and Richmond's downtown has long been fiercely protected by Richmond citizens from excessive commercialization. Commercial uses have been welcomed, but a maximum footprint size and other restrictions have attempted to prevent "strip development" in this area, and continue to create a village-scale, welcoming, entrance to Richmond from the north and west with a mix of local businesses and housing. We feel that permitting a fueling station that exceeds the size of others in this area does not contribute to the desired village "character of the area."

The third point about scale is that the site itself is a small island created out of a wetland. The proposed design already pushes out into the wetland buffer and extends close to the edge of this island. This does not seem a suitable location for station that is a larger than usual for the region, with less of a buildable area.

The second category, **energy transition**, speaks to the fact that at the same time as this Mobil application is seeking approval for a 30% increase in gasoline pumping capacity, the state of Vermont is striving to reduce gasoline usage by electrifying a significant portion of our vehicle fleet. Currently, the transportation sector accounts for approximately 40% of greenhouse gas emissions in Vermont. The Global Warming Solutions Act, approved by the Vermont Legislature in 2020, mandates large greenhouse gas reductions by target dates of 2025, 2030 and 2050. The Climate Council is currently nearing completion of the first draft of the Vermont Climate Action Plan, mandated by the GWSA and due December 1, 2021, which includes, as a high priority, replacing a large portion of the cars on the road with electric vehicles. The LEAP modelling completed by the consultant (Cadmus) indicates that to meet the mandated goals, the EV share of automobile sales in Vermont needs to be 40% by 2025 and >80% by 2030. There is a serious commitment in this state to address the climate crisis, and even if we cannot get to these numbers, there will be, at the very least, significant movement in this direction.

The Mobil station applicant has clearly acknowledged this projected trajectory by committing to the installation of 3 DC fast charging EV chargers at the renovated station. As the Planning Commission has only recommended that a single fast charger be required at any new or renovated fueling station within Richmond, we applaud this applicant for thinking further ahead to this coming electrification. Since EV's will be replacing gasoline vehicles, we feel that the need for additional gas pumping islands will decrease rather than increase over the next decade. The 8 pumps plus the 3 chargers will allow a total of 11 vehicles to be fueled at any one time, which is an increase over the current situation.

TOWN OF RICHMOND PLANNING COMMISSION MEETINGS IN 2022

All meetings will be at 7 PM at the Town Offices, Third Floor. Meetings will be accessible online via Zoom, unless otherwise posted.

Wednesday, January 5, 2022	Wednesday, July 6, 2022
Wednesday, January 19, 2022	Wednesday, July 20, 2022
Wednesday, February 2, 2022	Wednesday, August 3, 2022
Wednesday, February 16, 2022	Wednesday, August 17, 2022
Wednesday, March 2, 2022	Wednesday, September 7, 2022
Wednesday, March 16, 2022	Wednesday, September 21, 2022
Wednesday, April 6, 2022	Wednesday, October 5, 2022
Wednesday, April 20, 2022	Wednesday, October 19, 2022
Wednesday May 4, 2022	Wednesday, November 2, 2022
Wednesday, May 18, 2022	Wednesday, November 16, 2022
Wednesday, June 1, 2022	Wednesday, December 7, 2022
Wednesday, June 15, 2022	Wednesday, December 21, 2022