

Town of Richmond
Planning Commission Meeting

AGENDA

Wednesday, March 2nd, 2022, 7:00 PM

Online via Zoom

PLEASE NOTE: In accordance with Act 78, this meeting will be held online and conference call via Zoom only. You do not need a computer to attend this meeting. You may use the "Join By Phone" number to call from a cell phone or landline. When prompted, enter the meeting information provided below to join by phone.

For additional information about this meeting, please contact Ravi Venkataraman at 802-434-2430 or at rvenkataraman@richmondvt.gov.

The Zoom online meeting information is as follows:

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
2. Review of the agenda and adjustments to the agenda
3. Public Comment for non-agenda items
4. Approval of Minutes
 - February 16th, 2022
5. Public Input Session on the Gateway District
6. Vote on proposed zoning amendments to wetlands, vehicle fueling station, and nonconforming structures and uses
7. Other Business, Correspondence, and Adjournment

Table of Contents

4. Approval of Minutes

- Page 3: February 16, 2022 Planning Commission Meeting Minutes

5. Public Input Session on the Gateway District

- Page 9: Gateway discussion document prepared by Virginia Clarke, updated on February 20, 2022 with summary of facts and findings from February 16, 2022 meeting
- On standalone documents:
 - “GaryBressor_Materials.pdf” – Drawings and recommendations prepared by Gary Bressor and presented during the February 16, 2022 meeting

6. Vote on proposed zoning amendments to wetlands, vehicle fueling station, and nonconforming structures and uses

- Page 11: Memo on Proposed Zoning Amendments to Wetlands, Vehicle Fueling Station uses, and Nonconforming Uses and Structures – Overview of proposed changes to the regulations and of procedures
- Page 13: Markup version of proposed Zoning Regulations
- Page 24: Clean version of proposed Zoning Regulations
- Page 33: Municipal Bylaw Amendment Report
- Page 35: Correspondence with Tina Bohl, VTrans Project Manager specifically for Park and Rides program
- On standalone documents:
 - “CurrentZoning.pdf” – Map of current zoning map of the Exit 11 area
 - “ProposedZoning.pdf” – Map of proposed zoning map of the Exit 11 area

Richmond Planning Commission
REGULAR MEETING MINUTES FOR February 16, 2022

Members Present:	Virginia Clarke, Lisa Miller, Chris Granda, Alison Anand, Dan Mullen,
Members Absent:	Joy Reap, Chris Cole, Mark Fausel,
Others Present:	Ravi Venkataraman (Town Planner/Staff), Erin Wagg (MMCTV), Kristen Hayden-West, Jeff Forward, Rod West, Jon Kart, Katie Mather, Gary Bressor, Judy Bush, Francine Pomerantz, Patty Brushett, Jean Bressor, Alexis Lathem, Peter Mumford, Marian Mumford, Ellen Kraft

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:02 pm.

2. Public Comment for non-agenda items

None.

3. Adjustments to the Agenda

Clarke reviewed the meeting agenda. No adjustments to the agenda were made or suggested.

4. Approval of Minutes

No comments. The minutes are accepted into the record as written.

5. Public Input on the Gateway District

Clarke overviewed the topic under discussion, stating that the commission is looking into revising the zoning regulations for the village and are addressing possible changes to the Gateway District due to the potential extension of water and sewer services to the district. Clarke said that the commission will be taking public input during the March 2nd meeting as well. Clarke said that expansion of the Water and Sewer District has been approved by the current and proposed customers of the Water and Sewer District; that a water line extension in addition to a sewer line extension is still under consideration; that a bond vote has to be presented to the Selectboard, and that the Water and Sewer Commission is still determining the details of the bond vote. Clarke said that the sewer, and possibly water, extension project will require Act 250; that Act 250 requires that the proposed development would not promote strip commercial development, and that whether the town's current zoning would pass Act 250 is suspect. Clarke said that the Housing Committee has shown interest in allowing housing, and that the Gateway District is not very large, thus not much housing could be developed within the area. Clarke said that Act 250 could be denied, but that Willis Farm could get town water and sewer service on their own.

Clarke reviewed the Planning Commission's goals for the Gateway District. Clarke added that the commission is considering an amendment to rezone the property containing the Mobil gas station from

the Gateway Commercial District to the Industrial/Commercial District. Clarke opened the discussion for public comment.

Jeff Forward asked in the chat when the bond vote might happen. Clarke said that she is unsure of when the bond vote might happen, as the Water and Sewer Commission is still determining how much capacity is needed for the expansion area and resolving other issues. Katie Mather asked in the chat about the reasoning for the rezoning of the Mobil gas station property. Clarke said that the gas station use fits in better with the other uses surrounding the Exit 11 area compared to the uses in the Gateway Commercial District currently. Jon Kart asked in the chat what uses could be allowed in the Gateway District, such as a Dollar General store. Clarke reviewed the development standards under Act 250 Criteria 9(L). Ravi Venkataraman said that, specific to Kart's question, the commission could employ a number of methods to prevent the type of development Kart alludes to, such as limiting building footprint sizes, types of allowed uses, site placement, building coverage, lot coverage, as well as requiring multiple stories per building and residential uses. Venkataraman added that with the Criteria 9(L) requirements Clarke reviewed, achieving these requirements can be done in multiple ways and that input is needed on how the town would like to achieve these requirements. Rod West asked how the commission is taking into consideration the town plan and economic development. Clarke said that in the Gateway District, only the Reaps' property (Willis Farm) has adequate space for development and that the commission is taking into consideration the potential for commercial and residential development on that property. Clarke added that the potential for commercial development in general is currently uncertain, noting the past conversations about finances and commercial opportunities with the creamery project.

Gary Bressor noted the importance of a multi-use path between the village and the Park and Ride, and shared drawings of possible designs for the multi-use path. Bressor said that there is a path on the Richmond Land Trust property to the school. Bressor encouraged allowances for mixed use development on Willis Farm. Bressor overviewed a topographical map of the Gateway area, and a map depicting design and layout for a possible roadway running parallel to Route 2 along with possible lot layout. Bressor presented possible infill housing options that could be built within his proposed lot layout. Bressor suggested that the property west of the property hosting The Crate Escape be placed in the same district as the farmland south of Route 2 because of the aesthetics the hill provides for the Gateway area.

Kristen Hayden-West asked why a multi-use path between Route 2 and the Park and Ride has not been built out yet. Clarke deferred to Chris Cole, who is absent, and noted issues with Vtrans on building infrastructure. Venkataraman said that Vtrans is not willing to install separate bike/ped infrastructure within that corridor, and that the Town has looked into the feasibility of installing a mixed-use path in 2013/2014. Venkataraman summarized the options from the 2014 feasibility study, and noted the high cost of building out any of the options in the feasibility study. Venkataraman said that he and the Transportation Committee are looking into funding a study that would revisit the 2014 study and provide options that would not be cost-prohibitive. Clarke added that the option to connect the Gateway area to the village through the Richmond Land Trust property and the schools may be further investigated.

Forward said that he disagrees with West's comments regarding economic development, that allowing for further commercial development in the Gateway area would detract from the business and services the town already has, and that he would be in favor of expanding housing allowances. Mather said she was also in favor of more residential development based on past conversations on the creamery project, and that she is mindful of making sure businesses are able to continue to serve the town if they have the need for more space. Kart said that he would like to see more commercial opportunities in the Gateway,

that he has concerns about the possibilities of chain stories in the Gateway, and that he would be in favor of regulations that would support the development of local businesses.

Kart said that as a bicyclist, he wouldn't be inclined to bike up the hill from the Gateway area to the schools to access the village from the Park and Ride, that he encourages the committee to work with the Transportation Committee to support solutions to improve bicycle/pedestrian accessibility along the Gateway corridor, and that the influx of federal funding could be used to improve bicycle/pedestrian accessibility along the Gateway corridor. Granda highlighted the issues with developing a path per the recommendations in the 2014 study, adding that he does not expect much use of a multi-use path between the village and the Park and Ride in the winter months because of its length. Forward asked in the chat about interest to build a path within the I-89 right-of-way. Clarke said that the Transportation Committee had discussed that option; that it was understood that a path along the Route 2 right-of-way would be used more, and that a deeper investigation would be needed.

Patty Brushett said she does not have concerns about Stone Corral Brewery moving to the Gateway District and that she would have concerns about retail uses in the Gateway. Clarke said that the Reaps are developing Willis Farm with commercial and retail uses in mind depending on the zoning allowances for residential uses. Clarke suggested that car wash and self-storage uses could be potential options in the Gateway, considering the need for such uses, the lack of them in town, and the noise pollution impacts of I-89.

Alison Anand complemented Bressor's designs, and said she had concerns about the legality of acquiring lands for infrastructure. Clarke said that the current planning process is looking towards the future, with the understanding that the properties will eventually turn over and that the current property owners will want a sense of the future values of their respective properties. Anand said she had concerns about the noise pollution and asked Venkataraman if he had taken decibel levels of the area. Venkataraman said that he has not yet. Clarke said that she is aware that affordable housing tends to be placed in undesirable locations but that the town is facing a lack of housing in general. Venkataraman said that typically the effects of zoning changes tend to be seen four to five years after the zoning takes effect at the earliest, that in the Gateway context any changes to the built environment will be under the terms of the current property owners, and that the current discussions are planning for the long-term future of the area rather than the immediate future. Granda said that he expects property owners to take advantage of the zoning changes if housing allowances are expanded, because the land value would significantly increase. Lisa Miller said that if a property owner had the opportunity to sell half of their property, she said it would be an attractive offer.

Hayden-West said that from a practical standpoint the Gateway area needs water and sewer service sooner rather than later.

Forward said that the commission should take into consideration traffic concerns and the impact of curb cuts.

Erin Wagg suggested a trail along the railroad and that the commission look into methods to enable bicycle/pedestrian access along the railroad. Clarke said that the commission has not taken areas south of Route 2 into much consideration because most of this land is floodplain. Wagg asked about a recent development proposal south of Route 2. Clarke identified the areas south of Route 2 outside the floodplain, overviewed the subdivision proposal in the identified areas, and said that the subdivision

proposal has not moved forward in the process yet. Clarke added that there is a proposal to move the Richmond Market to a new space at the end of Railroad Street.

Clarke concluded the discussion item by suggesting that the commission members and the public reflect on the discussions this evening and reconsider ideas during the March 2nd meeting. Forward asked for Bressor's maps and designs to be posted on the website.

6. Other Business, Correspondence, and Adjournment

Clarke reviewed the packet documents relating to the proposed zoning amendments, and all the proposed changes to the zoning regulations. Clarke said that regarding vehicle fueling station use requirements, the commission concluded that it would require a DC Fast Charger and limit the number of fuel pumping islands to four. Clarke added that to follow up past conversations on limiting the seating within the accessory convenience store, the commission concluded to limit seating to 20 percent of the floor area of the convenience store. Clarke said that based on the Town Attorney's comments, the draft regulations remove the role of the Development Review Board to make technical decisions regarding development within wetlands and wetland buffers, and that permit decisions will rely on determinations from state wetlands ecologists. Miller said that this would be consistent with the state's expectations.

Clarke said that per the Town Attorney's recommendations, rezoning the Park and Ride area is not being considered currently. Venkataraman said that redevelopment of the Park and Ride area would be an extensive process by Vtrans, that any redevelopment of the Park and Ride area would be subject to the regulations for the Agricultural/Residential District, and that the Park and Ride area is not on a standalone lot currently. Granda asked about the development potential for the Park and Ride. Venkataraman said that he would defer to Chris Cole on the development and redevelopment possibilities for the Park and Ride area, and that in past conversations, Cole had talked about the possibility of landscaping and screening in broad strokes. Granda recommended following up with Vtrans on this subject matter, expressing concern about the possibility of undesirable commercial development. Venkataraman said that locally, the Park and Ride would have to be subdivided from the Vtrans right-of-way, and that the commercial opportunities in the Agricultural/Residential District are limited. Dan Mullen said that based on prior agreements, the zoning district the Park and Ride area belongs to may not matter for redevelopment.

Miller asked about definitions of restaurants. Venkataraman said that the zoning regulations have two definitions for restaurants, one for sit-down restaurants and one for fast food restaurants. Miller said she was concerned that the commission may have missed a detail about restaurants. Clarke said that the definitions for restaurants may need to be reexamined when reviewing regulations for the Gateway District, but this discussion is not needed for the Vehicle Fueling Stations amendment that we are currently proposing, as we are not considering the convenience store sale of food and beverages a restaurant use.

Clarke asked the commission if it would like to take action on the proposed zoning amendments. The Commission elected to wait until its next meeting to approve these amendments for public hearing.

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

Respectfully submitted by Ravi Venkataraman, Town Planner

Chat Log:

00:04:41 Kristen: Kristen Hayden-West
00:05:18 MMCTV Erin: Erin Wagg MMCTV Hi all!
00:05:41 bressor: Gary Bressor
00:11:58 Jeff Forward: Do we know when a bond vote might happen?
00:22:16 katiemather: Can you say more about why you see the mobil station fitting better there?
00:23:28 Jeff Forward: Are the current zoning regulations the ones that are dated 10/25/2021?
00:23:49 Richmond 2: Yes
00:25:17 jon.kart: I appreciate the PC's desire to prohibit "strip development." Can you describe what could be allowed and specifically not allowed in the gateway (for example Dollar store)?
00:26:17 Patty Brushett:What needs to be changed in the current zoning to stop strip development like Dollar General .
00:26:44 Jeff Forward: In addition to allowed uses are there also conditional uses?
00:31:20 bressor: I would like to speak when you can fit me in I cannot seem to find the raise your had icon.
00:34:37 alexis lathem: We don't need a car wash.
00:44:24 Jeff Forward: Can Gary submit these documents so they can be posted on the Town website for wider distribution?
00:49:53 Patty Brushett:I like that the folks in these possible affordable houses could walk/ bike into town. They would be connected.
00:50:33 Peter: We agree with Rods statements regarding the need for small businesses in the gateway district.
00:53:50 Peter: I pre sent our thoughts re agreeing with Rod.
00:54:00 FRANCINE POMERANTZ: I agree with Patty's comment. I like the idea of the development along the gate way into Richmond being residential but I think we do need to have it be walkable and bike-able and right now it's not.
00:56:32 Peter: The expansion to the gateway for small businesses will also create jobs for the community. Thank you Peter and Marian Mumford
00:59:44 Kristen: Let's swap. Stone corral can be next to the interstate and housing can move into the village.
01:02:05 Peter: Great point Kristen!!!!
01:04:05 Jeff Forward: I too liked Gary's presentation and would like to learn more about what the opportunities are and barriers are to his ideas.
01:05:58 Patty Brushett:Stone Corral could build a manufacturing plant in the Gateway. I think this is about They could keep th
01:06:05 Jeff Forward: My understanding is that it is very difficult to make the distinction legally between a Dunkin Donuts and restaurant, a Dollar General and a grocery store.
01:07:53 alexis lathem: We agree. It would be cruel to make cyclists go up that hill.
01:10:45 Jeff Forward: Could there be any opportunity to create a path from School St along the Interstate right of way?

01:13:31 bressor: When the land trust had discussions with the school years ago about the path going through the school property the school said they would not want a path through their property for security reasons.

01:14:49 Jeff Forward: The school district has changed a great deal over the past few years and could be more receptive now.

01:19:52 Peter: on the business side of things, it would be hard to imagine Stone Coral would want to have two locations, one for mfg. and one for retail....likely not a good business plan....

01:20:57 Jeff Forward: Burlington Beer Company just moved their retail operation out of Williston into Burlington and left their beer making operation in Williston in a warehouse.

01:31:42 Jeff Forward: Really difficult to deal with the railroad, but not impossible. The Creamery was able to overcome the barriers somehow in order to do that development.

01:34:18 katiemather: Thanks to the planning commission for all your continued hard word !

01:36:04 bressor: I am happy to share whatever I have.

01:36:21 FRANCINE POMERANTZ: Thanks everyone, Virginia, Gary... lots of good idea and things to think about.

01:36:47 Jeff Forward: Yes. Thanks to the PC for engaging in this discussion. I realize how difficult it is to have these kinds of discussions when folks have different opinions. But I also appreciate how we as a community can respectfully disagree

01:36:56 Patty Brushett:great job Virginia

01:37:01 alexis lathem: Why are we still separating residential and commnrcial tha;ts suburbia

01:37:02 jon.kart: Thank you

01:37:20 Kristen: thanks, everyone

Gateway – discussion document for 3/2/22 PC meeting – 2/20/22

As part of the Planning Commission’s updating of the zoning regulations to reflect the 2018 Town Plan, we are currently looking at the “Gateway Commercial” Zoning District. The recent approval of the expansion of the water and sewer district into this area accelerated our efforts to plan for the Gateway.

Take-aways from initial outreach discussion of 2/16/22 and further thoughts:

- Meeting attended by 14 people, 4 residents of the Gateway, and 10 others
- Interest in both residential and commercial uses expressed, but avoidance of big box or chain retail stores was stated as a goal
- Residents’ interest in W&S implies acceptance of need for Act 250 9(L) compatibility, i.e. prevention or minimization of “commercial strip development”
- “Commercial strip development” (per Act 250) is three or more of the following features:
 1. Linear **commercial** development along a public highway
 2. Broad lot road frontage (especially if used for parking)
 3. Predominance of single-story buildings
 4. Limited reliance on shared highway access (multiple curb cuts)
 5. Lack of connection to surrounding land uses except by the highway
 6. Lack of coordination with surrounding land uses
 7. Limited accessibility for pedestrians
- Act 250 9(L) also requires “efficient use of land”
- Gary Bressor presented a sketch of a plan for a primarily residential use of the northeastern ½ of the district with a secondary road parallel to Rt 2 – this would provide a way of avoiding most of the above features (and Act 250 doesn’t apply “strip development” criteria to residential areas) and would be achieved over time – many details about the plan unclear, but worth investigating further
- Another plan to increase residential use would be to increase the allowed density and reduce the minimum lot size, but require all lots to share the current curb cuts (which would become shared driveways or private roads over time) – multifamily buildings could be allowed – the northern part of the district could become a residential district’ with the southern part a “mixed use” district
- district could be zoned as currently (mixed residential and commercial) with restrictions to avoid the strip appearance (such as no parking in front; wide, landscaped front setback; no retail uses allowed; design standards; required shared use path just outside Rt 2 ROW etc)
- Willis Farm would remain a small commercial hub but would avoid features of strip development by using a shared access (Willis Farm Rd) for multiple uses and buildings as permitted under a PUD , and providing for pedestrian traffic via Willis Farm Road, across the RLT property to the schools
- Other ideas presented for shared use path: along I-89 ROW; along railroad tracks; along Rt 2 within ROW; along Rt 2 outside of ROW; along secondary road through district;

Previous background information:

Planning Commission – 3/2/22 Meeting Materials

Goal for PC meetings 2/16/22 and 3/2/22: listen to residents of the district and others about their vision, needs, desires and concerns for the area

General **planning goals** proposed by the Planning Commission for this area:

- Avoid commercial “strip development”
- Retain attractive, village scale entrance to Richmond village
- Add modest amount of housing and commercial opportunities to Richmond
- Position Richmond to expand water and sewer district to Exit 11 commercial area and Riverview Common if/when needed in the future
- Utilize extra capacity of Richmond sewage treatment plant
- Consider different strategies that would achieve shared goals for the area

Where we are now – 2 possible outcomes:

1. Sewer line is extended to the Mobil station
 - Expansion vote passed
 - Bond vote must pass
 - Act 250 must approve
 - Water line may or may not be extended (now or as future project)
 - Willis Farm and Mobil are added as capacity users -- water line desirable
 - Failing systems of current residents improved by municipal connections
 - More development enabled along Gateway, including more housing – water line needed
 - Planned development (=/- official map) of Gateway desirable
2. Sewer line is not extended to Mobil station
 - Bond vote fails
 - Act 250 denies permit
 - Willis Farm gets private sewer line from municipal line to schools
 - Mobil station drills under I-89 for septic system
 - Gateway still remains somewhat at risk for strip development under current zoning, but less so than if sewer is extended (private water and sewer capacity limited)

TO: Planning Commission

FROM: Ravi Venkataraman, Town Planner; and Virginia Clarke, Planning Commission Chair

DATE: February 11, 2022

SUBJECT: Proposed Zoning Amendments to Wetlands, Vehicle Fueling Station uses, and Nonconforming Uses and Structures

Summary List of Proposed Changes to the Zoning Regulations

In summation, listed are the significant proposed changes to the Zoning Regulations

- Addition of Vehicle Fueling Station Uses to the Commercial and Industrial/Commercial Zoning Districts
- Addition of Powered Vehicle and/or Machinery Service to the Commercial, Village Commercial, Industrial/Commercial, Gateway, and Residential/Commercial Zoning Districts
- Removal of references to “Automobile Service Station”, “Garage, Repair”, and “Garage, vehicle repairs and service”
- Clarification of rights for nonconforming uses and nonconforming structures
 - Per the recommendations of the Town Attorney, regulating discontinuing nonconforming structures has been removed. Regulating discontinuing nonconforming uses is still proposed
- Use standards for Vehicle Fueling Station uses, including:
 - A limit to four pumping islands that dispense liquid and gaseous fuel
 - A requirement to install at least one DC Fast Charger electric vehicle charging station
 - Allowances for accessory uses such as convenience stores, and for the allocation of 20 percent of the floor space within a building containing the accessory use for seating
- Allowances for development within wetlands and wetland buffers upon the provision of a state wetlands permit and a permitting process with the Town
- Allowances for expansion of nonconforming structures into wetlands and wetland buffers provided a state wetlands permit and a permitting process with the Town
 - This allowance is per the Town Attorney’s recommendations for regulating development within wetlands and wetland buffers
 - This iteration of the draft zoning regulations removes the burden of technical assessments and decision making on the Conservation Commission and the DRB, and places priority on the decisions the State Wetlands Program staff scientists render. Simultaneously, the draft regulations signal to applicants that the Town regards wetlands as important
 - The Town Attorney recommended requiring a State Wetlands Permit for a local permit.
- Definitions for “Accessory Electric Vehicle Charging Station”, “DC Fast Charger”, Powered Vehicle and/or Machinery Service”, “Vehicle Fueling Station”, and “Wetland Buffer”
- Modifications to the definitions for “Impervious Surface”, “Setback”, “Structure”, and “Wetland”
 - This iteration incorporates the Town Attorney’s recommendations for definitions for “Impervious Surface”, “Structure”, and “Setback”
- Deletion of definitions for “Automobile Service Station”, and “Garage, Repair”

- Rezoning the parcel containing the Mobil gas station from the Gateway Commercial Zoning District to the Industrial/Commercial Zoning District
 - This proposal is different from the draft zoning map initially proposed, which proposed rezoning the Park and Ride area and the parcel containing the Mobil gas station from the Gateway Commercial Zoning District to the Industrial/Commercial Zoning District. Rezoning only the parcel with the Mobil gas station is based on the Town Attorney's recommendations.

Process and Procedure

The Planning Commission held a public hearing on the proposed amendments on February 2, 2022.

At this point, the Planning Commission may edit the draft amendments and the bylaw amendment report as needed based on the input provided during the public hearing.

When the Planning Commission has finalized the documents, it will need to approve the municipal bylaw amendment report and move to provide the proposed amendments for the Selectboard's consideration. The Planning Commission does not have a deadline after the public hearing to provide the documents to the Selectboard.

To facilitate action, I have prepared a draft motion:

I, _____, move to approve the enclosed Municipal Bylaw Amendment Report and forward to the Selectboard proposed amendments to the following sections of the Richmond Zoning Regulations: 3.3.2, 3.4.2, 3.5.2, 3.6.2, 3.7.2, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 5.10, 6.9, 7, and Appendix A1.

Proposed Zoning Regulations – Markup – 2/11/22

3.3 Residential / Commercial District (R/C)

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3.3.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses shall be allowed in the R/C District upon issuance of a conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on any one lot.

- a) Adaptive uses as provided in Section 5.6.8.
- b) Artist/Craft studio.
- c) Cemetery.
- d) Cottage industry as provided in Section 5.6.7.
- e) Day care center.
- f) One multi-family dwelling with three or four dwelling units.
- g) Extraction of earth resources as provided in Section 5.6.6.
- h) Funeral parlor.
- i) Inn or guest house.
- j) Museum.
- k) Office, Business.
- l) Office, Professional.
- m) Personal service business.
- n) Planned Unit Development, which may be a Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- ~~n)p)~~ Powered Vehicle and/or Machinery Service
- ~~e)p)~~ Outdoor recreational facility or park.
- ~~p)q)~~ Religious or educational facility as provided in Section 5.10.4.
- ~~q)r)~~ Restaurant, standard.
- ~~r)s)~~ Retail business.
- ~~s)t)~~ Retirement community.
- ~~t)u)~~ State- or community-owned and operated facilities, to the extent allowed by Section 5.10.4.
- ~~u)v)~~ Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
- ~~v)w)~~ Veterinary Clinics

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3.4 Gateway Commercial District (G)

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3.4.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses, with accessory structures, may be allowed in the G District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Artist/Craft studio.
- ~~d)~~ ~~Automobile service station.~~
- ~~e)d)~~ Bank.
- ~~f)e)~~ Business yard.
- ~~g)f)~~ Catering service.
- ~~h)g)~~ Cemetery.
- ~~i)h)~~ Cottage industry as provided in Section 5.6.7.
- ~~j)i)~~ Day care center.
- ~~k)j)~~ Dwelling, single-family attached to a principal structure approved for a permitted or conditional use.

- h)k) Dwelling, two-family
- m)l) Dwelling, multi-family with three or four dwelling units.
- n)m) Educational or religious facility as provided in Section 5.10.4.
- o)n) Extraction of earth resources as provided in Section 5.6.6.
- p)o) Food processing establishment.
- q)p) Funeral parlor.
- ~~r) Garage, repair.~~
- s)q) Group home, as provided in Section 5.11.
- t)r) Hotel or motel.
- u)s) Inn or guest house.
- v)t) Kennel
- w)u) Light Manufacturing.
- x)v) Multi-use commercial building with uses from this section or 3.4.1.
- y>w) Museum.
- z)x) Offices, Business.
- aa)y) Offices, Professional.
- bb)z) Personal services.
- aa) Planned Unit Development, which may be a Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- ee)bb) ~~Powered Vehicle and/or Machinery Service~~
- dd)cc) Private club.
- ee)dd) Recreation, indoor or outdoor facility or park.
- ff)ee) Research laboratory.
- gg)ff) Retail business associated with light manufacturing with a maximum size of 3,000 square feet.
- hh)gg) Retirement community.
- ii)hh) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- jj)ii) Tavern, provided that it is associated with an onsite distillery, brewery, or winery.
- kk)jj) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
- ll)kk) Veterinary Clinics

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3.5 Village Commercial District (V/C)

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3.5.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the V/C District after issuance of conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on one lot.

- a) Adaptive use as provided in Section 5.6.8.
- b) Bank.
- c) Catering service.
- d) Commercial multi-use building.
- e) Business yard.
- f) Educational facility as provided in Section 5.10.4.
- g) Equipment supply and/or rental.
- h) Funeral parlor.
- ~~i) Garage, vehicle repairs and service.~~
- j)i) Group home.
- k)j) Hotel or motel.
- l)k) Light manufacturing
- m)l) Lumber yard / Building supply business.

- m) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- n) Powered Vehicle and/or Machinery Service
- o) Private club.
- p) Recreation, indoor or outdoor, facility or park.
- q) Research laboratory.
- r) Restaurant, fast food or take-out.
- s) Retirement community.
- t) Rooming or boarding house.
- u) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- v) Storage, outdoor as an accessory use to any permitted or conditional use.
- w) Tavern.
- x) Veterinary Clinics
- y) Wholesale trade.
- z) Dwelling Units as part of a Planned Unit Development.
- aa) Agriculture, silviculture and horticulture as provided in Section 2.4.5.

...

3.6 Commercial District (C)

...

3.6.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the C District after issuance of conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on one lot:

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Automobile and/or marine sales.
- ~~d) Automobile service station.~~
- e)d) Bank.
- f)e) Business yard.
- g)f) Car wash.
- h)g) Catering service.
- i)h) Commercial multi-use building.
- j)i) Distribution Center.
- k)j) Educational facility as provided in Section 5.10.4 .
- l)k) Equipment supply and/or rental.
- m)l) Extraction of earth resources as provided in Section 5.6.6.
- n)m) Funeral parlor.
- ~~o) Garage, vehicle repairs and service.~~
- p)n) Group home.
- q)o) Hotel or motel.
- r)p) Light manufacturing
- s)q) Lumber yard / Building supply business.
- r) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- t)s) Powered Vehicle and/or Machinery Service
- u)t) Private club.
- v)u) Recreation, indoor or outdoor, facility or park.
- w)v) Research laboratory.
- x)w) Restaurant, fast food or take-out.
- y)x) Retirement community.

- z)y) Rooming or boarding house.
- aa)z) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- bb)aa) Storage, outdoor as an accessory use to any permitted or conditional use.
- bb) Tavern.
- cc) Vehicle Fueling Station
- dd) Veterinary Clinics
- ee) Warehouse Use.
- ff) Wholesale trade.
- gg) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

...

3.7 Industrial / Commercial District (I/C)

...

3.7.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses, with accessory structures, may be allowed in the I/C District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Automobile and/or marine sales and/or service business.
- ~~d) Automobile service station.~~
- e)d) Commercial multi-use building
- f)e) Bank.
- g)f) Business yard.
- h)g) Communications, telecommunications, as provided in Section 6.12.
- i)h) Extraction of earth resources as provided in Section 5.6.6.
- ~~j) Garage, vehicle repairs and service.~~
- k)i) Hotel or motel.
- l)j) Kennel.
- m)k) Light manufacturing.
- n)l) Lumber yard or building supply business.
- o)m) Mobile home sales business.
- p)n) Outdoor storage as an accessory use to in connection with any conditional or permitted use.
- o) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- q)p) Powered Vehicle and/or Machinery Service
- r)q) Private club.
- s)r) Recreation facility, outdoor or indoor.
- t)s) Research laboratory.
- u)t) Restaurant, fast-food or take-out.
- v)u) Restaurant, standard.
- w)v) Retail business.
- x)w) Storage, indoor.
- y)x) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- z)y) Tavern.
- z) Theater.
- aa) Vehicle Fueling Station
- bb) Veterinary Clinics
- cc) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

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4.7 Nonconforming Structures

The following shall apply to all nonconforming structures, except for those within the Flood Hazard Overlay District, which also must comply with the provisions of Section 6.8 of these regulations:

- a. May undergo normal repair and maintenance without a permit if such action does not increase the structure's degree of nonconformity
- b. May be restored or reconstructed after damage to its prior condition from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that a zoning permit is obtained within 12 months of the date the damage occurred.

A Nonconforming structure may be replaced or restored after damage or destruction by fire or other casualty, and expansion may be permitted as long as the noncompliance of any aspect of the structure is not increased; provided, however, that such replacement or restoration shall be substantially complete within 365 days of the date of the damage or destruction. The DRB may permit such extensions of the 365-day time period as may be equitable, if the lot owner is prevented from commencing or substantially completing construction due to circumstances beyond the lot owner's control. A damaged or destroyed Nonconforming structure which is not substantially replaced or restored in compliance with this section shall not thereafter be used and shall be removed.

4.7.1. The regulations under this section do 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 issued 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 allow a nonconforming structure to extend, or further extend, into a wetland or wetland buffer, thus increasing its degree of nonconformity, provided that it is permitted by the state Wetlands Program as pursuant to Section 6.9.5.

4.7.9. For the purpose of Section 4.7, the phrase "degree of nonconformity" shall mean:

- a) the volume of the nonconforming structure within a required setback;
- b) The height of the nonconforming structure above a maximum height;
- c) the square footage that the nonconforming structure's footprint or any associated impervious surface occupies within a wetland buffer; or
- d) the extent to which the nonconforming structure exceeds any other required dimensional standard.

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4.8 Setback Modifications

Purpose—Richmond contains a large number of buildings that were built prior to the enactment of Richmond's Zoning Regulations and do not conform to setback and/or lot coverage requirements. Current zoning may prohibit even small increases in these buildings due to the restrictions on setbacks and lot coverage. Small increases in the size of these buildings may, in appropriate cases, be beneficial to landowners without adversely affecting neighbors or the interests protected by Richmond's Zoning Regulations. It is the purpose of this section to allow for such increases subject to conditional use review under Section 5.6, as needed to authorize the modification or waiver of district front, side and rear yard setback and lot coverage requirements in accordance with the Act [§4414(8)].

4.8.1 Applicability—The DRB may issue conditional use approval for the expansion of any nonconforming structure substantially completed prior to April 1, 1969 (an "existing building"). If lawful additions were made to any existing building after April 1, 1969, the term "existing building" shall include the original building and such additions. The conditional use approval may allow expansion of an existing building to occur no closer than five (5) feet to any lot line or edge of a public or private right of way and increases in lot coverage as a result of the expansion by no more than 10% of the total ground area of the lot. (For example, if the lot is 8,000 square feet, conditional use approval could allow an increase of 800 square feet in lot coverage.)

4.8.2 Selectboard Notification—The Administrative Officer shall notify the Selectboard of applications to modify setbacks that are adjacent to land owned by the Town and Town rights-of-way whether held as a right-of-way or fee title, at the same time such application is referred to the DRB.

4.8.3 Review Criteria—Prior to issuing conditional use approval for the waiver or modification of setback and coverage requirements, the DRB must find that the proposed expansion:

- a. is in compliance with conditional use criteria of these Zoning Regulations, including the general standards, specific standards and performance standards outlined under Section 5.6, and with state law, and
- b. the structure must be found to be otherwise in compliance with these Zoning Regulations.

4.8.4 Conditions of Approval—The DRB may require design modifications, screening or other conditions to mitigate Undue Adverse Effects to adjoining properties or public rights-of-way.

4.9 4.8 Nonconforming Uses

A Nonconforming Use may continue to exist, subject to the following:

A Nonconforming Use shall not be changed to other than a permitted use. Any Nonconforming Use that ceases for 365 consecutive days shall not be permitted to resume, and intent to abandon the use shall be conclusively presumed for such non-use unless it qualifies under the "Adaptive Use" section (5.6.8) of these Zoning Regulations. If it can be shown that the usage has traditionally been intermittent, the historical rate will be used to assess abandonment and continued use.

Any increase or expansion of a Nonconforming Use may occur only after DRB approval. The DRB may approve increases in nonconforming uses that involve an increase of 25% or less in physical characteristics such as, but not limited to, square footage or traffic flow, after Conditional Use Review.

4.8.1 A non-conforming use may be continued indefinitely provided it remains unchanged.

4.8.2 The structure containing a nonconforming use may undergo normal repair and maintenance without a zoning permit provided that the nonconforming use is not changed, enlarged, expanded, moved or altered.

4.8.3. The Administrative Officer may approve the replacement, restoration, or reconstruction of a structure containing a nonconforming use to its prior condition after damage or destruction by fire, flood, explosion, collapse, or other similar casualty provided that:

- a. the reconstruction does not change, enlarge, expand, move or alter the nonconforming use; and
- b. a zoning permit is issued within 12 months of the date the damage or destruction occurred; and

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c) all other requirements of the zoning district in which the structure containing the use is located are met.

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4.8.4 A nonconforming non-residential use that ceases for 12 or more months shall be deemed discontinued by the Administrative Officer, regardless of the intent to resume the prior use, and shall not be permitted to resume. A residential use may be resumed within a legal, vacant structure at any time.

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4.10-9 Noise

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4.109.1 Residential Noise

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4.109.2 Commercial Noise

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4.109.3 Terms.

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4.109.4 Exemptions.

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4.1110 Exterior Lighting

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4.1110.1 General Guidelines

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4.1110.2 General Requirements

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4.1110.3 Parking Lot & Security Lighting

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4.1110.4 Illuminated Signs

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4.1110.5 Roads or Highways Lighting.

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4.1110.6 Lighting of Gasoline Station Aprons and Canopies.

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4.1110.7 Lighting of Building Facades and Roofs.

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4.1211 Height of Buildings and Structures

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4.1211.1

2/16/22 Planning Commission Meeting Materials

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4.1211.2

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4.1211.3

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4.1312 Performance Standards

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4.13 Vehicle Fueling Stations - All Vehicle Fueling Stations shall adhere to the following requirements and standards:

4.13.1. Vehicle Fueling Stations may have up to four pumping islands, allowing up to eight vehicles to receive liquid or gaseous fuels at one time.

4.13.2. All Vehicle Fueling Stations shall have one or more DC Fast Charger electric vehicle charging station(s) with a Society of Automotive Engineers (SAE) Combined Charging System (CCS).

4.13.3. Customary accessory uses for Vehicle Fueling Stations include the retail sales of vehicle accessories; food and beverages prepared for off-premises consumption, but which may be consumed on or off premises; and other convenience store items. Up to 20% of the floor space within a structure containing the aforementioned accessory uses may be used for tables and/or chairs.

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5. PERMITS AND APPROVALS

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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, and 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.

5.10.2 Seasonal Dwelling - A "seasonal dwelling" or "camp" structure shall not be occupied more than 180 days in any one-year period. Camps which are pre-existing nonconforming structures or nonconforming uses shall be

governed by Sections 4.7 or ~~4.94.8~~ of these Zoning Regulations. New camps and conversions of camps to single-family dwellings shall be permitted wherever single-family dwellings are permitted as long as all requirements for a single-family dwelling are met. Each camp which is converted to year-round single-family use shall be located on a separate conforming lot on which there is no other principal structure.

...

6. SPECIAL ZONING REGULATIONS

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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.** Any land development on a lot containing a known or suspected wetland shall require a zoning permit issued by the Administrative Officer.~~

~~**6.9.2** No land development shall occur within a Class I or II wetland, or wetland buffer, unless approved by or exempted from the Vermont Wetlands Program.~~

~~**6.9.3 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;~~

~~**6.9.4. Application Requirements.**~~

~~All lots mapped by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetland Screening Tool shall be considered to contain a "known or suspected" wetland, and applications for development on such lots 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 and the wetland buffer;~~
- ~~c) If any development is planned within the wetland or the wetland buffer, a permit approving such development issued by the state Wetlands Program;~~
- ~~d) An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.~~

~~**6.9.5** The Development Review Board may approve the reconstruction, replacement or relocation of a nonconforming structure and existing impervious surfaces that extend into, or further into, a wetland or wetland buffer provided that a permit approving such development is issued by the state Wetlands Program.~~

~~**6.9.6.**The creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited unless approved by the state Wetlands Program. Supplemental planting with appropriate native vegetation to restore and enhance the function of the wetland within the wetland and wetland buffer is allowed.~~

~~**6.9.7** New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.~~

~~**6.9.8** Storage of hazardous or other materials is prohibited in wetlands and wetland buffers.~~

...

7. DEFINITIONS

...

7.2 Specific

For the purpose of these Zoning Regulations, certain words and terms are hereby defined as follows:

...

Accessory Electric Vehicle Charging Station – A structure or device for the free or retail dispensing of electricity as a vehicle fuel 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.

...

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.

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.

Garage, Repair – Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Impervious Surface - An area which significantly restricts or prevents penetration such as but not limited to asphalt paving and concrete surfaces but not including a gravel or grassed surface. A manmade surface, including but not limited to a roof, or a paved or unpaved road, driveway, walkway or parkin area, from which precipitation runs off rather than infiltrates

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, the provision of electricity as a vehicle fuel, and the sale or leasing of no more than four vehicles at any one time.

Setback - The distance from a Lot Line or, if applicable, from the center line of the Road or Highway right-of-way, to the edge of any structure on the Lot, including the building footprint, edge of deck, cantilevered areas, but not including the roof overhang the building footprint or of any structure on the lot, including the edge of a deck, cantilevered area, on-ground patio or parking area. However, the setback provisions of these Zoning Regulations do not apply to fences or signs outside of a road right-of-way, except where specifically provided. The setback provisions of these Zoning Regulations do not apply to fences, walls of 3 feet or less in height, roof

overhangs that extend no more than three (3) feet from the structure, or signs outside a road right-of-way, except where specifically provided. Setbacks for septic systems shall be dictated by state law.

Structure - An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, sign, wall or fence, and except a wall or fence on an operating farm. The term Structure also includes storage tanks for liquid and gas oil, propane, or other fuel storage tanks that are principally above ground. Unless otherwise specifically provided, (1) the term Structure does not include parking areas and driveways, (2) for purposes of determining setbacks, the term Structure does not include fences, except where specifically provided, and (3) for the determination of setbacks, septic systems shall not be considered structures and the setbacks shall be dictated by state law. See also Mobile Home, Recreational Vehicle. The term structure does not include tanks that are fully underground, septic system components, and impervious surfaces such as driveways or parking areas.

Vehicle Fueling Station -- Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale 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 electricity as a vehicle fuel. The presence of an Accessory Electric Vehicle Charging Station shall not alone render the use a Vehicle Fueling Station.

Wetlands - An area that is Means 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 and ponds, but excluding such areas as which 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.

Proposed Zoning Regulations – Clean Draft 2/11/22

3.3 Residential / Commercial District (R/C)

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3.3.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses shall be allowed in the R/C District upon issuance of a conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on any one lot.

- a) Adaptive uses as provided in Section 5.6.8.
- b) Artist/Craft studio.
- c) Cemetery.
- d) Cottage industry as provided in Section 5.6.7.
- e) Day care center.
- f) One multi-family dwelling with three or four dwelling units.
- g) Extraction of earth resources as provided in Section 5.6.6.
- h) Funeral parlor.
- i) Inn or guest house.
- j) Museum.
- k) Office, Business.
- l) Office, Professional.
- m) Personal service business.
- n) Planned Unit Development, which may be a Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- o) Powered Vehicle and/or Machinery Service
- p) Outdoor recreational facility or park.
- q) Religious or educational facility as provided in Section 5.10.4.
- r) Restaurant, standard.
- s) Retail business.
- t) Retirement community.
- u) State- or community-owned and operated facilities, to the extent allowed by Section 5.10.4.
- v) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
- w) Veterinary Clinics

...

3.4 Gateway Commercial District (G)

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3.4.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses, with accessory structures, may be allowed in the G District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Artist/Craft studio.
- d) Bank.
- e) Business yard.
- f) Catering service.
- g) Cemetery.
- h) Cottage industry as provided in Section 5.6.7.
- i) Day care center.
- j) Dwelling, single-family attached to a principal structure approved for a permitted or conditional use.
- k) Dwelling, two-family
- l) Dwelling, multi-family with three or four dwelling units.

- m) Educational or religious facility as provided in Section 5.10.4.
- n) Extraction of earth resources as provided in Section 5.6.6.
- o) Food processing establishment.
- p) Funeral parlor.
- q) Group home, as provided in Section 5.11.
- r) Hotel or motel.
- s) Inn or guest house.
- t) Kennel
- u) Light Manufacturing.
- v) Multi-use commercial building with uses from this section or 3.4.1.
- w) Museum.
- x) Offices, Business.
- y) Offices, Professional.
- z) Personal services.
- aa) Planned Unit Development, which may be a Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- bb) Powered Vehicle and/or Machinery Service
- cc) Private club.
- dd) Recreation, indoor or outdoor facility or park.
- ee) Research laboratory.
- ff) Retail business associated with light manufacturing with a maximum size of 3,000 square feet.
- gg) Retirement community.
- hh) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- ii) Tavern, provided that it is associated with an onsite distillery, brewery, or winery.
- jj) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
- kk) Veterinary Clinics

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3.5 Village Commercial District (V/C)

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3.5.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the V/C District after issuance of conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on one lot.

- a) Adaptive use as provided in Section 5.6.8.
- b) Bank.
- c) Catering service.
- d) Commercial multi-use building.
- e) Business yard.
- f) Educational facility as provided in Section 5.10.4.
- g) Equipment supply and/or rental.
- h) Funeral parlor.
- i) Group home.
- j) Hotel or motel.
- k) Light manufacturing
- l) Lumber yard / Building supply business.
- m) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- n) Powered Vehicle and/or Machinery Service
- o) Private club.
- p) Recreation, indoor or outdoor, facility or park.
- q) Research laboratory.

- r) Restaurant, fast food or take-out.
- s) Retirement community.
- t) Rooming or boarding house.
- u) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- v) Storage, outdoor as an accessory use to any permitted or conditional use.
- w) Tavern.
- x) Veterinary Clinics
- y) Wholesale trade.
- z) Dwelling Units as part of a Planned Unit Development.
- aa) Agriculture, silviculture and horticulture as provided in Section 2.4.5.

...

3.6 Commercial District (C)

...

3.6.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the C District after issuance of conditional use approval by the DRB. Unless otherwise provided, only one principal use, with its accessory structures, may be approved on one lot:

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Automobile and/or marine sales.
- d) Bank.
- e) Business yard.
- f) Car wash.
- g) Catering service.
- h) Commercial multi-use building.
- i) Distribution Center.
- j) Educational facility as provided in Section 5.10.4 .
- k) Equipment supply and/or rental.
- l) Extraction of earth resources as provided in Section 5.6.6.
- m) Funeral parlor.
- n) Group home.
- o) Hotel or motel.
- p) Light manufacturing
- q) Lumber yard / Building supply business.
- r) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- s) Powered Vehicle and/or Machinery Service
- t) Private club.
- u) Recreation, indoor or outdoor, facility or park.
- v) Research laboratory.
- w) Restaurant, fast food or take-out.
- x) Retirement community.
- y) Rooming or boarding house.
- z) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- aa) Storage, outdoor as an accessory use to any permitted or conditional use.
- bb) Tavern.
- cc) Vehicle Fueling Station
- dd) Veterinary Clinics
- ee) Warehouse Use.
- ff) Wholesale trade.

gg) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

...

3.7 Industrial / Commercial District (I/C)

...

3.7.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses, with accessory structures, may be allowed in the I/C District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
- b) Amusement arcade.
- c) Automobile and/or marine sales and/or service business.
- d) Commercial multi-use building
- e) Bank.
- f) Business yard.
- g) Communications, telecommunications, as provided in Section 6.12.
- h) Extraction of earth resources as provided in Section 5.6.6.
- i) Hotel or motel.
- j) Kennel.
- k) Light manufacturing.
- l) Lumber yard or building supply business.
- m) Mobile home sales business.
- n) Outdoor storage as an accessory use to in connection with any conditional or permitted use.
- o) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- p) Powered Vehicle and/or Machinery Service
- q) Private club.
- r) Recreation facility, outdoor or indoor.
- s) Research laboratory.
- t) Restaurant, fast-food or take-out.
- u) Restaurant, standard.
- v) Retail business.
- w) Storage, indoor.
- x) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- y) Tavern.
- z) Theater.
- aa) Vehicle Fueling Station
- bb) Veterinary Clinics
- cc) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

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4.7 Nonconforming Structures

4.7.1. The regulations under this section do 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 issued 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 allow a nonconforming structure to extend, or further extend, into a wetland or wetland buffer, thus increasing its degree of nonconformity, provided that it is permitted by the state Wetlands Program as pursuant to Section 6.9.5.

4.7.9. For the purpose of Section 4.7, the phrase "degree of nonconformity" shall mean:

- a) the volume of the nonconforming structure within a required setback;
- b) The height of the nonconforming structure above a maximum height;
- c) the square footage that the nonconforming structure's footprint or any associated impervious surface occupies within a wetland buffer; or
- d) the extent to 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 containing a nonconforming use may undergo normal repair and maintenance without a zoning permit provided that the nonconforming use is not changed, enlarged, expanded, moved or altered.

4.8.3. The Administrative Officer may approve the replacement, restoration, or reconstruction of a structure containing a nonconforming use to its prior condition after damage or destruction by fire, flood, explosion, collapse, or other similar casualty provided that:

- a) the reconstruction does not change, enlarge, expand, move or alter the nonconforming use; and
- b) a zoning permit is issued within 12 months of the date the damage or destruction occurred; and
- c) all other requirements of the zoning district in which the structure containing 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 Administrative Officer, regardless of the intent to resume the prior use, and shall not be permitted to resume. A residential use may be resumed within a legal, vacant structure at any time.

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4.9 Noise

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4.9.1 Residential Noise

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4.9.2 Commercial Noise

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4.9.3 Terms.

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4.9.4 Exemptions.

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4.10 Exterior Lighting

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4.10.1 General Guidelines

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4.10.2 General Requirements

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4.10.3 Parking Lot & Security Lighting

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4.10.4 Illuminated Signs

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4.10.5 Roads or Highways Lighting.

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4.10.6 Lighting of Gasoline Station Aprons and Canopies.

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4.10.7 Lighting of Building Facades and Roofs.

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4.11 Height of Buildings and Structures

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4.11.1

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4.12 Performance Standards

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4.13 Vehicle Fueling Stations - All Vehicle Fueling Stations shall adhere to the following requirements and standards:

4.13.1. Vehicle Fueling Stations may have up to four pumping islands, allowing up to eight vehicles to receive liquid or gaseous fuels at one time.

4.13.2. All Vehicle Fueling Stations shall have one or more DC Fast Charger electric vehicle charging station(s) with a Society of Automotive Engineers (SAE) Combined Charging System (CCS).

4.13.3. Customary accessory uses for Vehicle Fueling Stations include the retail sales of vehicle accessories; food and beverages prepared for off-premises consumption, but which may be consumed on or off premises; and other convenience store items. Up to 20% of the floor space within a structure containing the aforementioned accessory uses may be used for tables and/or chairs.

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5. PERMITS AND APPROVALS

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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, and 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.

5.10.2 Seasonal Dwelling - A "seasonal dwelling" or "camp" structure shall not be occupied more than 180 days in any one-year period. Camps which are pre-existing nonconforming structures or nonconforming uses shall be governed by Sections 4.7 or 4.8 of these Zoning Regulations. New camps and conversions of camps to single-family dwellings shall be permitted wherever single-family dwellings are permitted as long as all requirements for a single-family dwelling are met. Each camp which is converted to year-round single-family use shall be located on a separate conforming lot on which there is no other principal structure.

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6. SPECIAL ZONING REGULATIONS

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6.9 Wetlands

6.9.1 Applicability. Any land development on a lot containing a known or suspected wetland shall require a zoning permit issued by the Administrative Officer.

6.9.2 No land development shall occur within a Class I or II wetland, or wetland buffer, unless approved by or exempted from the Vermont Wetlands Program.

6.9.3 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;

6.9.4. Application Requirements.

All lots mapped by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetland Screening Tool shall be considered to contain a “known or suspected” wetland, and applications for development on such lots 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 and the wetland buffer;
- c) If any development is planned within the wetland or the wetland buffer, a permit approving such development issued by the state Wetlands Program;
- d) An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

6.9.5 The Development Review Board may approve the reconstruction, replacement or relocation of a nonconforming structure and existing impervious surfaces that extend into, or further into, a wetland or wetland buffer provided that a permit approving such development is issued by the state Wetlands Program.

6.9.6. The creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited unless approved by the state Wetlands Program. Supplemental planting with appropriate native vegetation to restore and enhance the function of the wetland within the wetland and wetland buffer is allowed.

6.9.7 New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.

6.9.8 Storage of hazardous or other materials is prohibited in wetlands and wetland buffers.

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7. DEFINITIONS

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7.2 Specific

For the purpose of these Zoning Regulations, certain words and terms are hereby defined as follows:

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Accessory Electric Vehicle Charging Station – A structure or device for the free or retail dispensing of electricity as a vehicle fuel 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.

Impervious Surface - A manmade surface, including but not limited to a roof, or a paved or unpaved road, driveway, walkway or parking area, from which precipitation runs off rather than infiltrates

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, the provision of electricity as a vehicle fuel, and the sale or leasing of no more than four vehicles at any one time.

Setback - The distance from a lot line or, if applicable, from the center line of the 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, cantilevered area, on-ground patio or parking area.. The setback provisions of these Zoning Regulations do not apply to fences, walls of 3 feet or less in height, roof overhangs that extend no more than three (3) feet from the structure, or signs outside a road right-of-way, except where specifically provided. Setbacks for septic systems shall be dictated by state law.

Structure - An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, sign, wall or fence, and storage tanks for liquid, gas oil, propane, or other fuel that are principally above ground. The term structure does not include tanks that are fully underground, septic system components, and impervious surfaces such as driveways or parking areas.

Vehicle Fueling Station -- Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale 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 electricity as a vehicle fuel. The presence of an Accessory Electric Vehicle Charging Station shall not alone render the use a Vehicle Fueling Station.

Wetland - An area that is 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 and ponds, but excluding such areas which 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.

**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 Commercial 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.



Ravi Venkataraman <rvenkataraman@richmondvt.gov>

Potential for Richmond Park and Ride?

Bohl, Tina <Tina.Bohl@vermont.gov>
To: Ravi Venkataraman <rvenkataraman@richmondvt.gov>
Cc: "Kenison, Derek W" <Derek.Kenison@vermont.gov>

Fri, Feb 25, 2022 at 10:19 AM

Ravi,

After receiving input from other VTrans staff as well as FHWA I offer the following responses (shown in red) to your questions. In addition, I have attached

some references that you may find useful regarding the use of and access to rights -of-way on the Interstate system.

23 USC 111 <https://www.law.cornell.edu/uscode/text/23/111>

23 CFR 1.23 <https://www.law.cornell.edu/cfr/text/23/1.23>

Thanks,

Tina

From: Ravi Venkataraman <rvenkataraman@richmondvt.gov>
Sent: Tuesday, February 22, 2022 11:21 AM
To: Bohl, Tina <Tina.Bohl@vermont.gov>
Subject: Potential for Richmond Park and Ride?

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Tina,

I hope you're doing well. Recently in Richmond, we've had conversations about what the potential could be for the Richmond Park and Ride. Specifically, we were curious about the following and I was wondering if you'd be able to address these questions:

- Could the Richmond Park and Ride be redeveloped into a different use? **A non-highway related use for the park-and-ride lot is highly unlikely. The land that the park-and-ride is on is part of the interstate ROW. Any changes would require Federal Highway Administration (FHWA) approval.**
- Could the Richmond Park and Ride be subdivided and then sold? **This scenario is highly unlikely and would also require FHWA approval. Private ownership is very unlikely due to restrictions on the use of Interstate ROW. In addition, FHWA would never approve a sale here, at least in the foreseeable future, since it was constructed with federal funding and continues to serve its intended purpose very well.**
- What is VTrans's internal process for any development or redevelopment of the Park and Ride? **We don't have one. We don't have examples of any park and ride redevelopments in VT.**
- What is the likelihood that the Park and Ride would be redeveloped into a different state use or a commercial use by a private developer? **It is highly unlikely the land would be sold to a private developer because the land is part**

of the Interstate ROW. Redevelopment for another state use would likely be limited to a highway related use – impossible to speculate how the state might redevelop it because each Administration has its own priorities and any use would be highly regulated by FHWA.

- What is the likelihood that Vtrans would make improvements to the Park and Ride in the near future and what kinds of improvements could Vtrans make? Currently there are no plans to make any additional improvements and with COVID and telework trends we will monitor its use/capacity but we anticipate it will be some time until usage patterns return to pre-pandemic levels.

[Quoted text hidden]