

Town of Richmond
Planning Commission Meeting
AGENDA

Wednesday, October 20th, 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
2. Public Comment for non-agenda items
3. Adjustments to the Agenda
4. Approval of Minutes
 - October 6, 2021
5. Discussion on Coordinating Working Group
6. Presentation and Discussion on Zoning For Affordable Housing Project
7. Discussion on Proposed Zoning Regulations for Wetlands
8. Discussion on November 3rd Meeting Agenda
9. Other Business, Correspondence, and Adjournment

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4. Approval of Minutes

- Page 3: October 6, 2021 Planning Commission Meeting Minutes

7. Discussion on Proposed Zoning Regulations for Wetlands

- Page 7: Draft Regulations for Wetlands
- Page 10: Draft Regulations for Nonconforming Structures and Uses, as presented and finalized during the September 22, 2021 meeting
- Page 13: Maps identifying locations of significant wetlands and vernal pools from the 2013 "Science to Action: Four Town Natural Resources Inventory Bolton, Huntington, Jericho and Richmond" report
- Page 15: Map from Vermont Agency of Natural Resources identifying mapped wetlands and Wetland Advisory. Web map also available on ANR Atlas: [Vermont ANR - Natural Resources Atlas HTML5 Viewer](#)

Richmond Planning Commission
REGULAR MEETING MINUTES FOR October 6th, 2021

Members Present:	Lisa Miller, Dan Mullen, Virginia Clarke, Chris Granda, Joy Reap, Mark Fausel, Alison Anand,
Members Absent:	Jake Kornfeld, Chris Cole,
Others Present:	Ravi Venkataraman (Town Planner/Staff), MMCTV, Kayla Vaccaro, Christy Witters, Cathleen Gent, Gary Bressor, John Rankin, Trish Healy

1. Welcome and troubleshooting

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

2. Public Comment for non-agenda items

None from the public. Clarke asked Venkataraman to introduce Kayla Vaccaro. Venkataraman introduced Vaccaro as the planning intern, adding that she is a student at University of Vermont focusing on natural resource management and that her project with the town is to do with conservation subdivision design.

3. Adjustments to the Agenda

None

4. Approval of Minutes

No comments from the Planning Commission. Clarke accepted the minutes as written.

5. Discussion on Zoning For Affordable Housing project

Clarke introduced the topic, overviewing the purpose and intent of the Housing Committee, the planning grant the town received, and the role of the consultant Brandy Saxton. Clarke noted that Saxton has reviewed the current zoning regulations and the previously discussed proposed zoning regulations based on the community outreach work. Clarke said that Saxton will be attending the October 20th meeting to provide more information about the project and address questions.

Venkataraman reviewed Saxton's scope of work and the status of her work. Venkataraman also overviewed the currently ongoing focus groups and interviews. Cathleen Gent asked if changes to the technical memo would occur based on feedback from the community meeting. Venkataraman said that since the technical memo is a draft, it could be, but he could not give a definite answer at this time. Clarke said that the technical memo is based on Saxton's planning knowledge and lists recommendations, adding that the Planning Commission and Selectboard are not obligated to adopt Saxton's recommendations in her technical memo.

Venkataraman reviewed the resident housing survey report, noting that the report does not include the

responses he has received in the mail after the online survey closed. Venkataraman said that the purpose of the survey was to get a sense of the character of the town. Venkataraman said that Saxton had the current zoning regulations, draft zoning regulations, and the draft housing needs assessment the Housing Committee has compiled at her disposal when drafting the survey. Chris Granda asked about data about heating costs. Venkataraman confirmed that it was not included as a question, and was considered inherent when discussing housing costs, as housing costs typically includes utility costs. Granda asked if we could discern trends by comparing survey responses from previous years. Venkataraman said he could look back at surveys done during the compilation of the Town Plan and any other surveys to discern possible trends, but that this analysis would be inexact because of different questions and different samples. Granda said he was curious about if sentiments have changed over time and to what degree. Gent said that one could obtain trends over time with census-type housing data from Vermont Housing Finance Agency. Venkataraman overviewed the data Vermont Housing Finance Agency has on their site. Dan Mullen asked if transportation data was collected as part of the survey. Venkataraman said that such questions were not asked in this survey and that the census may have transportation-related data, like commuting trends. Gent noted that confidence levels and margins of error does not apply to this type of survey and the presentation of the data appears distorted and could be improved upon to reflect the proportion of the sample size. Bressor identified the point about needing multi-unit housing in town, noted the survey work he and Gent did within the neighborhoods south of the Winooski River, and said that lumping together two-unit and four-unit housing together hides the difference between the two housing types. Alison Anand said she agreed with Gent that the survey responses were not reflective of the entire town based on the demographics of the respondents. Trish Healy said she is in favor of keeping the allowance for no more than two-unit dwellings in the Tilden-Baker neighborhood.

Venkataraman reviewed the nonresident survey report. Lisa Miller asked about repolling respondents to get a clearer sense of what people thought and simplify poll data. Venkataraman said that he would have to ask Saxton but does not see it as feasible within the timeframe. Clarke said that a nonresident survey was created because of employers trying to get a sense of housing issues for their employees. Clarke said she was unsure about the utility of the surveys and about how the data from the housing needs assessment are used. Gent said that the data from the housing needs assessment are to get a sense of the housing stock and demographics, and that typically a housing needs assessment is conducted before a technical review. Gent added that housing needs assessments do not necessarily lead to zoning changes. Christy Witters noted that it appeared that many of the respondents want to live in a more rural area with more space and amenities. Bressor said he encouraged the commission to look outside the village to solve housing issues.

Clarke reviewed the technical memo, highlighting concerns about how the proposed zoning is more restrictive than the current zoning regarding multifamily housing, unenforceable design standards, dimensional standards, and density. Clarke reviewed the Neighborhood Development Area designation standards Saxton listed. Anand identified traffic concerns that could come with increasing density allowances. Granda asked about the lack of correlation between traffic impacts and density in the village and instead a correlation between traffic impacts and increases in population in nearby towns, such as Huntington. Anand asked about the availability of fully walkable neighborhoods in town. Mullen noted that the availability of mass transit would be a factor in relieving traffic impacts within town. Clarke said that these changes in density in the regulations would affect the town over the course of a long period of time and that reducing vehicle usage should be encouraged for climate change reasons. Witters asked about the Neighborhood Development Area designations and its benefits. Clarke raised the possibility of including the Gateway in a Neighborhood Development Area designation. Venkataraman said that the primary benefits for the Neighborhood Development Area designation are reduced state permitting fees

and Act 250 exemptions for affordable housing developments, that typically the location of the Neighborhood Development Area overlaps with the location of Village Center or Downtown designation, and that designating areas outside of the Village Center does not seem doable due to the distance from the edge of the Village Center and the Gateway and developable areas south of the Winooski River. Venkataraman said that he has typically seen Neighborhood Development Areas encompass a particular development or particular parcels, with exception to Burlington. Witters added that therefore the Creamery parcel could have taken advantage of the Neighborhood Development Area program. Venkataraman called an infill development project that incorporates income-restricted housing units as the ideal Neighborhood Development Area project. Venkataraman added that he couldn't imagine the best location for the Neighborhood Development Area designation in town, unless the town wanted to include the entirety of the village in a Neighborhood Development Area so that the entire village could benefit from the program. Anand raised concerns about the capacity of the schools. Gent called attention to other infrastructure, such as sidewalks, water, and sewer. Gent asked if the commission would be able to solicit enough feedback based on Saxton's scope of work, and noted that possibilities for other parts of town should be considered. Clarke said that Saxton's work is separate from the timeline for the commission's possible adoption of Saxton's recommendations, and that further discussions with the committee and the Housing Committee about Saxton's recommendations are needed.

6. Discussion on Wetlands

Clarke reviewed the reason for addressing the wetlands section of the regulations, and the proposed regulations as a whole. Clarke noted that past meetings indicated that the primary issue with wetlands had to do with the desire to create infrastructure crossings across wetlands, and that the proposed zoning creates allowances for crossings. Clarke defined Class II wetlands per Agency of Natural Resources, and concerns about regulating Class III wetlands. Clarke identified concerns with creating a regulatory wetlands map which would identify wetlands regardless of classification that the town wanted to protect. Anand said that the proposed regulations look to be an improvement from the current regulations. Anand asked if other municipalities have similar regulations. Clarke said that pieces were lifted other towns and from the state wetland rules, and that other towns have DRBs or Conservation Commissions weigh in on development within wetlands. Miller asked about offsets for mitigation. Clarke said that Agency of Natural Resources have an off-site mitigation program through its permitting process. Clarke added that the draft language will be reviewed by the Conservation Commission.

Bressor asked if the commission has check with the state for alignment with the state wetland rules, for clarity about public paths, and about restrictions on lawns. Clarke said that the reference to "public" before paths could be removed, that lawns affect drainage into wetlands, and that the state has restrictions on lawns within wetland buffers. Bressor said that the regulations could clarify that applicants have to meet local and state requirements for land development. Mark Fausel asked if the lawns reference is a state regulation. Clarke said yes, and that buffers are supposed to be naturally vegetated. Clarke asked Fausel for his opinion about removing reference to "public" regarding paths. Fausel agrees that the term "public" should be removed. Fausel asked for more clarity about regulating paths, trails and sidewalks. Venkataraman said that the regulations for crossings are specifically in regards to pavement, gravel or impervious surface above ground and underground infrastructure, and that this is in line with state permitting. Fausel suggested clarifying that the allowances for path, trails and sidewalks specify that it is for the installation of impervious surface on a wetland or wetland buffer. Gent recommended that the allowed paths be at grade preventing paths from being built up higher, and that state permits are required before issuance of local permits. Clarke said that the town cannot require the

provision of state permits in order to release local permits and agreed that applicants should be educated about the process. Venkataraman pointed out the proposed requirement of a project review sheet which would inform the state of possible land development within wetlands.

Miller asked about the process for updating the town's wetlands maps. Clarke identified issues with mapping wetlands on private properties and due to the seasons, and pointed out the wetlands advisory layer.

7. Other Business, Correspondence, and Adjournment

Motion by Granda, seconded by Anand to adjourn the meeting.

Clarke said that Saxton will be attending the next meeting to discuss the Zoning for Affordable Housing project, and that wetlands and nonconforming structures draft regulations as well as the coordinating committee will be on the next meeting agenda.

Voting: unanimous. Motion carried. The meeting adjourned at 9:00 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

Wetlands – includes vernal pools (no Class III) 10.8.21

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) 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) 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 Conditional Use Approval may be granted for the reconstruction, replacement or relocation of nonconforming structures and existing impervious surfaces that encroaches 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 hydraulic 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 -Permit applications for land development on a lot containing a known or suspected wetland, or wetland buffer 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. Any wetland that has been assessed as having any one of the functions and values described for wetlands by these rules shall be considered a Class II wetland, whether or not it has been mapped.
- 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 if the wetland is a Class I or II wetland.
- 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 and ponds, but excluding such areas as grow food or crops in connection with farming activities. Vernal pools shall be considered wetlands. The location of wetlands on a lot may or may

not be indicated on the State Wetlands Inventory Maps, and must be confirmed through site investigation by a wetlands ecologist.

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

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 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 will extend into the buffer further than one half (1/2) the required width of the buffer.
- b) The need and justification for the buffer distance reduction must be provided in writing with the Conditional Use Review application.
- c) The Development Review Board must find that the buffer reduction would not pose any adverse effects to adjacent properties, roads or rights-of-way.
- d) The Development Review Board must find that, overall, the proposed land development, even with the proposed buffer reduction, will improve the quality and function of the natural resource that the buffer protects.

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.

New Definitions (replace current):

Setback – the distance from a lot line or, if applicable, from the center line of an adjacent road, to the edge of any structure or building footprint on the lot, excluding fences and signs.

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.

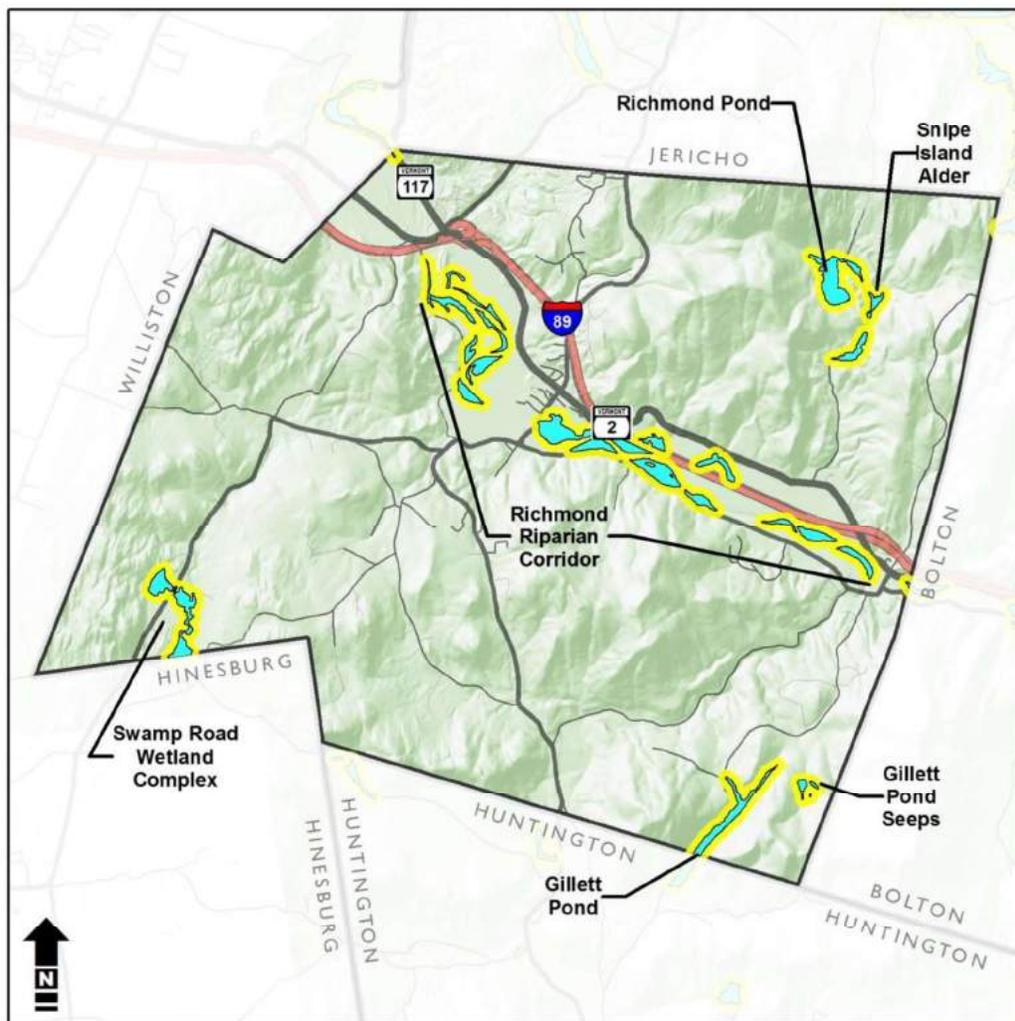


Figure 7: Richmond Significant Wetlands

3.1.2 Richmond Significant Wetlands

The town of Richmond contains 16 different wetland natural community types, comprising 1044 wetland acres. A total of 6 different wetlands or wetland complexes have been found to be significant in Richmond, 5 of which are discussed below.

Gillett Pond Wetlands

Significance: Locally Significant Natural Community, Functions and Values

Gillett Pond and its associated wetlands in the southeast corner of Richmond are a unique assemblage of open water, water lily wetland, deep and shallow marshes and alder swamp. The Pond itself is a shallow,



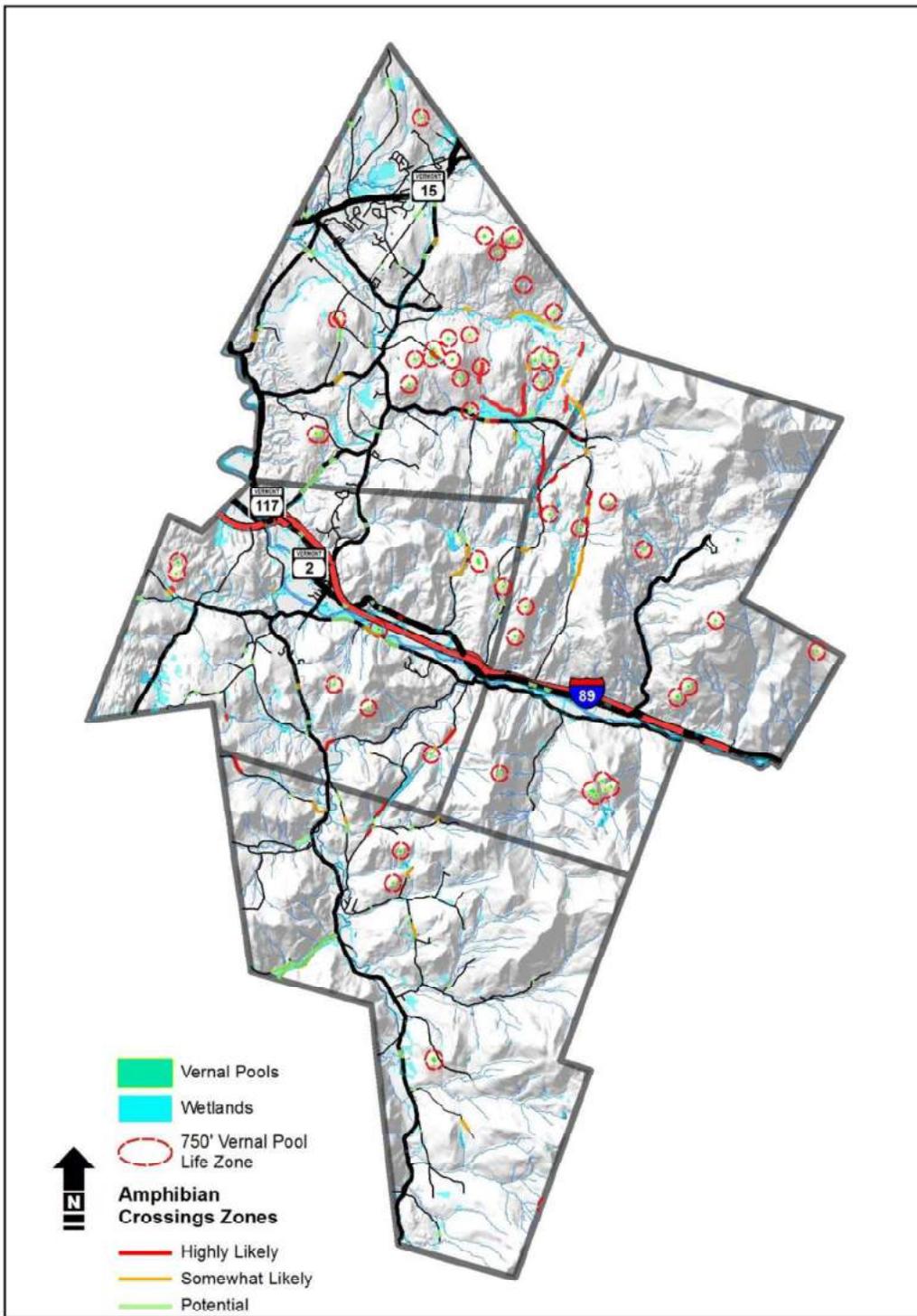
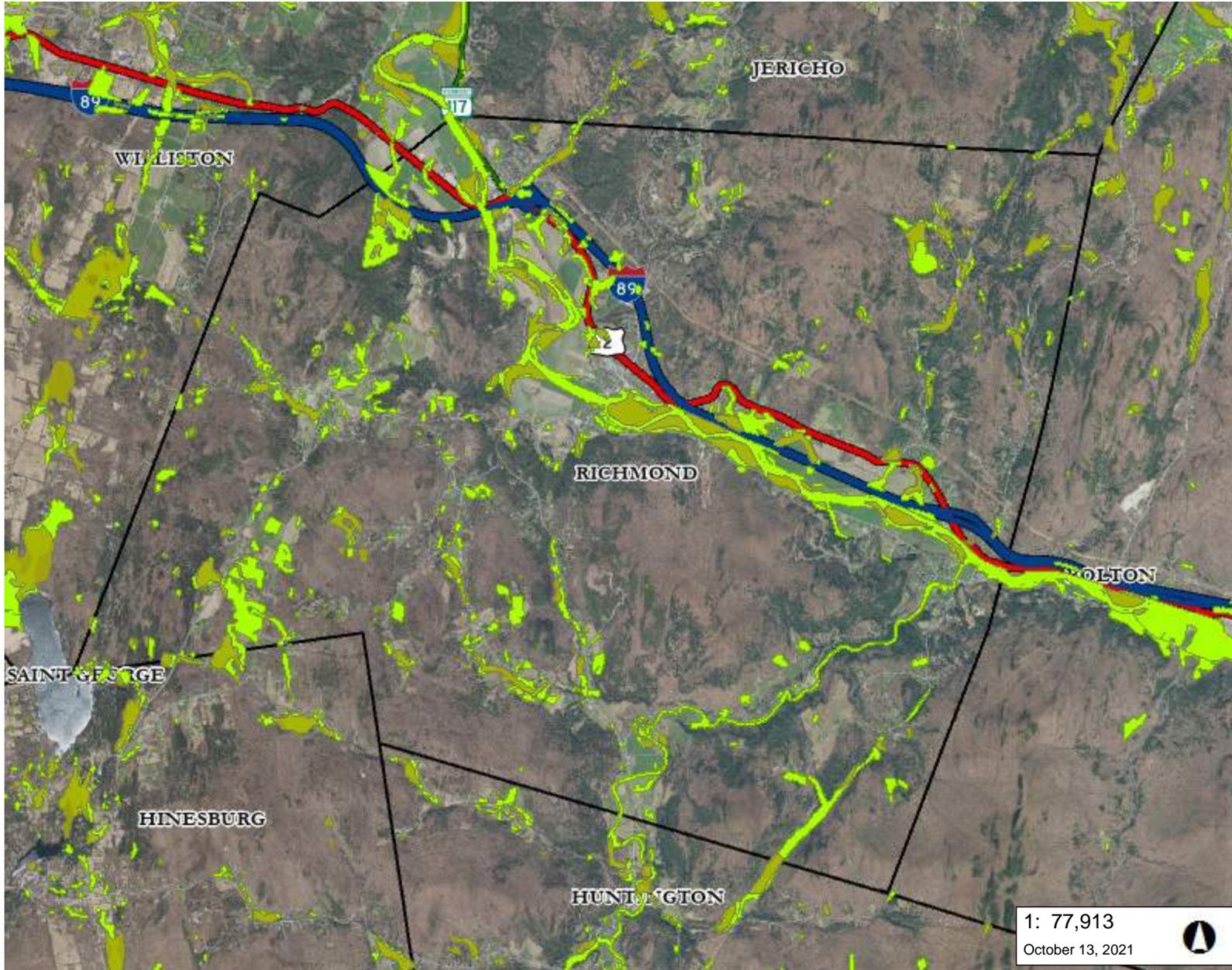


Figure 62: Amphibian Crossing Map





LEGEND

- Wetland - VSWI**
 - Class 1 Wetland
 - Class 2 Wetland
 - Buffer
 - Wetlands Advisory Layer
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary

1: 77,913
October 13, 2021

NOTES

Map created using ANR's Natural Resources Atlas

3,958.0 0 1,979.00 3,958.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 6493 Ft. 1cm = 779 Meters

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