

**Town of Richmond**  
**Planning Commission Meeting**

**AGENDA**

Wednesday, July 21st, 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](mailto: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
  - July 7, 2021
5. Public Hearing - State Permit References, Nonconforming Lots, and Certificates of Occupancy
6. Discussion on Automobile Service Station Uses and Nonconforming Structures
7. Appointment of Coordinating Subcommittee
8. Section 248 Notice - Vermont Electric Cooperative and Green Mountain Power
9. Discussion on August 4th Meeting Agenda
10. Other Business, Correspondence, and Adjournment

## Table of Contents

4. Approval of Minutes
  - Page 3: July 7, 2021
5. Public Hearing - State Permit References, Nonconforming Lots, and Certificates of Occupancy
  - Page 7: Memorandum on Public Hearing Process
  - Page 9: Draft amendments regarding State Permit References from the June 16, 2021 Planning Commission meeting
  - Page 11: Draft amendments on Nonconforming Lots from the June 16, 2021 Planning Commission meeting
  - Page 12: Notice of Public Hearing
  - Page 13: Municipal Bylaw Amendment Report
  - Page 14: A revision to the draft language for Certificates of Occupancy. This revision incorporates language as presented to you during the March 17, 2021 Planning Commission meeting.
  - Page 15: A revision to the draft language regarding State Permit References. This revision includes edits the Town Attorney has recommended.
  - Page 17: A revision to the draft language on Nonconformities, including Nonconforming Lots. This revision also includes edits the Town Attorney has recommended for Nonconforming Lots.
6. Discussion on Automobile Service Station Uses and Nonconforming Structures
  - Page 17: Draft language on Nonconformities
8. Section 248 Notice - Vermont Electric Cooperative and Green Mountain Power
  - Page 20: Memo on Section 248 procedures
  - Page 21: Notification of filing and plans for substation upgrades prepared by Wilschek Iarrapino Law Office, PLLC
10. Other Business, Correspondence, and Adjournment
  - On a separate standalone document: Excel spreadsheet of Town Plan action items related to the Planning Commission

Richmond Planning Commission  
REGULAR MEETING MINUTES FOR July 7, 2021

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

**1. Welcome and troubleshooting**

Virginia Clarke called the meeting to order at 7:04 pm. Clarke welcomed Dan Mullen to the Planning Commission. Mullen introduced himself to the commission

**2. Public Comment for non-agenda items**

None

**3. Adjustments to the Agenda**

Clarke added an item after the approval of minutes to introduce to the newest Planning Commission members the committee's work plans.

Chris Granda asked about items that the commission could not address in its previous meeting requested time to make an announcement regarding building energy codes. Clarke said that today's meeting agenda includes a discussion on energy planning.

**4a. Approval of Minutes**

Motion by Lisa Miller seconded by Dan Mullen, to approve the June 16, 2021 Planning Commission Meeting Minutes. Voting: unanimous. Motion carried.

**4b. Introduction of Planning Commission's general work plan**

Clarke overviewed the commission's tasks of carrying out the Town Plan goals, the commission's current tasks of revising the zoning regulations, and the role of staff, other committees, and other organizations in relation to the Planning Commission.

**5. Discussion on Automobile Service Station Uses**

Clarke reviewed the purpose of revising the definition of automobile service station uses and previous discussions with the Mobil gas station owners, as well as the draft language.

Joy Reap asked if the proposed language intended for four vehicles per pumping island or four vehicles total could be filled, and said that that needed to be clarified. Venkataraman clarified that the intent was for four vehicles per pumping island.

Mark Fausel asked if the proposed language would allow for restaurants and that restaurants within fueling stations has received push back. Granda suggested that if the commission does not want to include restaurant uses, that should be specified in the definition. Reap asked how the commission felt about food services uses within the Gateway District. Granda said he is opposed to it, because such food service uses would compete with such uses in the village and would face resistance from the public. Reap said that food service uses accessory to a fueling station wouldn't necessarily compete with businesses in the village--especially for people stopping to purchase fuel and continue onward--and that it could draw more people into the village. Reap said that from her knowledge, the convenience store aspect is how fueling stations sustain themselves. Fausel and Reap said that currently, restaurants are not allowed in the Gateway District but breweries and wineries are allowed. Granda said that this discussion should be broader and not just focus on the Gateway District. Clarke asked if the term "customary" in association with accessory uses impacts the commission's interpretation. Miller said that "other convenience store items" could be used to limit the types of uses.

GC Morris said that further discussion on the future of fueling stations is needed and that typically the business of fueling stations is dependent upon the convenience store in order to remain solvent. Granda emphasized that the future of vehicles and fueling is electric; that, in emergency situations, people will need to rely on Level 3 chargers, not Level 2; that the discussion should focus on liquid fuels so that electric vehicle charging is not constrained. Miller noted the natural constraints on the Mobil gas station site. Jake Kornfeld noted that the revision of the definition is for future reference townwide, not necessarily for one particular use. Morris advised that the commission should not limit development based on the type of fuel. Miller and Kornfeld made note that the commission needs to address how much food service should be allowed to make sure that the vehicle fueling station remains the primary use. Morris suggested limitations on size. Clarke suggested basing accessory uses on the permitted and conditional uses in the underlying district. Kornfeld, Fausel, and Granda approved of this idea. Venkataraman said that the commission should define the accessory uses for the vehicle fueling station use, that accessory uses are incidental, subordinate to, and customary with the primary use on the lot, that it should keep in mind that with this definition, the primary use of the property is a fueling station, and that it shouldn't consider how electric vehicle charging is becoming more common as accessory structures in commercially used properties. Kornfeld said that if accessory uses are supposed to be incidental and subordinate, and that if the Mobil gas station owners are relying on the convenience store, then would the proposed definition be applicable. Clarke said the definition is a transitional definition and that she is unsure if the applicant can apply for the convenience store as the primary use and the vehicle fueling uses as an accessory use.

Clarke suggested including "take-out food and beverage". Fausel suggested "prepared foods". Clarke asked Reap her opinion on the sentiment about food service uses in the Gateway District. Reap said that sentiment ranges. Reap also said that limitations on size and location can be off-putting. Venkataraman said that the discussions today on definitions are the first step, and that additional conversations about limitations to accessory uses and signage should be forthcoming. Granda said he would like to draft a revision of the definition of Vehicle Fueling Stations for the commission's

consideration.

Clarke asked the commission to consider the vehicle/machinery repair definition for the next meeting. Venkataraman clarified that the commission should think about whether it would like to allow vehicle repair and machine repair in the same locations or in different locations.

## **6. Discussion on Energy Planning**

Granda informed the commission that he and Jeff Forward will be withdrawing their zoning proposals due to the insufficient support for builders from Efficiency Vermont.

Clarke overviewed the ongoing energy planning items--the work of the climate action committee, the Climate Action Plan, the Comprehensive Energy Plan--and discussion topics to improve weatherization, carbon sequestration, land use, and solar siting.

Miller asked about particularities about solar siting within the town. Venkataraman said that mapping and analysis for solar siting was done as part of the 2018 Town Plan in order to be in compliance with the Enhanced Energy Plan requirements.

## **7. Town Plan Goals Update and Coordinating with Planning Advisory Committees**

Clarke reviewed the letter Venkataraman sent out to all the town boards and committees regarding checking in on the Town Plan, and recommended that the commission review its progress on the goals in the Town Plan. Miller noted that the information needed could be overwhelming and difficult to obtain. Clarke said that the review of many of these goals would involve subjectivity.

Clarke asked how the commission would like to proceed with reviewing the Town Plan goals. Alison Anand expressed interest in the energy planning goals. Fausel requested an Excel spreadsheet of the document to provide comments. Kornfeld recommended a numerical based system to review the goals and to understand its importance to the commission.

Reap noted how some goals have to be accomplished with other committees, and asked the committee about the Williams Hill Road conversation. Venkataraman reviewed the ongoing conversations at the Selectboard regarding Williams Hill Road, the petition to discontinue the road, and the public hearing date in September. Reap advocated for the commission to support the Trails Committee's work of improving the town's trails network, as it states in the Town Plan. Clarke recommended that the commission discuss this item at a meeting. Venkataraman said that as general advice, towns should never throw up roads because there may be a need in the distant future for the right of way. Reap suggested that a member of the Trails Committee should attend an upcoming Planning Commission meeting to speak about this subject. Morris advised that the Planning Commission should be a party in standing for the public hearing. Clarke suggested reaching out to the Transportation Committee.

Morris suggested that Clarke and Venkataraman establish a rubric to grade progress on the goals.

## **8. Discussion on July 21st Meeting Agenda**

Clarke said that the following will be discussed during the next meeting:

- Public Hearing on State Permit references
- Granda's revision on the Vehicle Service Station definition
- Finish Village South Districts

Reap asked about the role of the housing consultant. Clarke said that the commission should finalize regulations within the village and forward those draft revisions to the consultant to work on instead of the existing zoning. Fausel asked for a summary document that outlines the general consensus. Clarke said that document will be provided ahead of the next meeting.

Reap asked about which meeting she should invite Trails Committee members for discussions on Williams Hill Road. Clarke said the meeting in the beginning of August.

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

Motion by Anand, seconded by Fausel to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:04 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: July 16, 2021

SUBJECT: Public Hearing on State Permit References, Nonconforming Lots, and Certificates of Occupancy

Materials for Consideration

For your consideration, enclosed are:

- Draft amendments regarding State Permit References from the July 16, 2021 Planning Commission meeting
- Draft amendments on Nonconforming Lots from the July 16, 2021 Planning Commission meeting
- Notice of Public Hearing
- Municipal Bylaw Amendment Report

In addition to the aforementioned documents, I have also provided:

- A revision to the draft language for Certificates of Occupancy. This revision incorporates language as presented to you during the March 17, 2021 Planning Commission meeting.
- A revision to the draft language regarding State Permit References. This revision includes edits the Town Attorney has recommended.
- A revision to the draft language on Nonconforming Lots. This revision also includes edits the Town Attorney has recommended.

The basis of the revision to the Certificates of Occupancy section is based on the following points:

- Currently, Certificates of Occupancy requirements are triggered for all additions, changes in use, and modifications of primary structures; accessory structures which have more than a single floor, and accessory structures larger than 600 square feet. This means that all decks, landings, and finishing of basements require Certificates of Occupancy.
- The purpose of Certificates of Occupancy is to check land development for zoning compliance. When staff inspects development as part of a Certificate of Occupancy application, we are making sure that developments are built according to the submitted plans. We are not checking for the quality or structural integrity of the development, because the scope of zoning regulations does not include building code compliance. The town does not have a building code ordinance.
- Minor differences between the actual land development and the plans in the associated zoning permit typically are allowed, depending on the Zoning Administrator's view on the amount of flexibility the project would be allowed, and the location of the land development.
- In almost every instance, the developments of small additions comply with the Zoning Regulations.
- The Zoning Administrator's time could be better utilized in permit review and DRB staffing, compared to inspecting small additions.
- Currently, the fee to file a Certificate of Occupancy is at least \$55.00 (\$25 for the application, \$15 for recording the application, and \$15 per page to record RBES/CBES). These fees are intended to partially cover staff time to review applications and inspect properties.

## Public Hearing Process

For the public hearing, you should follow the following procedure:

1. Open the public hearing by a motion

*Draft motion: I, \_\_\_\_\_, move to open the public hearing.*

2. Introduce the items under consideration for the public hearing
3. Ask the public for comment
4. Ask Planning Commission members for comment
5. Close the public hearing by a motion

*Draft motion: I, \_\_\_\_\_, move to close the public hearing.*

After closing the public hearing, the Planning Commission may edit the draft amendments and the bylaw amendment report as needed based on the input provided.

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.

At this point, I do not recommend forwarding the documents to the Selectboard for its consideration. The Town Attorney has reviewed the proposed language for state permit references and nonconforming lots but has not reviewed the proposed language for Certificates of Occupancy. I recommend that the Planning Commission move to forward the zoning amendments during a Planning Commission meeting in August, after the Town Attorney has reviewed the language for Certificates of Occupancy.

### 3.8.5 Other Requirements Applicable to Lots in the MHP District

~~d) State Approval of Mobile Home Parks—No Zoning Permit may be issued for Land Development within a mobile home park unless satisfactory evidence is produced to the DRB that all applicable state laws and regulations relating to Land Development have been met.~~

#### 5.2.1 [Application, Fees, Reimbursement for Technical Review]

~~d) State Permits - All required state permits shall be a part of and made a condition of each local permit. Unless otherwise required, state permits may be obtained after local permits. In no case shall a project or use commence without all necessary state water and wastewater and local permits. Local permits do not absolve the applicant from obtaining applicable state and federal permits, and the applicant is responsible for obtaining relevant state and federal permits. The applicant should contact the regional permit specialist employed by the Agency of Natural Resources for additional information on related state permits.~~

~~e) Building Energy Standards - All applicants for a building construction permit are required to adhere to the state's Building Energy Standards, either residential (RBES) or commercial (CBES) [24 VSA 51 and 53], with exemptions as listed in the statute. An RBES or CBES certification of adherence to the standards from the builder will be required prior to the issuance of a Certificate of Occupancy (CO). A guide to the codes can be obtained from the Zoning Administrator, and the full Building Energy Codes from the Vermont Department of Public Service.~~

### 5.3.5 Certificates of Occupancy

A person shall not use or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered in its use or structure until a Certificate of Occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these Zoning Regulations and the conditions of approval, in accordance with 24 VSA 4449, and that all violations of town land use permits, Bylaws and regulations have been cured as to the property involved and all related fines paid. In addition, provision of a certificate as required by 30 VSA 51 (residential building standards) or 53 (commercial building standards) shall be a condition precedent to the issuance of any such Certificate of Occupancy. Such a building energy standards certificate shall be recorded in the land records of the Town.

#### 5.6.2 [Conditional Use Review Specific Standards]

~~d) Applicable state permits for water supply and sewage disposal shall have been obtained, and any other applicable state permits, before the use commences.~~

~~e) d) ...~~

~~f) e) ...~~

~~g) f) ...~~

~~h) g) ...~~

~~i) h) ...~~

~~j) i) ...~~

~~k) j) ...~~

#### 5.6.3 Performance Standards

~~h) Industrial wastes shall be so stored and removed from the lot in manners as to not be reasonably objectionable to adjacent lots or create a public nuisance, or pollute the environment. These shall be stored within a structure.~~

~~i) All uses shall comply with all Federal and State laws and regulations for the use, storage, hauling and disposal of hazardous materials and wastes.~~

~~h) No fire, explosive or safety hazard shall be permitted that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased~~

burden on municipal facilities and services shall be permitted.

i) No radioactive emission or other hazard that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.

j) The storage of any highly flammable liquid in above ground or below ground tanks shall comply with applicable provisions of these regulations and all applicable state and federal regulations. All hazardous materials shall be stored within a structure.

j) k)...

## **5.8 Boundary Adjustments**

~~**5.8.4 State Permits**—All state permits must be approved prior to submission of application and state permit numbers must be included on the application.~~

~~**5.8.5-5.8.4 New Lot Configuration**~~

~~**5.8.6-5.8.5 Appeals**~~

## 4.6 Nonconforming Lots

**4.6.1 Existing Small Lots** - ~~In accordance with the Act [§4412(2)],~~ An existing small lot is any lot that is legally subdivided; is in individual, ~~and~~ separate and non-affiliated ownership from surrounding properties; ~~that is legally~~ in existence on August X, 2021; and does not conform to the minimum lot size requirement of the district the lot is located within. Existing small lots may be developed pursuant to the requirements, with the exception of the minimum lot size, of the district in which the lot is located as follows: ~~on the Effective Date of any Richmond Bylaw may be developed for the purposes permitted in the Zoning District in which the lot is located, even though the lot does not conform to minimum lot area requirements of the Zoning District.~~

4.6.1.1. Existing small lots served by municipal water and sewer may be developed.

4.6.1.2 Existing small lots not served by municipal water and sewer service, and unable to connect to municipal water and sewer service may be developed if said existing small lots have both of the following dimensional requirements:

- a) At least one-eighth (1/8) acre in area; and
- b) A width or depth dimension of at least 40 feet.

~~. Notwithstanding this exception to minimum lot area requirements, no Zoning Permit shall be issued for Land Development on an existing small lot unless such Land Development complies with all other provisions of these Zoning Regulations.~~

# NOTICE OF PUBLIC HEARING

PURSUANT TO 24 V.S.A. §§4441 (d) AND §4444, THE TOWN OF RICHMOND PLANNING COMMISSION WILL BE HOLDING A PUBLIC HEARING ON WEDNESDAY, JULY 21ST, 2021, AT 7:00 PM, IN THE **RICHMOND TOWN CENTER MEETING ROOM AT 203 BRIDGE STREET** TO RECEIVE COMMENT REGARDING THE PROPOSED ZONING AMENDMENT:

**PURPOSE:** To revise regulations within the Richmond Zoning Regulations in reference to state permits and nonconforming lots to bring the zoning regulations into conformance with state statute

**GEOGRAPHIC AREA AFFECTED:** Town-wide

**SECTION HEADINGS:** Other Requirements Applicable to Lots in the MHP District (Section 3.8.5); Nonconforming Lots (Section 4.6); Application, Fees, Reimbursement for Technical Review (Section 5.2.1); Specific Standards (Section 5.6.2); Performance Standards (Section 5.6.3); and Boundary Adjustments (Section 5.8)

THIS MEETING IS ALSO ACCESSIBLE ONLINE VIA ZOOM:

Join Zoom Meeting: <https://us02web.zoom.us/j/83503119719>

Meeting ID: 835 0311 9719

Call in (Calling rates apply): 1 (929) 205-6099

THE FULL TEXT AND MAPS OF THE PROPOSED ZONING AMENDMENT ARE AVAILABLE FOR INSPECTION AT THE RICHMOND TOWN CENTER OFFICES PURSUANT TO 24 VSA §4441 AND THE TOWN WEBSITE. FOR MORE INFORMATION, PLEASE CONTACT THE RICHMOND PLANNING/ZONING OFFICE AT 802-434-2430 or [rvenkataraman@richmondvt.gov](mailto:rvenkataraman@richmondvt.gov).

POSTED: 06/23/2021

**Planning Commission Reporting Form  
for Municipal Bylaw Amendments  
(Modifications to portions of the zoning regulations to align with 24 V.S.A. §4413)**

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 would align the Richmond Zoning Regulations with Act 179 (2020) and clarify permit requirements in regards to state permits as stipulated under §4414.

*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:

- Continue the fair and equitable application and enforcement of town, state, and federal laws
- Create clear guidelines and information resources for permit applicants, clarifying requirements and steps for permitting and approval.

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

The Planning Commission concluded that the current amendment proposal would not affect the proposed future land uses and densities as stated in the 2018 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.

### 5.3.5 Certificates of Occupancy –

~~A person shall not use or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered in its use or structure until a Certificate of Occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these Zoning Regulations and the conditions of approval, in accordance with the Act (§4449) , and that all violations of town land use permits, Bylaws and regulations have been cured as to the property involved and all related fines paid.~~

- ~~a) Notwithstanding the preceding, a Certificate of Occupancy shall not be required for a one story building, without a basement or cellar, which:~~
  - ~~i does not have more than six hundred (600) square feet of Gross Floor Area,~~
  - ~~ii is an Accessory Structure to a Dwelling, or a temporary building used in connection with a work site while work is ongoing (other than an accessory dwelling under Section 5.9), and~~
  - ~~iii does not contain any water facilities or sewage facilities.~~

5.3.5.1. In accordance with the Act (§4449), the Administrative Officer must issue a certificate of occupancy for all new principal structures, dwellings, additions 600 square feet or greater, and accessory structures 600 square feet or greater.

5.3.5.2. As a condition of approval, the Development Review Board may require the applicant to receive a certificate of occupancy regardless of the nature of the proposed land development prior to the occupancy of the structure and/or commencement of the use.

5.3.5.3. In order for the Administrative Officer to issue a Certificate of Occupancy, the Administrative Officer must determine that:

- a) The structure is built according to the approved zoning permit, these Zoning Regulations, applicable conditions of approval, and any other applicable specifications.
- b) The applicant has filed the applicable building energy standards certificate--either the Residential Building Energy Standards Certificate (RBES), the RBES Owner/Builder Disclosure Statement, or the Commercial Building Energy Standards Certificate (CBES).

5.3.5.4. The Administrative Officer must act on a complete application for a certificate of occupancy within 30 days. The Administrative Officer may inspect the subject property and consult with other Town departments as needed to determine compliance.

5.3.5.5. The Administrative Officer must approve or deny applications for certificates of occupancy in writing. When denying a certificate of occupancy application, the Administrative Officer must provide the applicant the reasons for the denial.

5.3.5.6. For all Zoning Permits issued *[insert date Zoning Regulations become effective]*, applicable Certificates of Occupancy must be issued prior to the expiration of the respective Zoning Permits.

b) 5.3.5.7. Certificates of Occupancy shall be delivered by the Administrative Officer to the Town Clerk for recording in the land records of the Town in accordance with Section 8.5.

### 3.8.5 Other Requirements Applicable to Lots in the MHP District

~~d) State Approval of Mobile Home Parks—No Zoning Permit may be issued for Land Development within a mobile home park unless satisfactory evidence is produced to the DRB that all applicable state laws and regulations relating to Land Development have been met.~~

#### 5.2.1 [Application, Fees, Reimbursement for Technical Review]

~~d) State Permits - All required state permits shall be a part of and made a condition of each local permit. Unless otherwise required, state permits may be obtained after local permits. In no case shall a project or use commence without all necessary state water and wastewater and local permits. When applicable, a receipt of a State Wastewater and Potable Water Supply Permit is required prior to the issuance of a zoning permit. Local permits do not absolve the applicant from obtaining applicable state and federal permits, and the applicant is responsible for obtaining relevant state and federal permits. The applicant should contact the regional permit specialist employed by the Agency of Natural Resources for additional information on related state permits.~~

~~e) Building Energy Standards - Unless the applicant certifies that the structure will not be heated or cooled or unless the structure is a sign or fence, all applicants for a building construction zoning permit for a structure are required to adhere to the state’s Building Energy Standards, either residential (RBES) or commercial (CBES) [24 30 VSA §§ 51 and 53], with exemptions as listed in the statute. An RBES or CBES certification of adherence to the standards from the builder will be required prior to the issuance of a Certificate of Occupancy (CO). A guide to the codes can be obtained from the Zoning Administrator, and a copy of the full Vermont Residential Building Energy Code Book can be obtained from the Vermont Department of Public Service.~~

### 5.3.5 Certificates of Occupancy

~~A person shall not use or permit the use or occupancy of any land or structure, or part thereof created, erected, changed, converted, or wholly or partly altered in its use or structure until a Certificate of Occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these Zoning Regulations and the conditions of approval, in accordance with 24 VSA 4449, and that all violations of town land use permits, Bylaws and regulations have been cured as to the property involved and all related fines paid. In addition, provision of a certificate as required by 30 VSA 51 (residential building standards) or 53 (commercial building standards) shall be a condition precedent to the issuance of any such Certificate of Occupancy. Such a building energy standards certificate shall be recorded in the land records of the Town.~~

#### 5.6.2 [Conditional Use Review Specific Standards]

~~d) Applicable state permits for water supply and sewage disposal A State Wastewater and Potable Water Supply Permit shall be obtained, and any other applicable state permits, before the use commences.~~

~~e) d) ...~~

~~f) e) ...~~

~~g) f) ...~~

~~h) g) ...~~

~~i) h) ...~~

~~j) i) ...~~

~~k) j) ...~~

#### 5.6.3 Performance Standards

~~h) Industrial wastes shall be so stored and removed from the lot in manners as to not be reasonably objectionable to adjacent lots or create a public nuisance, or pollute the environment. These shall be stored within a structure.~~

~~i) All uses shall comply with all Federal and State laws and regulations for the use, storage, hauling and disposal of hazardous materials and wastes.~~

~~h) No fire, explosive or safety hazard shall be permitted allowed that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.~~

~~i) No radioactive emission or other hazard that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted allowed.~~

~~j) The storage of any highly flammable liquid in above ground or below ground tanks shall comply with applicable provisions of these regulations and all applicable state and federal regulations. All hazardous materials shall be stored within a structure.~~

~~j) k)...~~

## **5.8 Boundary Adjustments**

~~**5.8.4 State Permits**—All state permits must be approved prior to submission of application and state permit numbers must be included on the application.~~

~~**5.8.5-5.8.4 New Lot Configuration**~~

~~**5.8.6-5.8.5 Appeals**~~

## **Nonconformities**

### **4.6 Nonconforming Lots**

4.6.1 Existing Small Lots - An existing small lot is any lot that is legally subdivided; is in individual, and separate and non-affiliated ownership from surrounding properties; is in existence on (*September X, 2021*); and does not conform to the minimum lot size requirement of the district the lot is located within. Existing small lots may be developed pursuant to the requirements, with the exception of the minimum lot size, of the district in which the lot is located as follows:

4.6.1.1 Existing small lots served by municipal water and sewer may be developed.

4.6.1.2 Existing small lots not served by municipal water and sewer service, and unable to connect to municipal water and sewer service may be developed if said existing small lots have both of the following dimensional requirements:

- a) At least one-eighth (1/8) acre in area; and
- b) A width and depth dimension of at least 40 feet each.

4.6.2 A lot which is nonconforming by requirements other than size may be used or developed according to the district in which the lot is located if all applicable dimensional requirements are met.

4.6.3 Merger of a nonconforming lot – (*use existing text labelled 4.6.2 in RZR*)

### **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. A request to reduce a required buffer distance must meet the following conditions:

- a) The structure and all other developed impermeable surfaces will extend into the buffer no 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.

4.7.1.9 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.

4.7.1.10. For the purpose of section 4.7, the phrase “degree of nonconformity” shall mean the square footage that the nonconforming building footprint and/or, in the case of a natural resource buffer nonconformity, that any impervious surface, occupies within the required setback or buffer.

## **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.

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.

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: July 16, 2021

SUBJECT: Section 248 Procedures

Under Section 248, the applicant for a solar energy generating facility must notify the Planning Commission and Selectboard 45 days prior to the application for a Certificate of Public Good.

Per statute, the Planning Commission may:

- Hold a warned public hearing to provide comments, and request that the applicant and/or the Department of Public Service attend the hearing;
- Request via a motion that the Department of Public Service retain experts and other personnel to review the proposed facility;
- Give recommendations to the application within 40 days (August 24, 2021) of the applicant's submittal; and
- Provide comments to the Public Utility Commission during the hearing.

The Planning Commission is not obligated to respond to the notice. In addition, if Planning Commission chooses to submit comments or appear at the Public Utility Commission hearing--especially if the Planning Commission is considering challenging a project--Vermont League of Cities and Towns (VLCT) recommends that the commission consult with the Town Attorney prior to providing comments.

If the Planning Commission chooses to hold a public hearing, the hearing date would be set for August 18, 2021.



Joslyn Wilschek  
(802) 249-7663  
Anthony Iarrapino  
(802) 522-2802  
35 Elm St., Suite 200  
Montpelier, VT 05602

July 15, 2021

Chittenden County Regional Planning Commission  
Richmond Selectboard  
Richmond Planning Commission  
ePUC Statutory Entities

**Re: Petition of Vermont Electric Cooperative and Green Mountain Power for a Certificate of Public Good pursuant to 30 V.S.A. § 248 authorizing upgrades to the jointly owned Richmond Substation-45-Day Advance Notice Package**

Dear Statutory Entities:

This letter is to notify you that Vermont Electric Cooperative (“VEC”) and Green Mountain Power (“GMP”) are preparing to file a petition with the Vermont Public Utility Commission (“Commission”) for approval to upgrade the VEC and GMP owned Richmond Substation located on 254 Governor Peck Highway in the Town of Richmond, Vermont (the “Project”). The Project is needed to improve reliability with the addition of new equipment. The upgrades will increase the reliability and security of service provided to VEC and GMP customers in Richmond and throughout Chittenden County.

We anticipate filing the petition with the Commission on August 30, 2021, and are providing the following Project overview and related information in this 45-day advance notice package in accordance with Commission Rule 5.402 and 30 V.S.A. § 248 (“Section 248”). VEC and GMP have also provided this notice to the Department of Public Service, Agency of Natural Resources, Vermont Division for Historic Preservation, and the Commission.

**I. Project Overall Description:**

The Project consists of upgrades to the Richmond Substation existing 34.5 kV and 15 kV equipment, and includes an expansion of the existing substation yard to encompass a new control building. A new control building is necessary because three new 34.5 kV breakers with associated relaying and a new battery bank will be installed. The ground grid will be modified to cover the

expanded area. Additional substation yard improvements include a new oil containment system, security, animal fence, lights, and surface material.

An aerial photograph of the Project site is attached here as Exhibit 1. A detailed site plan for the Project construction is attached as Exhibit 2.

## **II. Project Need:**

The upgrades to the Richmond Substation are needed to improve reliability for the Richmond/Bolton area of Chittenden County. The GMP Richmond substation, which also supplies both GMP and VEC distribution at 12.47 kV, is sourced from the GMP 34.5 kV Sand Road to Bolton Falls transmission line (3334 line). This Project will install three circuit breakers, one feeding VEC 34.5 kV subtransmission and two on either side of the Richmond tap, to enhance the reliability of the 18.1 miles of 34.5 kV transmission supply to this area. At present, a permanent fault on the 3334 line opens the breakers at Sand Road and Bolton Falls, which results in outages to customers supplied by the Bolton, Richmond, and VEC Hinesburg substations. Adding breakers to the 3334 line on either side of the Richmond tap sectionalizes the line preventing the loss of supply to the Richmond and VEC Hinesburg customers for any permanent fault on the 3334 line. These breakers would also prevent the loss of supply to GMP Bolton customers for a fault between Sand Road and Richmond.

The existing three 15 kV recloser controls are 2006 vintage and will be upgraded to allow for advanced relaying capability to implement reclose block protection schemes, and will be relocated away from the reclosers themselves to enhance safety during manual switching. The fence will be expanded to allow for a new control building, which is needed to house the protective relays associated with the three new 34.5 kV breakers.

## **III. Project Impact:**

VEC and GMP plan to upgrade the Richmond Substation on its existing site, expanding the site to allow for a new control building. A portable substation will be installed within the Richmond Substation fence to facilitate the replacement of equipment during the Project without an outage to customers (reference Exhibit 2).

VEC and GMP has engaged VHB Inc. to inventory and assess natural resource features in the Project area in consultation with the Vermont Agency of Natural Resources, and to address options for properly avoiding or mitigating any potential impacts. Northeast Archaeological Resource Center of Farmington, ME has been hired by GMP to assess the Project area to determine if there are any significant archaeological sites within the Project area that would be impacted by the Project. GMP has also engaged VHB Inc. to ensure that any sound emanating from the Project is within accepted standards.

Materials will be transported to the construction site by truck over I-89 and Routes 2 and 117 in Richmond. Any traffic impacts will be minor and limited almost entirely to the period of Project construction.

In terms of visual impact, the Project consists of upgrades to an existing substation and the addition of similar appearing equipment, which results in a modest adjustment to the overall appearance of the substation. T.J. Boyle Associates conducted a preliminary review of aesthetic impacts and determined that no aesthetic mitigation is required. T.J. Boyle Associates will perform a more detailed aesthetic analysis which will be provided with VEC's and GMP's petition to the Commission and will further examine local and regional planning documents for criteria that address scenic resources and open space.

In connection with planning this Project, VEC and GMP considered a number of alternatives, including utilizing the existing RTU and expanding the scope to replace the existing bus regulation with new individual circuit regulation. The proposed Project was determined to be the least cost option that provided the desired system reliability, capability, and flexibility for the future. These upgrades cannot be cost effectively deferred or avoided by energy efficiency or distributed generation because this Project is needed to improve reliability and address asset management concerns.

#### **IV. Additional Information:**

As noted above, VEC and GMP have enclosed an aerial photo and site plans with this letter, showing the location and proposed design of the Project's elements. The information contained in this package is intended to provide a general understanding of the Project and is subject to change based on further analysis and the requirements of applicable permits.

Before beginning work on the Project, VEC and GMP must obtain a Certificate of Public Good ("CPG") from the Commission under 30 V.S.A. Section 248. Before issuing a CPG, the Commission must find, among other things, that the Project "will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality."

Projects submitted to the Commission pursuant to Section 248 require that local and regional planning commissions and municipal legislative bodies be given 45 days advance notice of the filing. This letter and accompanying attachments are being provided to satisfy that requirement. Please note that the Planning Commissions may make recommendations to GMP and VEC within 40 days of the submission of this 45-day notice. Additionally, Commission Rule 5.402(A) establishes that municipal and regional Planning Commissions "shall make recommendations, if any, to the [Commission] and to the petitioner at least 7 days prior to filing the petition with the [Commission]." Planning Commissions also have the right to make revised recommendations within 45 days after the date the Petition is filed with the Commission, if the Petition contains new or more detailed information that was not previously included in these plans. While Section 248(f)

and Commission Rule 5.402(A) focus only on the Planning Commission comment process, VEC and GMP welcome feedback from the affected municipal bodies and state agencies. So that GMP and VEC have sufficient time to incorporate your feedback prior to the August 30, 2021 anticipated filing date, GMP and VEC are requesting that comments be submitted by August 23, 2021.

For additional information regarding the Commission’s processes, including your right to participate in the proceeding, please refer to the Commission document titled, “Public Participation and Intervention in Proceedings Before the Public Utility Commission,” found on the Commission’s website at <https://puc.vermont.gov/document/public-participation-andintervention-proceedings-public-utility-commission>.

The Commission’s website also includes a Section 248 procedures document found on the Commission’s website at <https://puc.vermont.gov/document/section-248-procedures>.

VEC and GMP expect that the Project will not result in undue adverse impacts to the applicable Section 248 criteria. VEC and GMP will submit a full Section 248 petition package, which will contain the information required by the PUC to evaluate the merits of the Project for potential award of a Certificate of Public Good. VEC and GMP look forward to receiving any input or suggestions you may have as it moves through the Section 248 process. If you have any questions you may direct them to VEC by phone at 802-730-1155 or by email at [ddenis@vermontelectric.coop](mailto:ddenis@vermontelectric.coop).

**The documents that accompany this letter have been electronically filed using ePUC.**

Sincerely,



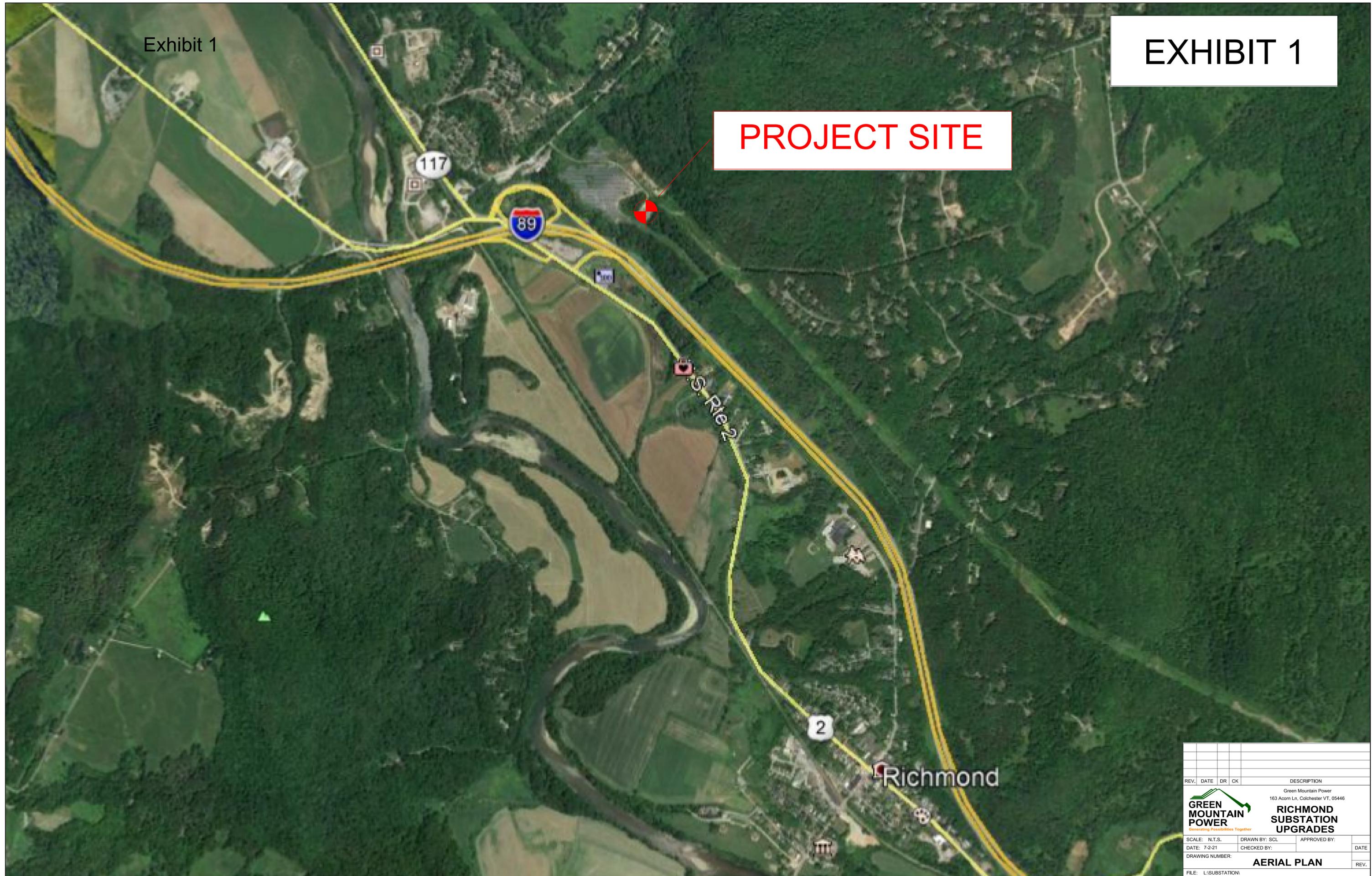
Joslyn L. Wilschek, Esq.

Enclosures

Exhibit 1

EXHIBIT 1

PROJECT SITE



REV.	DATE	DR	CK	DESCRIPTION

Green Mountain Power  
163 Acorn Ln, Colchester VT, 05446

**GREEN MOUNTAIN POWER**  
Generating Possibilities Together

**RICHMOND SUBSTATION UPGRADES**

SCALE: N.T.S.	DRAWN BY: SCL	APPROVED BY:	DATE
DATE: 7-2-21	CHECKED BY:		
DRAWING NUMBER:	<b>AERIAL PLAN</b>		REV.
FILE: L:\SUBSTATION\			

