

Richmond Planning Commission
REGULAR MEETING MINUTES FOR August 18, 2021

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

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:03 pm.

2. Public Comment for non-agenda items

None

3. Adjustments to the Agenda

None

4. Approval of Minutes

Motion by Lisa Miller seconded by Dan Mullen, to approve the August 4, 2021 Planning Commission meeting minutes. Voting: unanimous. Motion carried.

5. Discussion and Finalization on Performance Standards, Nonconforming Lots, and Certificates of Occupancy

Clarke overviewed the discussion topic. Clarke explained that the purpose of the discussion today is to finalize the language and forward the proposed language to the Selectboard.

Clarke explained that the revisions to the state permit references to bring the zoning regulations into compliance with statute brought upon changes to the performance standards section. Clarke said that in this iteration of the Performance Standards document, the performance standards have been removed from the Conditional Use Review section and added under "Regulations for All Lots". Clarke explained that these performance standards should apply to all lots at all times, instead of only during the review of Conditional Use applications. Clarke said that the reorganization of the entire zoning regulations in order to make the entire document more legible is being looked into, and that the "Regulations for All Lots" section would eventually be a part of the development regulations for all uses and lots in town.

Clarke explained that the revisions to the certificates of occupancy section was also brought upon with

the revision to the state permit references in the regulations. Clarke added that the revision to the Certificates of Occupancy removes requirements for smaller projects.

Clarke also spelled out the changes in statute with nonconforming lots.

Miller asked if the commission can finalize the language even though the commission may have minor edits. Clarke affirmed.

Clarke reviewed the language in the present iteration of the proposed performance standards section. Miller asked for clarification between the standards for noxious gases and odors, and about inserting "beyond the lot line" instead of "at the lot line" for all standards. Cole said that not all noxious gases have odors. Cole said that he preferred "at the lot line" because it specifies that the activities are contained within the lot and would not encroach neighboring properties. Cole asked about what kinds of odors would be covered. Ravi Venkataraman said that the term "odor" in itself has a negative connotation. Dan Mullen said that from a court's perspective, "at the lot line" would be within reasonableness and better defined that "beyond the lot line", and that what is customary for the area would be taken into consideration. Clarke concurred that "at the lot line" works.

Clarke reviewed the proposed language for Certificates of Occupancy and for nonconforming lots. Cole asked hypothetically about adjacent small lots that could be in common ownership. Venkataraman explained that in theory, adjacent small lots under common ownership that were never developed were already merged during the state-wide consolidation efforts in the 1970s and 1980s, and that adjacent small lots that have individual water and wastewater systems would not be considered merged. Venkataraman said that the intent of the bylaw is for isolated undeveloped lots usually in rural districts that were never consolidated under common ownership at any point in time. Clarke asked about small lots on private community systems. Venkataraman said that lots on private community water and wastewater systems would have to meet the dimensional requirements under Section 4.6.1.2.

Motion by Cole, seconded by Miller, to approve the enclosed Municipal Bylaw Amendment Report and forward to the Selectboard proposed amendments to the following sections of the Richmond Zoning Regulations: Section 3.8.5, 4.6, 4.13, 5.2.1, 5.3.5, 5.6.2, 5.6.3, 5.6.4, 5.6.5, 5.6.6, 5.6.7, 5.6.8, 5.8. Voting: unanimous. Motion carried.

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

Clarke overviewed the discussion topic and the additional zoning regulations the commission will need to review--nonconforming uses and structures, and wetlands regulations. Clarke reviewed the proposed Vehicle Fueling Station definition, identifying the change in this iteration to require a level 3 charger instead of a level 2 charger because a level 3 charger would have more utility to users. Clarke said that considering current fuels, the list of fuels should suffice for now, and that the commission will need to address EV charging requirements for residential uses at a later time. Cole clarified the requirements for universal chargers and allowances for proprietary chargers, and raised discussion on why the proprietary charger allowances would be in place. Heidi Bormann said that when she was receiving

quotes for EV chargers, she was quoted \$150,000 to install a level 3 charger, and that the Town Center's level 2 charger costed \$20,000 to \$25,000. Mark Fausel said that in previous discussions the requirement was for one DC fast charger and was at a loss for where the rest of the draft language came from. Clarke said that the intent may have been to have the requirement for one DC fast charger that can universally charge electric vehicles and suggested removing the other allowances. Cole was concerned about requiring and allowing technologies that may soon become obsolete. Clarke asked about simplifying the language to require one DC fast charger that can charge any vehicle. Cole agreed. Cole said that based on conversations he has had on this subject, the cost for a DC fast charger ranges between \$30,000 and \$70,000, but that if three phase power is unavailable or if the substation cannot handle another three-phase connection, it's going to cost a lot of money in order to upgrade the utility to bring additional three-phase power in. Cole said that in past experience he faced difficulty with the possibility of installing a DC fast charger at the park and ride because three-phase power was unavailable. Cole said that the currently proposed substation upgrades may create more capacity for three-phase power. Clarke suggested inserting a caveat of where feasible to install a DC fast charger.

Miller asked about allowances for conventional gas stations. Cole said that with this proposed language, gas stations would need to install a DC fast charger. Venkataraman said that with the possible adoption of this language, current gas stations would be considered nonconforming uses and any new gas stations or redeveloped gas stations would have to adhere to the Vehicle Fueling Station definition.

Bormann noted that the quote for the level 3 charger on her property was because three-phase power was unavailable.

Cole asked about DRB processes if, hypothetically, the Mobil station is unable to install a DC fast charger. Venkataraman said that as presented Vehicle Fueling Stations would have to have a DC fast charger, that no waiver provisions are in the zoning, and that if the commission wants to put in a waiver provision, the process for it needs to be fully established. Clarke suggested including the waiver provision into the definition. Venkataraman said that it would be better if the waiver provision was in place under regulations for all lots or regulations for particular uses, and that the definitions section is not for defining permitting processes.

Fausel said that the commission should be mindful of cost considerations. Cole concurred. Clarke suggested that the commission reach out to Green Mountain Power about feasibility of installing a DC fast charger. Fausel agreed. Miller asked about requiring the installation of lines to make on-site EV charging possible in the future. Venkataraman said that the commission will need feedback from current gas station owners before it can proceed with the draft language, and that requiring the installation of electrical lines veers into building codes which is outside the scope of zoning. Cole recommended that Venkataraman reach out to Green Mountain Power about the capacity of the substation and the ability to install a DC fast charger.

Mullen said that the role of the commission is to set requirements and allow for the Selectboard and the town to decide on adopting the requirements the commission wants to set, and that with the market trends, gas stations would have to adapt to newer standards. Miller referenced the Town Plan action items regarding EV charging stations.

Clarke asked about the prepared foods as an accessory use allowance. Fausel said that having the underlying district determine allowable uses thereby requiring vehicle fuel sales and restaurant uses to apply as multiple uses on a single property. Fausel said that the discussion would need to be about allowing restaurants within the Gateway District and that the status quo would be less controversial.

Clarke transitioned the discussion to Powered Vehicle Repair and Powered Machinery Repair uses. Miller overviewed the aesthetic differences between the two uses. Clarke asked Bormann for comment. Bormann said she liked both definitions, had no major concerns, and praised Chris Granda for his work on the definitions. Clarke asked if Bormann could host both uses. Venkataraman said that it depends. Bormann asked if it would be easier to permit if the definitions were combined. Venkataraman said yes, it would be easier. Venkataraman said that if both Powered Vehicle Repair and Powered Machinery Repair were a singular use, the applicant would only have to fulfill the requirements for the single use, and that if both uses were separate uses, the applicant would have to undergo the PUD process and fulfill requirements for both uses. Bormann said her main concern was the listing of the use in the district Mann and Machine is located and that if the use is not listed, financing for future development projects become more difficult. Fausel noted the aesthetic differences between the uses and said therefore could foresee allowing the uses in different locations with different requirements.

Fausel said he was nervous about the sale and leasing of vehicles with the Powered Vehicle Service use. Clarke concluded that Fausel wanted to create three classifications--vehicle repair, vehicle sales, and machinery repair. Venkataraman said that the existing definition in the zoning regulations for vehicle sales is adequate. Clarke asked for Bormann's input. Bormann said that she occasionally sells vehicles but does not operate a dealership, and that she would appreciate the flexibility to sell vehicles on a smaller scope. Miller asked about the scale of Bormann's vehicle sales operations and said she was concerned about the scale of the vehicle sales portion of the use. Bormann said their sales operation is minor and discreet. Fausel acknowledged that Bormann's vehicle sales are consistent with accessory uses, said that the proposed definition opens up undue, adverse impacts, asked Venkataraman if vehicle sales is allowed in the Village Commercial District, and suggested curtailing the use by limiting the number of vehicle sales to two to four vehicles at a time. Venkataraman said that vehicle sales is not allowed in the Village Commercial District and is only allowed in the Commercial and Industrial/Commercial Districts. Bormann clarified that Mann and Machine is in the Commercial District. Cole asked about the concerns for vehicle sales in the location of Mann and Machine. Fausel said he was concerned about the loudness and garishness of auto sales uses. Venkataraman said that typically vehicle sales uses necessitates larger lots for storage. Bormann said that even though the use may be grandfathered, banks want to see if the use is allowed in the district with any financing application. Fausel called attention to the allowance for vehicle service in the Gateway District, which could expand to allowances for vehicle sales in the Gateway District. Bormann said she saw Fausel's suggestion of limiting the number of vehicle sales per year as a viable solution. Miller asked Venkataraman if the town could enforce standards limiting the number of vehicles on display for sales. Venkataraman said yes, such standards could be enforceable if quantitative standards are written into the regulations. Fausel suggested adding the limit to sales to four vehicles at a time. Miller pointed out that the powered vehicle service and powered machinery service uses are compatible. Clarke noted that no one had mentioned a location in which they prefer having a powered vehicle service use and not having a powered machinery service use or vice-versa, and recommended that more thought on these definitions is needed. Cole asked Bormann how many vehicles does she sell per year. Bormann said she

estimated four to five vehicles. Clarke said that more thought is needed for location and also A/R District allowances.

Cole asked if the proposed definitions would impact home occupations. Venkataraman said that the proposed definitions wouldn't constrict home occupations and cottage industries, and that the operation would be curtailed by the size and scale limitations of home occupations and cottage industries.

7. Discussion on September 1st Meeting Agenda

Clarke said that the following topics are slated to be on the September 1st meeting agenda: Williams Hill Road, Nonconforming uses and structures, wetlands regulations, and the proposed bylaw changes to the Town of Williston's regulations. Clarke said that the commission will eventually need to circle back to the ongoing zoning reform work and discuss possibilities for the Residential/Commercial District and areas south of the Winooski River. Miller said that additional comments from the Planning Commission may be needed for the Housing Committee's Town Plan goals report. Clarke said that more information about the Housing Committee's work is forthcoming.

9. Other Business, Correspondence, and Adjournment

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

Respectfully submitted by Ravi Venkataraman, Town Planner