



Planning & Zoning Office
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APPLICATION: CU2023-02

APPLICANT: Joe Goodspeed

REQUESTED ACTION: Conditional Use Review

LOCATION: 150 Cat Lane Richmond VT 05477

EXISTING ZONING: Commercial Zoning District

PROJECT DESCRIPTION: Applicants are seeking Conditional Use approval to complete phase three of a previous approved expansion at the Caterpillar plant at 150 Cat Lane. The expansion will consist of a 7160 square foot service bay and a 1236 square foot canopy which will connect the two existing parts of the Milton CAT facility

PARCEL HISTORY:

DRB approves Conditional Use Application 10-097 December 10, 2010

Zoning permit for canopy permit number 12-003 January 9 2012

Zoning permit for construction related to Conditional use application 10-09, August 27, 2012

DRB approves Conditional Use Application CUR 2022-02 February 24, 2022

LIST OF SUBMISSIONS:

- a. CU2023-02. A Narrative
- b. CU2023-02. B Application
- c. CU2023-02. C Plans

PROCEDURAL INFORMATION:

1. Application received 1/16/2023
2. Warning and agenda sent to Seven Days 1/20/2023
3. Hearing notice sent to applicant 1/23/2023
4. Abutters letter sent 1/23/2023

STAFF COMMENTS (In Bold):

1. Doten's Construction submitted an application on behalf of Milton Real Properties of Massachusetts for the Milton CAT facility in Richmond Vermont. The applicants are looking for approval for Phase Three of the expansion of the CAT facility. Phase Three was previously approved by the Development Review Board in 2010. However, the approval has since expired. Phase Three includes a 7160 square foot service bay and

1236 square foot canopy which will connect the two existing parts of the Milton CAT facility

2. The Property is located in the Commercial Zoning District
3. The commercial Zoning District is covered by Section 3.6 of the Richmond Zoning regulations
4. Section 3.6.2. notes that Equipment supply and or rental is an allowed use with conditional use approval
5. Section 3.6.3 notes the following dimensional requirements for lots in the Commercial Zoning District
 - a. Except as provided under Section 4.6.1, no lot served by a municipal or community water and sewer system shall be less than one-third (1/3) acre. This minimum lot area requirement shall be increased to one (1) acre for any lot not served by municipal or community water and sewer systems. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller. In the case of a lot for three (3) or more dwelling units served by municipal or community water and sewer systems, one-third (1/3) acre of land per dwelling unit shall be required and one (1) acre of land per dwelling unit shall be required for lots not served by municipal or community water and sewer systems. **Lot is 11.94 acres**
 - b. Each lot must contain a point from which a circle with a radius of twenty five (25) feet can be inscribed within the boundary of the lot. Conditional use review is covered by section 5.6 of the Richmond zoning regulations
 - c. No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3
 - d. The total ground area covered by all structures, parking areas, walkways, driveway and areas covered by impervious materials shall not exceed fifty percent (50%) of the total ground area of the lot. **Lot coverage is 192,000 square feet and is under the 50% coverage requirement**
6. Section 3.6.4 list the following requirement for dimensional Limitations for Structures on Lots in the Commercial District
 - a. The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6. **Building height is 33 feet**
 - b. b) Front Yard Setback - All structures shall be set back at least twenty (20) feet from the front lot line.
 - c. c) Side Yard Setback - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from the side lot line.
 - d. d) Rear Yard Setback - A principal structure shall be set back at least fifteen (15) feet from the rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot
7. Section 3.6.5 notes that no Zoning Permit may be issued for Land Development in the Commercial District unless the Land Development meets the following requirements:
 - a. Parking shall be regulated as provided in Section 6.1.
 - b. Loading Space Requirements - Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1. **Loading dock noted on site plan**
 - c. Signs - Signs shall be regulated as provided in Section 5.7.

- d. Traffic Impact - No permit or approval shall be issued for a use which generates more than 70 vehicle trip ends during the P.M. peak hour for the first 40,000 square feet of lot area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of lot area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip generation - Seventh Edition - 2003", Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
- e. Access - Access shall be regulated as provided in Sections 4.1 through 4.4.
- 8. Section 5.6 covers the requirements for conditional use review
- 9. Section 5.6.1 outlines the general standards for conditional use review
 - a. The capacity of existing or planned community facilities **No impact on community owned facilities anticipated**
 - b. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan; **Equipment supply and Rental is an allowed use in the Commercial District**
 - c. Traffic on roads and highways in the vicinity;(**Need traffic Information**)
 - d. Bylaws and ordinances then in effect; and,
 - e. The utilization of renewable energy sources.
- 10. Section 5.6.2 notes the following specific requirements
 - a. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated. **None Indicated**
 - b. There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business.
 - c. Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety. **Equipment Supply and Rental is an allowed use in the Commercial zoning district. Storing of equipment related to this work would be in keeping with the character of the neighborhood**
 - d. A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
 - e. The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met **Project phasing needs to be provided**
 - f. In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures. **Equipment Supply and Rentals is an allowed use in the Commercial District**
 - g. No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel. **None Indicated**
 - h. The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities. **Non noted**

- i. Existing water supplies and the quality of ground and surface water resources shall not be adversely affected.
 - j. The proposed Land Development shall not have an undue adverse effect on an Historic Site or rare or irreplaceable natural areas. Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project.
 - k. Any other standards, such as natural landscape and “character of the neighborhood” standards, as indicated for specific districts shall also be applied.
- Equipment Supply and Rentals is an allowed use in the Commercial District**
11. Section 5.6.3 notes that conditional use review also requires Site Plan review
12. Site plan review is covered under Section 5.5 of the Richmond Zoning Regulations.
13. Section 5.5.2 lays out the following requirements for Site Plan Review
- a. Name and address of owner(s) of the parcel. **Milton Real Properties of Massachusetts**
 - b. Names and addresses of all abutters, including those across contiguous Road(s) or Highway(s). **Abutters list provided**
 - c. Unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. In all events, the site plan shall be drawn to scale, and submitted with written supporting data, showing the following:
 - i. Existing features: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, Roads or Highways, surveyed boundaries, dimensions, total lot size; **Noted on site plan**
 - ii. Proposed Land Development: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas. **Noted on site plan**
 - d. Information as to the time period or phasing for completion of the project. **No phasing noted at this time**
 - e. The DRB may also require the following submittals:
 - i. Security as provided in Section 8.2.5.
 - ii. Formal traffic study if a substantial alteration in public traffic flow is anticipated or a largescale parking area is planned. This may include analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control
 - f. Project will be subject to Section 4 regulations applying to all lots
14. Section 5.5.3 lists the following conditions of approval for Site Plan Review
- a. Traffic - Conditions and safeguards with respect to adequacy of parking, traffic access, and circulation for pedestrians and vehicles, including, but not limited to:
 - i. Lanes - Installation of speed change lanes or frontage roads.
 - ii. Curb Cuts - Limitations on access driveways, or requirement that these be shared with adjacent properties to reduce curb cuts and provide for safe ingress and egress. **One curb cut on property**
 - iii. Pedestrians - Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas. **Sidewalks and crossing areas noted on site plan**

- iv. Roads within the site connecting to roads outside the site that will bear substantial traffic loads being constructed to the Public Works Specifications. **Driveway shown on the site plan**
 - v. Parking must be located to the rear of buildings, or at the side well-screened from view. **Parking located at the side of the building**
 - vi. Trails for non-motorized transportation.
 - vii. Lighting - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences. **Lighting plans not provided**
- b. Landscaping and Screening Conditions and safeguards with respect to landscaping and screening, including, but not limited to **DRB Should consider giving credit for existing landscaping**
- i. Provision for landscaping that will preserve the character of the existing neighborhood. This may include curbside shade trees.
 - ii. Provision of a buffer zone that shall include vegetative screening to conceal outdoor storage or display areas, parking lots, or loading areas, or other outdoor commercial or industrial uses from neighboring residences. **Buffer strips of grass noted on the site plan**
 - iii. Requirements that vegetation be indigenous to the area, sight-impervious, large enough to do well, and planted intervals in keeping with other neighborhood foliage. **Applicants detail sheet notes that plants will be from a latitude north of Boston and will be indigenous to the area**
 - iv. Retention of currently existing site vegetation. **Proposed development will be focused on a preexisting slab between service area and utility building and should have minimal impact on landscaping**
 - v. Interim fencing being required while vegetation is growing to appropriate size. **Fencing not noted**
 - vi. Provision for the care and maintenance of plantings, including removal of dead or diseased trees or shrubs. **Applicants go into detail as to how the landscaping will be planted. Long term care plan not noted. Types and quantities of plants noted on detail sheet**
 - vii. Minimum Landscaping Costs. The minimum direct landscaping cost shall be at least equal to the total project construction cost multiplied by a certain percentage per the below schedule **Minimum landscaping sot not provided**
 - 1. \$0-\$250,000-3%
 - 2. Next \$250,000 -2%
 - 3. Excess over \$500,000-1%
 - viii. In the case of non-residential uses, the required front yard shall be suitably landscaped and maintained in good appearance.
 - ix. Buffer Strips. DRB may also require additional landscaping above and beyond the formula for the purpose of adding a buffer strip along I-89 to properly screen development from the highway. **Buffer strips of grass noted on site plan**
 - x. Additional Screening. The DRB may require additional plantings or attractive solid fencing, above the normal landscaping requirement, whenever it determines a particular site warrants such additional landscaping, such as to adequately screen two adjacent dissimilar uses from each other, or to improve the appearance of a property which is

covered excessively with pavement or structures or is otherwise insufficiently landscaped. All outdoor lighting or parking from public or commercial uses shall be screened from the view of the ground floor of adjacent residential buildings. Auto service stations shall be screened in the same manner from all abutting properties. Recreational vehicle parking areas shall be screened with evergreen trees and shrubs and such landscaping plan shall be part of the application.

- xi. Exterior Lighting. Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations. **No Lighting plan provided.**
 - xii. Site Restoration. The DRB may require any necessary grading or seeding to restore the condition of any portion of a site that is disturbed during construction.
- c. Renewable Energy Resources Conditions and safeguards for the protection and the utilization of renewable energy resources.
 - d. Signs Size, location, and design.
15. Section 4 covers regulations for all lots
16. Section 4.1 notes that all vehicle access shall comply with the 2000 public works specification or the most recent version.
17. Section 4.4 notes that properties cannot have more than one curb cut. **Only one curb cut noted on site plan**
18. Section 4.10.1 notes the requirements for exterior lighting the Town of Richmond exterior lighting policy is designed to reduce the use of inappropriate and poorly designed or installed exterior lighting which causes unsafe and unpleasant viewing conditions. On the other hand, it is also recognized that some exterior lighting is appropriate and necessary. All Richmond property owners or Applicants are encouraged to utilize the following general guidelines when designing and installing or replacing existing exterior lighting fixtures: **Applicants need to supply a lighting plan**
- a. use the minimum light level needed for the task
 - b. avoid competitive lighting, in which one source of lighting is increased in illumination to “outshine” a neighboring source
 - c. light areas evenly and uniformly for better visibility
 - d. consider the color of the light and limit the use of lighting that provides unnatural color.
 - e. Lighting should not shine onto adjacent properties or above the horizontal plane, at the elevation of the light fixture.
19. Section 4.10.3 note the following general lighting criteria
- a. a) Site Plan. Submit a Site Plan proposal that includes all proposed exterior light fixtures:
 - i. i. Specifications for all proposed lighting fixtures including photometric data designation as IESNA (the Illumination Engineers Society of North America) “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures such as height and location, and;
 - ii. ii. Analyses and iso-illuminance diagrams showing that the proposed installation conforms to the lighting standards in this Section.
 - b. b) Illumination. Whenever building elevations are submitted, show exterior fixtures and the portions of the walls to be illuminated.
 - c. c) Sensors. Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

- d. d) Underground. Electrical service to exterior lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.
 - e. e) Height. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture.
 - f. f) Exemptions. Lighting associated with normal and customary residential activities and holiday lighting, displayed within 45 days of the State recognized date of the holiday, shall be exempt from this standard.
20. Section 4.11 lays out the allowable heights for structures in all zoning districts
21. Section 4.11.1 notes that building heights shall not exceed 35 feet
22. Section 4.11.5 notes that for all Conditional Use and Site Plan Review applications, applicants must consult with the Richmond Fire Department prior to applying. All Conditional Use and Site Plan Review applications must include a letter of recommendation from the Richmond Fire Department. The DRB shall take into consideration the recommendations the Richmond Fire Department in its review. Permit conditions may include recommendations from the Richmond Fire Department, so long as the recommendations promote the health, safety and general welfare of the inhabitants of the Town of Richmond.
23. Section 4.12 lays out the following performance standards
- a. No vibration resulting from the activities or use of a lot shall be measurable at the lot lines.
 - b. No odors resulting from the activities or use of a lot shall be discernible at the lot lines.
 - c. Smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart.
 - d. No dust, dirt or fly-ash from the activities or use of a lot shall exceed two-tenth (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.
 - e. No noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines.
 - f. Hazardous materials and wastes shall be stored on and removed from a lot without causing a release or the threat of a release from a facility on a lot or on adjacent lots, and any such storage, use and/or removal shall protect the public health, safety, welfare and the environment. All uses shall comply with all federal and state laws, rules and regulations for the use, storage, transport, and disposal of hazardous materials and wastes.
 - g. No use shall cause, create, or result in an undue adverse impact on municipal facilities and services.
 - h. No heat shall be discernible at the lot lines.
24. Section 6.1 deals with Parking and loading requirements
25. Section 6.1.2 subsection d notes if the land use or building type is not contained in this zoning ordinance, then the American Planning Association's 'Off Street Parking Requirements' shall provide the range for the number of spaces required. **Applicants detail sheet notes that they are required to have a minimum of 28 parking spaces. Detail sheet notes 48**
26. Section 6.1.3 notes the following requirements for drive through facilities
- a. Drive-through facilities shall not utilize required parking spaces to meet stacking requirements. Facilities shall be designed to minimize conflicts with other on-site vehicular and pedestrian traffic.

- b. Stacking requirements. A minimum of six (6) vehicles should be accommodated in each stacking lane
27. Section 6.1.6 notes the following parking standards
- a. All parking areas subject to administrative review by the Administrative Officer, except for such areas associated with single or two-family dwellings, or other Land Development specifically exempted from site plan review, shall require Site Plan Review (see Section 5.5.1). All parking areas shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the DRB.
 - b. All parking areas shall be hard-surfaced (asphalt or concrete). The DRB may waive this requirement if the Applicant demonstrates that all of the remaining standards of section 6.1.6 will be met. In addition, the following specific standards shall be considered by the DRB when reviewing a waiver request for surfacing requirements: 1) The parking area shall be designed so as to prevent the intrusion of gravel or a similar surfacing material onto the road / Road or Highway travel lanes or adverse impacts on drainage systems.
 - c. All parking areas and associated roadways shall be designed and constructed with detention devices, such as, but not limited to overland grassed and/or stone lined swales, detention basins, and settling ponds, in order to assure that the post development peak flow stormwater volumes from such parking areas and roadways do not exceed the predevelopment quantities based on the run-off from a twenty-five year, twenty-four hour storm event. All such devices shall be designed and constructed to the standards in the Public Works Specifications, except that in the event of a conflict between the Public Works Specifications and the preceding sentence, the preceding sentence shall control. Unless stormwater flows are contained on the lot where such parking areas and roadways are located, there must also be adequate off-site drainage areas to accommodate such flows.
Swales noted on plan set
 - d. All parking areas shall provide for persons with disabilities which are clearly designated and marked, and signed, using the international symbol for access required by Title 21 V.S.A. Section 275, as amended, for use by such persons only. **ADA parking located on site plan**
 - e. State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 5.5.
 - f. All parking spaces shall meet the setback standards for the District in which it is located except parking in driveways in the Agricultural / Residential District for single-family residential uses, parking in the Jolina Court Zoning District, and the Village Commercial District. Refer to Section 3.9 for specific requirements regarding parking and setbacks in the Jolina Court Zoning District, and Section 3.5.4 for specific requirements regarding parking and setbacks in the Village Commercial District.
 - g. The DRB may require screening for any parking lots located within any front yard. Screening shall emphasize the separation of parking lots from adjoining public Roads or Highways to minimize glare from vehicle headlights onto public Roads or Highways. The use of berms and landscape materials is the preferred method of screening. The DRB may approve fencing, if it determines the more preferred methods are impractical.
 - h. All parking lots shall be landscaped as approved by the DRB.

- i. The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The DRB may waive this requirement due to unique characteristics of the lot, or innovative alternative designs. **Pedestrian pathways to parking areas shown on site plans**
- j. parking lots shall be designed to encourage bicycle access. Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The DRB may waive this requirement if in their judgment the business will not generate bicycle traffic. **No bike rack noted on site plan. Applicants should request that the DRB waive this requirement**
- k. Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB.
- l. The DRB may require the use of uniform ingress and egress signs, traffic control signs, and other signs as necessary to direct the flow of traffic.
- m. Lighting shall be provided in all parking lots as approved by the DRB and in conformance with Section 4.11, Exterior Lighting, of this Regulation.
- n. Joint parking arrangements may be approved by the DRB, provided that the Applicant has submitted legal documentation to guarantee continued long-term availability of said parking. Within any shopping center or other areas where joint parking has been established, the DRB may not approve any site plan amendments or other use changes which would increase parking needs, or any waivers of parking requirements, until the Applicant has submitted proof of notice to all tenants or shared parking participants of the proposed change.
- o. All fire lanes as recommended to the DRB by the Fire Chief shall be clearly designated by pavement markings and/or signage. All designated fire lanes shall be kept free from obstruction at all times. Vehicles parked within a designated fire lane for any period of time shall be subject to immediate towing at the owner's expense.
- p. The DRB may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking. The DRB may require any change in use on any property where a waiver has been granted to be reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The DRB shall determine that one or more of the following standards are met at a specific location prior to granting a waivers:
 - i. The proposed uses have staggered business hours with minimal overlap in business hours.
 - ii. The Applicant presents evidence that the parking requirements are excessive based upon new parking studies, traffic engineering data, or obvious and apparent existing parking demands.
 - iii. The Applicant demonstrates that the demand for parking is reduced because the type of business proposed substantially relies on pedestrian traffic.
 - iv. The Applicant demonstrates that sufficient off-Road or Highway parking is available at other locations within two hundred (200) feet which are, or have been approved by the DRB.
 - v. The use of mass transit, or other alternate transportation reduces parking demand.

- vi. Joint parking facilities with abutting businesses are sufficient to meet parking demand. Richmond Zoning Regulations 61 Effective May 23, 2022
- vii. The I.T.E. (Institute of Traffic Engineers) Parking Manual, or other professional source, provides data which demonstrates parking demand for a proposed use is less than the standards specified in these Zoning Regulations.

Recommendations to the DRB

Project should be approved by the DRB with the following conditions

- 1. Prior to the Zoning Administrator issuing a zoning permit the applicants shall submit a long-term plan to maintain the landscaping**
- 2. Prior to the Zoning Administrator issuing a zoning permit the applicant shall submit a lighting plan that meets the requirements of section 4.10.3**
- 3. Prior to the Zoning Administrator issuing a Zoning permit the applicant shall submit all the information to comply with section 4.11.1**
- 4. Prior to the Zoning Administrator issuing a Zoning permit the applicant shall submit a letter of recommendation from the Richmond Fire department**
- 5. Applicants should request a waiver from the bike rack requirement**