

# **EXHIBIT 1**

Application # 2021-03  
Parcel ID WM1436  
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**Town of Richmond  
Development Review Board  
Final Decision**

**IN RE: Summit Distributing, LLC CU2022-06:** A proposed redevelopment of an Automobile Service Station use into a Vehicle Fueling Station use, which will include demolition of the existing store and canopy and the construction of a new 4,050 square foot convince store and quick service restaurant, new islands with eight fueling locations, two electric vehicle charging stations and two new double wall fiberglass underground fuels storage tanks. In addition, there will be significant investment in wastewater treatment and infrastructure for the site.

**SUBMITTALS:**

- A. Conditional Use Application, submitted on June 22, 2022
- B. Narrative, submitted June 24, 2022
- C. Site Plan Set with truck turn plan, lighting plan, lighting specifications, building elevations and wastewater plans, submitted June 24, 2022
- D. Abutters list, submitted June 22, 2022
- E. Storm Water Management Plan, submitted June 22, 2022
- F. Illuminated sign plan, submitted June 22, 2022
- G. Non-illuminated sign plan, submitted June 22, 2022
- H. Comments from State Western Floodplain Manager Kyle Medash, received June 30, 2022
- I. Trip Generation Letter with trip generation data, submitted June 22, 2022
- J. Vermont Agency of Natural Resources Individual Wetland Permit, submitted June 22, 2022
- K. Site plan rendering (Sheet 4 of 12), submitted June 24, 2022
- L. Grading and Drainage Plan (Sheet 5 of 12), submitted June 24, 2022
- M. Correspondence from the applicants to State Western Floodplain Manager Kyle Medash, received July 1, 2022
- N. Aerial rendering of proposed project viewed from the west, submitted June 22, 2022
- O. Aerial rendering of proposed project viewed from the on-ramp, submitted June 22, 2022

During the July 13, 2022 meeting Tom Frawley, Huseyin Sevincgil, Cory Mason, and Jeremy Greeley provided verbal testimony at the hearing.

**PROCEDURAL INFORMATION:**

- 1. Conditional Use Application, Submitted on June 22, 2022
- 2. Notice placed on and at three locations in town on June 24, 2022
- 3. Agenda sent to Seven Days June 27, 2022

4. Notice Letter sent on June 24, 2022
5. Abutters notified on June 24, 2022

#### **FINDINGS OF FACT:**

1. The applicants proposed a redevelopment of an Automobile Service Station into a Vehicle Fueling Station use, which will include the demolition of the existing store and gas station canopy and the construction of a new 4,050 square foot convenience store and quick service restaurant, new islands with eight fueling locations, two electric vehicle charging stations and two new double wall fiberglass underground fuels storage tanks. There will also be improvements to the site's storm and waste water infrastructure.
2. The lot size is 4.2 acres.
3. The lot currently hosts a 1514-square-foot convenience store and an eight-pump gas station.
4. The current use is an Automobile Service Station use and is a legally nonconforming use. The applicant is proposing to convert the use of the property from an Automobile Service Station use to a Vehicle Fueling Station use.
5. The lot is located in the Industrial Commercial (I/C) Zoning District.
6. Section 3.7.2 notes that Vehicle Fueling Stations are an allowed use with Conditional Use Review and will be subject to Section 5.6 of the Richmond Zoning Regulations.
7. Section 3.7.3 subsection a. notes that lot sizes shall not be less than an acre.
8. Section 3.7.3 subsection b. notes that lots have to have an area with a radius of 50 feet.
9. The subject lot contains an area with a radius of 50 feet.
10. Section 3.7.3 subsection c. notes lots with 100 feet of frontage need access to a public or private road.
11. The subject lot has access to a public road.
12. Section 3.7.3 subsection d. notes that lot coverage cannot exceed 60% unless it can be shown that all storm water can be kept on the lot. Coverage could then increase to 80%.
13. Site plans for the project notes that total lot coverage is 14.5%.
14. Section 3.7.4 subsection a. notes that building height cannot exceed 35 feet.
15. The site plans note that the proposed buildings will be shorter than 35 feet.
16. Section 3.7.4 subsection b. notes front yard setbacks structures need to be set back 50 feet from the edge of a public or private road.
17. The applicant's site plans show the proposed structures to be set back 51.2 feet from the edge of the public right-of-way,
18. Section 3.7.4 subsection d. rear yard setbacks notes that structures must be set back 15 feet from rear property line.
19. The applicant's site plans show the proposed structures to be set back 91 feet from the rear property line, and 113 feet from the side property line.

20. Section 3.7.5 subsection d. notes that no permit or approval shall be issued for a use which generates more than 70 vehicle trips 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.
21. The proposed project is allowed a maximum 213 pm peak hour trip ends based on the above formula.
22. In their application materials, the applicant noted that the proposed project would generate about 74 PM peak hour trip ends.
23. Section 6.1.1 subsection e. notes that 1 loading space is required for every 5000 feet of gross floor space.
24. The proposed project will have 4500 feet of gross floor space.
25. Section 4.4 notes that only one curb cut is allowed per property.
26. Only one curb cut noted on site plan.
27. Section 5.6.1 subsection a. notes that a proposed use shall not result in an undue adverse effect upon the capacity of existing or planned community facilities.
28. Section 5.6.1 subsection b. notes that a proposed use shall not result in an undue adverse effect upon 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.
29. Per the 2018 Richmond Town Plan, the subject property is located within the Gateway Land Use Area.
30. The purpose of the Gateway Land Use Area per the 2018 Town Plan is as follows:  
“The Gateway was created and named as such to be the attractive entrance to the historic Richmond Village. It is an area with commercial, light industrial, and residential uses that may not fit spatially in Richmond Village but could be advantaged by proximity to the downtown area.
31. Future land uses within the Gateway Land Use area include “Commercial, light industrial, residential, and mixed uses” as well as “Development that would not be suitable for the village or downtown commercial spaces”.
32. One of the goals listed in the Economic Development section of the 2018 Town Plan calls for “Support[ing] and encoura[ging] strong and diverse local businesses and a local economy.”
33. Section 5.6.1 subsection c. notes that a proposed use shall not result in an undue adverse effect upon traffic on roads and highways in the vicinity.
34. Section 5.6.1 subsection d. notes that a proposed use shall not result in an undue adverse effect upon bylaws and ordinances then in effect.
35. Section 5.6.1 subsection c. notes that a proposed use shall not result in an undue adverse effect upon the utilization of renewable energy sources.
36. Site plans indicate that solar panels will be utilized on the project.
37. Section 5.6.2 subsection a. notes that conditional uses shall comply with the following specific standard: 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.

38. The applicants have indicated in their narrative that the site will not have excessive noise, smoke and other irritants
39. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: 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.
40. The applicants are not proposing any outside displays.
41. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety.
42. The applicants are not proposing any outside storage of parts, goods, or other items.
43. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
44. The applicant's narrative notes that all applicable state permits will be obtained prior to construction.
45. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met.
46. Applicants anticipate construction taking 4-5 months.
47. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: 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.
48. Applicant's narrative notes that the use of this project is a conversion and expansion of a compatible use and that Vehicle Fueling Station uses are allowed in the I/C Zoning District.
49. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: 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.
50. No concerns noted by the Richmond Fire Department.
51. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: The development shall not result in an undue adverse effect on state- or community-owned and operated institutions and facilities.
52. No adverse impacts indicated by the applicant.
53. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: existing water supplies and the quality of ground and surface water resources shall not be adversely affected.
54. Narrative notes that existing private well will be upgraded to handle the additional use of the larger building.

55. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: the proposed land development shall not have an undue adverse effect on a Historic Site or rare or irreplaceable natural areas.
56. Narrative notes no historic sites located on the property.
57. Section 5.6.2 notes that conditional uses shall comply with the following specific standards: any other standards, such as natural landscape and "character of the neighborhood" standards, as indicated for specific districts shall also be applied.
58. Applicants note that existing slopes will be protected and screening will be planted.
59. Section 6.1.2 subsection c. notes that service stations require 5.5 parking places for every 1000 square feet of gross floor area.
60. The proposed project is 4500 square feet and will require 22 parking spaces.
61. Application and site plans note 31 proposed parking spaces.
62. Section 6.1.6 subsection b. notes that 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: 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.
63. Site plans indicate a mix of hard surfaces both asphalt and concrete. The application also has erosion and sediment control plan intended to keep excess gravel and similar materials from washing off the property.
64. Section 6.1.6 subsection c. notes that 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.
65. Applicants storm water plan notes deep-sump, hooded catch basins, two slotted trench drains, two First Defense hydrodynamic separator units, an oil/water separator tank, an underground detention system, and a crushed stone drip strip. BMP's included in the proposed stormwater system are designed to improve stormwater quality and quantity at the design point. Underground drainage pipes have been sized to accommodate a 25-year storm event. In addition, the plan notes runoff from paved areas surrounding the fueling area will be captured in hooded catch basins with deep sumps or slotted drains and directed through First Defense hydrodynamic separator units to remove floatables, fine particles, and provide some

- storage for fuels/oils in the event of a spill. Runoff will then flow through an oil/water separator for additional oil and grit removal prior to entering an underground detention system consisting of 36" diameter HDPE pipes with watertight joints and an outlet control structure (OCS) to reduce peak flow rates discharging.
66. Section 6.1.6 subsection d. notes that 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.
  67. The applicants are proposing two ADA parking spaces. Applicants detail sheet notes the design of the accessible parking stalls and notes the layout of accessible parking signs.
  68. Section 6.1.6 subsection f. notes that all parking places need to meet the setback requirements.
  69. Parking lots are outside of front, rear and side yard setbacks.
  70. Section 6.1.6 subsection g. notes that 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.
  71. Landscaping plan notes trees and shrubs planted to screen parking areas.
  72. Section 6.1.6 subsection g. notes that all parking requires landscaping approved by the DRB.
  73. Application notes a landscaping plan of the property highlighting various landscaping features such as trees and bushes.
  74. Section 6.1.6 subsection i. notes that 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.
  75. Site plan notes sidewalk for pedestrians in front of building with concrete bollards to protect pedestrians.
  76. Section 6.1.6 subsection j. notes that 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.
  77. No bike racks indicated in site plan. In verbal testimony Tom Frawley noted that they will be added.
  78. Section 6.1.6 subsection k. indicated the need for striping in parking lots.
  79. Striping is noted in the site plan.

80. Section 6.16 subsection l. notes that 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.
81. Stop sign indicated for egress to Route 2 on site plans. Directional arrows will also be painted indicating traffic flows.
82. Section 6.1.6 subsection m. notes lighting shall be provided in all parking lots as approved by the DRB and in conformance with Section 4.10, Exterior Lighting, of this Regulation.
83. Lighting plan included in site plan.
84. Section 6.1.6 subsection o. notes 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.
85. Section 4.4 notes that no more than one curb cut shall be allowed onto a public or private road or highway right of way affording access to a lot.
86. Only one curb cut noted in the site plan.
87. Section 4.10.2 subsection a. notes that the applicants need to submit a site plan proposal that includes all proposed exterior light fixtures 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; Analyses and iso-illuminance diagrams showing that the proposed installation conforms to the lighting standards in this Section.
88. Site plan contains information as to number, type, and location of light fixtures. Site plan also notes the technical specifications for each type of light used on this project.. Parking area lights will be 13 feet with a 2-foot concrete pedestal for a total height of 15 feet. Building exterior lighting will be positioned at a height of 12 feet. An ISSO illumination diagram was provided noting light levels.
89. Section 4.10.2 subsection b notes that whenever building elevations are submitted, show exterior fixtures and the portions of the walls to be illuminated.
90. Diagram notes the location of exterior fixtures and portion of walls that will be illuminated.
91. Section 4.10.2 subsection c. notes that dimmers and timer should be included on lighting.
92. Dimmers noted on detail sheet.
93. Section 4.10.2 subsection d. noted that electrical service to exterior light fixtures shall be underground.
94. Notes in the utility plans indicate that all electrical and telephone lines will be underground.
95. Section 4.10.3 notes the standards required for security and parking lot lighting. Regulations note the following standards for the I/C zoning district: Hight 25 feet



- max, Min illumination no less than .3fc, uniformity ratio 4:1 Average illumination level on vertical surface no more than .3fc, Minimum CRI of 60.
96. Maximum height will not exceed 25 feet. Polls are 15 or less, Minimum illumination levels are greater than .3fc, Uniformity ratio is 3.67. Average illumination on vertical surfaces not in excess of .3fc, Minimum CRI is greater than 60 for lights shown on site plan.
  97. Section 4.10.6 notes that lighting levels on gasoline station aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these Zoning Regulations shall be used for that purpose.
  98. Section 4.10.6 subsection a. notes that areas on the apron away from the gasoline pump islands, used for parking or vehicle storage, shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this Section.
  99. Section 4.10.6 subsection b. notes that areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance is at least 1.0 foot-candle and no more than 2.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall not exceed 4:1.
  100. Ratio for under the canopy does not exceed 4:1 ratio.
  101. Section 4.10.6 subsection c. notes that light fixtures mounted on canopies shall be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy.
  102. Light fixtures will be recessed and flush with the bottom of the canopy
  103. Section 4.10.6 subsection d. notes that as an alternative (or supplement) to recessed lights, indirect lighting may be used where light is reflected down from the bottom of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
  104. Section 4.10.6 subsection e. notes that lights shall not be mounted on the top or sides of the canopy, and the sides (fascias) of the canopy shall not be illuminated.
  105. Applicant's site plan notes that there is no lighting mounted on the top or sides of the canopy.
  106. Section 4.11.2 notes that buildings with a cupola can be 45 feet in height.
  107. Structure has cupola that is less than 45 feet.
  108. Section 4.12 subsection a. notes that no vibration resulting from the activities or use of a lot shall be measurable at the lot lines.
  109. The Applicant's narrative notes that there will be no vibration resulting from the activities or use of the lot.
  110. Section 4.12 subsection b. notes that no odors resulting from the activities or use of a lot shall be discernible at the lot lines.
  111. The Applicant's narrative notes that there will be no odors resulting from the activities or use of the lot.

112. Section 4.12 subsection c. notes that smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart.
113. The Applicant's narrative notes that there will be no smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart.
114. Section 4.12 subsection d. notes 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.
115. The Applicant's narrative notes that there will be 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.
116. Section 4.12 subsection e. notes that no noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines.
117. The Applicant's narrative notes that there will be no noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines.
118. Section 4.12 subsection f. notes that 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.
119. The Applicant's narrative notes that gasoline and diesel will be safely stored in underground tanks on the property.
120. Section 4.12 subsection g. notes no use shall cause, create, or result in an undue adverse impact on municipal facilities and services.
121. The Applicant's narrative notes no use shall cause, create, or result in an undue adverse impact on municipal facilities and services.
122. Section 4.12 subsection h. notes that no heat shall be discernible at the lot lines.
123. The Applicant's narrative notes that no heat shall be discernible at the lot lines.
124. Section 4.13.1 notes that vehicle fueling stations may have up to 4 pumping islands allowing 8 vehicles at one time.
125. The proposed project will have 4 islands with 8 pumping locations.
126. Section 4.13.2 notes that all Vehicle Fueling Stations shall have one or more DC Fast Charger electric vehicle charging station(s) with a Society of Automotive Engineers (SAE) Combined Charging System (CCS).
127. The application notes 2 DC fast charge stations.
128. Section 4.13.2 notes that customary accessory uses for Vehicle Fueling Stations include the retail sales of vehicle accessories; food and beverages prepared for off-premises consumption, but which may be consumed on or off premises; and other convenience store items. Up to 20% of the floor space within a structure containing the aforementioned accessory uses may be used for tables and or chairs.
129. The application notes food service and quick service restaurant.
130. Site plan review is a requirement for conditional use review as is noted in section 5.6.3.

131. Section 5.5.3 notes that for Site Plan Review the DRB may impose conditions and safeguards with respect to 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: Construction Cost Percentage \$0 - \$250,000 3% Next \$250,000 2% Excess over \$500,000 1% In evaluating landscaping requirements, the DRB may grant some credit for existing trees, existing site features or for alternative improvements, other than tree planting, as long as the objectives of this section are met.
132. Total cost of construction estimated to be \$4,000,000. Given above formula minimum landscaping cost should be \$40,000.
133. Applicants have submitted two proposed signs, one with an illuminated price sign and one without internal illumination, and are requesting the DRB to approve the illuminated sign.
134. Section 5.7.2 states that no sign shall prevent a clear and unobstructed view of official signs or vehicular traffic.
135. Both illuminated and non-illuminated sign proposals would not obstruct official signs or vehicle traffic.
136. Section 5.7.2 states that indirectly lighted signs may be lighted with constant lighting provided the lighting shall not be directed at neighboring properties or public ways and that the intensity shall not adversely affect the neighborhood or roads and highways, especially the drivers of vehicles. The light source shall not be visible from adjacent properties or roads, and the average level of illumination on the sign shall not exceed 3.0 foot-candles and the uniformity ratio shall not exceed 2:1.
137. Both proposed signs would have external illumination.
138. Section 5.7.2 states that no sign shall be illuminated during hours when the premises are not open for business.
139. Neither proposed sign would be lit when the business is not in operation.
140. Section 5.7.2 states that no signs shall contain string lighting, pennants, moving parts or similar attention gathering devices nor may they contain or support any device capable of emitting noise. No sign shall be illuminated by neon, flashing, moving, intermittent or any other internally generated light.
141. The digital price sign would be internally illuminated by LED lighting.
142. The non-digital price sign would not be internally illuminated.
143. Section 5.7.2 states that no sign shall be erected which is not on the lot where the activity served by the sign is located. If a lot does not have frontage on a public road or highway and is accessed by a private right of way, the interior lot owner may obtain a Zoning Permit for locating a sign in the private access right-of-way to the interior lot, provided that such private access right-of-way is broad enough to allow a sign.
144. The sign would be on the lot where the activity is occurring.
145. Section 5.7.2 states that the height of a free-standing sign shall not be more than ten (10) feet.

146. Signs would not be taller than 8 feet.
147. Section 5.7.2 states that no sign which is attached to a building shall extend above its roof line.
148. The site plan indicates that signage will not extend above the roof line.
149. Section 5.7.2 states that no sign may be so designed, erected, illuminated, operated or maintained and be in such a location that it conflicts with or detracts from the effectiveness of an official traffic light or sign or constitute a menace to traffic safety. No sign shall be placed that resembles any official marker erected by a government agency or display such words as "Stop" or "Danger". No Zoning Permit shall be issued for a sign to be located within the right-of-way of a public or private Road or Highway.
150. Signs are not designed to mimic official signage and does not interfere with official traffic designations.
151. Section 5.7.4 deals with signs in the C, G, V/C, JC, VD and I/C Zoning Districts - In the Gateway, Village/Commercial, Commercial, Jolina Court, Village Downtown and Industrial/Commercial Zoning Districts, one sign (either free-standing, wall, or projecting) per lot shall be permitted upon issuance of a Zoning Permit by the Administrative Officer, provided such signs meet the following requirements: Free-Standing signs - The free-standing sign shall be located outside of any public or private Road or Highway right-of-way and shall not exceed 24 square feet on each of two faces. If the sign does not utilize one or more of the following geometric forms; circle, square, rectangle or ellipse, then the DRB shall review the request as a conditional use review.
152. The sign will be a free-standing monument sign.
153. Both designs will have external illumination.
154. Sign face will not exceed the limit of 12 feet squared on each of the two faces.
155. Applicants are only proposing to install one sign as is required.
156. The lot is located in the Special Flood Hazard Overlay District and is subject to Section 6.8 of the Richmond Zoning Regulations.
157. Proposed development would be allowed in the flood hazard overlay district with conditional use review and state wetland permits.
158. As noted in section 6.8.12 subsection a., substantial improvements to principal structures inside the flood hazard overlay district require Conditional Use Review.
159. Substantial Improvement is defined as any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which, cumulatively exceeds 50 percent of the market value of the structure before the start of construction of the improvement, or which results in an expansion of greater than 25% of the existing gross floor area, whichever is less. This term includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the state or local code enforcement official and which are the minimum necessary to assure safe conditions or any

- alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.
160. The projected construction cost for this project is \$4,000,000.
161. The current property value is \$677,500 therefore the project is considered a substantial improvement.
162. Section 6.8.16 deals with development standards for buildings in the flood hazard overlay district. It notes that where more than one area is involved (i.e., the Floodway, FEMA Special Flood Hazard Area) the more restrictive standard shall apply.
163. Dry flood proofing plans were not provided with the initial application.
164. Section 6.8.16 notes that all fuel storage tanks are required to be securely anchored to prevent flotation or lateral movement (as needed to serve an existing building in the Special Flood Hazard Zone). Fill and vent pipes shall be elevated at least one foot above the base flood elevation; or storage tanks may be buried underground, if securely anchored as certified by a qualified professional.
165. Fuel storage tanks will be located underground.
166. In an email conversation with the state floodplains manager, the applicants noted that fuel tanks will be flood proofed.
167. Section 6.8.16 subsection f. notes that all existing non-residential structures to be substantially improved or replaced, and all additions to nonresidential structures shall be reasonably safe from flooding, have either, the Lowest Floor elevated to a minimum of one foot above the Base Flood Elevation, or be dry flood proofed at least two feet above the Base Flood Elevation; or if solely used for parking of vehicles, storage, be wet flood proofed as per 6.8.16.
168. Per emails with floodplains manager, the applicants noted that they intend to dry flood proof the buildings to 2 feet above the BFE of 306 feet.
169. 6.8.16 subsection 3 states that applications have to have structural designs, specifications, and plans prepared and certified by a registered professional engineer or architect. Designs and proposed methods of construction shall be in accordance with accepted standards of practice for meeting all FEMA Flood proofing and elevation provisions.
170. Applicants note intent to dry flood proof the building. Plans have not been submitted yet showing how the building will be dry flood proofed.
171. Section 6.8.16 subsection l notes replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
172. Section 6.8.16 subsection m. notes that replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
173. The waste water system would be located offsite across Interstate 89.
174. Section 6.8.16 section q. notes that parking areas and driveways built above grade shall be designed by a licensed engineer to minimize or eliminate the potential for Flooding and loss or damage associated with.

175. Per Section 6.8.17 section b, any application for development within the Flood Hazard Overlay District requires site plans drawn to scale as specified in Section 5.5.2 section c, with accurate measurements of survey quality or prepared by a Vermont licensed surveyor or engineer showing; all proposed development and existing structures, including locations of any existing and proposed driveways, road and parking areas; All water bodies, Special Flood Hazard Areas, Floodways The Base Flood Elevations at the site, the shortest distance from the proposed development to the top of the bank of any stream; any existing and proposed drainage, pre and post-development grades; any proposed areas and extent of dredging or grading the elevation of the proposed Lowest Floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps if applicable; any storage locations showing materials proposed for outdoor storage, including types of materials; plan for meeting applicable provisions of Section 6.8.16 section a.
176. Existing structures noted and marked on site plan.
177. Existing parking places noted on plan and existing driveway is marked.
178. Special Flood Hazard Area and wetlands marked. No other water bodies noted.
179. Site plan notes current and proposed grades.
180. Grading noted on the grading and drainage plan on this site plan lowest floor elevation is 305.
181. Email communication between applicant and Flood Plains Manager noted that the applicants were preparing plans to address section 6.8.16 section a. but no plans have been provided.
182. No Elevation certificate was provided.
183. Per Section 6.8.17(b), applicants are required to submit a Vermont Agency of Natural Resources Project Review Sheet for the proposal identify all state and federal agency permits from which permit approval is required (this is not required for non-substantial improvements or minor accessory structures).
184. Section 6.9.1 notes that any land development on a lot containing a known or suspected wetland identified by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetlands Screening Tool shall require a zoning permit issued by the Administrative Officer.
185. Section 6.9.2 notes that no development can occur in a class II wetlands or wetland buffer unless approved by the Vermont Wetlands Program.
186. The Applicants provided a copy of their state approvals to work in the wetland buffer.
187. Section 6.9.4 notes that the applications for development within Class I or II wetlands, and wetland buffers shall provide the following: A site plan indicating the location of the proposed land development in relation to the wetland and the wetland buffer.
188. The site plan notes the location of buildings in the wetland buffer.

189. Section 6.9.5 notes that the Development Review Board may approve the reconstruction, replacement or relocation of a nonconforming structure and existing impervious surfaces that extend into, or further into, a wetland or wetland buffer provided that a permit approving such development is issued by the state Wetlands Program.
190. Section 6.9.6 notes that the creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited unless approved by the state Wetlands Program. Supplemental planting within a wetland or wetland buffer with appropriate native vegetation to restore and enhance the function of the wetland is allowed.
191. Part of the parking is located inside of the wetland buffer.
192. Section 6.9.7 notes that new on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.
193. Wastewater treatment will be located off site across Interstate 89 and not within any wetlands.
194. Section 6.9.8 notes that Storage of hazardous or other materials is prohibited in wetlands and wetland buffers.
195. Site plans indicate that there is a full storage tank located inside of the 50ft class II wetland buffer and a State wetlands permit has been issued for this proposed development
196. Applicant submitted Stormwater Management Plan.

## Conclusions

Based on the materials provided and the Town's land use regulations currently in effect, the DRB concludes that:

1. Applicants have not provided all the necessary documentation to be in compliance with section 6.8 and that applicants need to provide dry flood proofing documentation.
2. The proposed illuminated sign would not be in compliance with Richmond Zoning Regulations .
3. The proposed non-illuminated sign would be in compliance with the Richmond zoning regulations.
4. The proposed project will not negatively impact the utilization of renewable energy sources.
5. The proposal is in compliance with Section 3.7 of the Richmond Zoning Regulations
6. The proposal is in compliance with Section 4 of the Richmond Zoning Regulations, specifically Sections 4.10.6, 4.11, 4.12, and 4.13.
7. The proposed development is in compliance with Section 5 of the Richmond Zoning Regulations, specifically Sections 5.5.3, and 5.7.4.
8. In regards to Section 5.7.4, the applicant's proposed internally illuminated sign is not in compliance with the Richmond Zoning Regulations and therefore not allowed, and the

applicant's proposed sign that does not have internally illumination is in compliance with the Richmond Zoning Regulations.

9. The proposal is in compliance with Section 6.1.6.
10. The proposal is in compliance with Section 6.9.
11. In regards to Section 5.6.1(b), and 5.6.2(k), a chain fast-food restaurant is inconsistent with the unique character of the Town of Richmond which is characterized by local businesses and restaurants as well as the distinct local character is essential to the economic interests of the town of Richmond, as well as the use and enjoyment of the town of Richmond by residents and visitors
12. In regards to Section 5.6.2(k), fast food establishments will hamper the town's goal of a diverse, local retail base with distinct character allowing for a mix of restaurant uses and that fast food restaurants will limit or eliminate business establishment opportunities for smaller or medium-sized businesses, and unduly favor national retailers in lieu of local or regional retailers;
13. In regards to Sections 5.6.1 (c), 5.6.2(f), and 5.6.2(k), fast-food restaurants result in adverse environmental impacts, including increased traffic, increased noise, and increased trash, and that such impacts are injurious to the character of the town of Richmond and the subject zoning district.
14. In regards to Section 5.6.1(b), a chain fast-food restaurant is not in compliance with the future land use section and economic development section of the 2018 Richmond Town Plan.

#### **DECISION:**

**The Richmond Development Review Board approves Application CU2022-06 by Summit Distributing, LLC to redevelop an Automobile Service Station use into a Vehicle Fueling Station use, which will include demolition of the existing store and canopy and the construction of a new 4,050 square foot convince store and quick service restaurant, new fueling islands, eight fueling locations, two electric vehicle charging stations and two new double wall fiberglass underground fuels storage tanks with the following conditions**

1. Prior to receiving a Zoning Permit, applicants will provide dry flood proofing plan from a licensed architect.
2. Prior to receiving a Zoning Permit, the applicants must provide documentation that all landscaping will consist of native plants.
3. Prior to receiving a Zoning Permit, the applicants must provide documentation showing that electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Prior to receiving a Zoning Permit, the applicants must provide documentation showing flood resistant materials being used.
5. Prior to receiving a Zoning Permit, the applicant must provide an Elevation Certificates for the existing structures



6. Prior to obtaining a Certificate of Occupancy, the applicants will install a bike rack.
7. The proposed fast-food restaurant must meet the following requirements
  - a. No standardized menus, ingredients, food preparation, uniforms, or other standardized features common to a restaurant or restaurants located elsewhere
  - b. The use of trademark or logo common to a similar business or businesses located elsewhere (but not including logos or trademarks used by chambers of commerce, better business bureaus, or indicating a rating organization including)
  - c. A name, appearance, or food presentation format which causes it to be substantially identical to another restaurant elsewhere.

Any other applicable zoning regulations not expressly waived in this decision must be complied with.

This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits, including wastewater permits.

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The application as approved shall be in conformance with the decision, referenced items, the findings of facts, and conditions. The applicants and interested parties are hereby notified that if they disagree with this decision, they have the right, under 24 V.S.A. 4471, to appeal to the Vermont Superior Court – Environmental Division.

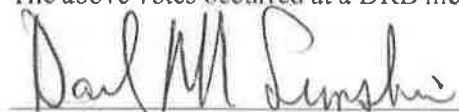
The appeal must be filed within thirty days of the date of this decision, and be in accordance with the governing rules of procedure and rules of the Vermont Superior Court - Environmental Division. Title 24 Vermont Statutes Annotated, Section 4471 provides that "An interested person who has participated in a municipal regulatory proceeding authorized under this title may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding."

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**DRB VOTING ON THIS MATTER (circle one for each member):**

David Sunshine, Chair	in <b>FAVOR</b>	AGAINST	ABSTAINING	RECUSED	ABSENT
Mathew Dyer, Vice-Chair	in FAVOR	AGAINST	ABSTAINING	RECUSED	<b>ABSENT</b>
Padraic Monks, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	<b>ABSENT</b>
Roger Pedersen, Member	in <b>FAVOR</b>	AGAINST	ABSTAINING	RECUSED	ABSENT
David Schnakenberg, Member	in <b>FAVOR</b>	AGAINST	ABSTAINING	RECUSED	ABSENT

The above votes occurred at a DRB meeting on the 13th day of July, 2022.



David Sunshine

Richmond Development Review Board Chair

DATED August 24, 2022