



## MEMO

Date: February 11, 2021  
To: Middlesex Planning Commission  
From: Clare Rock, Senior Planner  
Re: Amendments to the Zoning Regulations

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Attached are the *Middlesex Land Use & Development Regulations, As approved by the Middlesex Select Board on January 10, 2017, corrected 2/18/2017* with proposed amendments in track changes dated 2/11/2021. Contained within the memo are the following:

1. Latest Changes
2. Outstanding Items
3. Introduction to Floodplain Regulations

### **1. Latest Changes**

Based upon last month's Planning Commissions meeting changes to the zoning included:

- Definitions: Changes to the Agriculture and Forestry references included the following definitions:
  - Replace AAPs with Required Agricultural Practices
  - Replace AMPs with Accepted Silvicultural Practices
  - Revise Agriculture definition
  - Replace Farming definition
  - Revise Farm Structure definition
  - Revise Forestry definition to Forestry Operation:
  - Revise Silviculture definition
- Senior Housing: Added Community Care Facility, Elderly Housing, Residential Care Facility uses to the following Districts: Village, Mixed Use, Med Density, Rural Res.
- New Gallery/Studio Use: Made modification to the definition and added this use and Cultural Facility use to the Industrial-West District.
- Waiver: Kept as is.
- Maximum Building Sizes: a new row added to the Village District dimensional standards re Building Footprint, and in the Mixed use District a change from Gross Floor Area to Footprint.

## 2. Outstanding items

- **Gas Station:** From the last meeting there was consideration of making Gas Station a Conditional Use and to include motor vehicle repair.

Proposed new definition:

*Gas Station: An establishment principally used for the sale of gasoline or other fuel types for motor vehicles. This definition excludes ~~motor vehicle repair services and the sale of food and unrelated convenience or grocery items.~~ See Also: Motor Vehicle/Equipment Repair, Retail Store.*

Based upon a review of the zoning map an overlay district doesn't appear to be feasible as the land surrounding and including the Park and Ride is either State owned, in the highway ROW, in the railroad ROW or ledge.

Based upon the *Vermont Interstate Interchange Planning and Development Guidelines Manual*, Several Categories of use should not be allowed in the I-89 interchange area or north of I-89: Traveler services (gas stations, motels, convenience stores, restaurants, large retail stores or complexes, warehouses and personal services.) and that to strengthen the gateway to the Village areas, restrictions on certain uses, such as gasoline stations and restaurants.

Moretown and Bolton have specific standards for gas stations which can provide as a model for Middlesex to consider:

### **Section 3.6 Gasoline Stations** (Moretown Zoning Regulations page 31)

(A) Gasoline or motor vehicle service stations may be permitted in designated zoning districts subject to conditional use review under Section 5.2 and the following additional provisions:

- (1) Service station siting, design and layout shall be compatible with the character of the neighborhood. A landscaped area shall be maintained at least ten (10) feet in depth along all road frontage, excluding designated access areas or curb cuts. Additional curbing, landscaping and screening, and pedestrian walkways may be required as appropriate.
- (2) Pumps, lubricating, and other outdoor service equipment shall be located to meet minimum setback distances for the applicable district.
- (3) All stored fuel and oil, including underground tanks, shall meet all state fire codes and regulations, and shall be stored at least 35 feet from any property lines.
- (4) All automobile parts and dismantled vehicles shall be stored within an enclosed building or suitably screened area.
- (5) There shall be no more than 2 access driveways from the street. The maximum width of an access driveway or curb cut shall be 40 feet, with the minimum width to be 20 feet.
- (6) Pump canopies shall be limited to the area required to cover the pump island and pump apron, and shall be the minimum height necessary to satisfy applicable state and federal safety requirements. In no case shall canopies exceed 24' in width or 36' in length. Canopy design, including materials and roof pitch, shall be compatible with surrounding buildings; and the sides (fascias) of canopies shall not be used for advertising.
- (7) Lighting levels on station aprons, under canopies and in associated parking areas shall be the minimum required for intended activities. The lighting of such areas shall not be used for advertising or to attract attention to the business. Lights shall not be mounted on the top or

sides of canopies; and the sides of canopies (fascias) shall not be illuminated. Light fixtures mounted on canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded so that direct illumination is focused exclusively on the underside of the canopy. Outdoor lighting shall also meet applicable lighting standards under Section 410.

(8) Signs shall meet all requirements of Section 4.12. Gasoline service stations, in addition to the signs allowed for businesses, are allowed to have either one pricing sign which does not exceed 12 square feet in area, or pump-top pricing signs, each not to exceed 2 square feet in area. Signs must meet all setback requirements.

(9) Automobile service stations which include retail sales unrelated to motor vehicle service, maintenance or repair (e.g., food, convenience items) shall be reviewed as a mixed use, and as such is required to meet all zoning provisions pertaining to retail uses for the district in which they are located, including but not limited to additional sign, lot size and/or parking requirements.

#### **Section 4.10 Gas Station (Bolton Zoning page 51)**

(A) A gasoline station may be allowed in designated zoning districts subject to conditional use review under Section 5.4, and the following requirements:

(1) All buildings, service, parking and storage areas shall meet all setback requirements, including setback and buffering requirements for streams and wetlands under Section 3.17. No vehicles may be parked or serviced within front, side or rear setback areas. The Development Review Board may require increased setbacks and/or buffers as needed to protect water quality, based on local site and drainage conditions, or to protect adjoining properties and uses.

(2) All pumps and other service equipment shall be located at least 30 feet from front, side and rear lot lines.

(3) Notwithstanding the requirements of Section 3.2, there shall be no more than two (2) accesses (curb cuts) providing ingress and egress to adjoining roads. On corner lots, one or both accesses may be limited to the secondary road. The width of each curb cut shall not exceed 40 feet.

(4) A vegetated, landscaped area at least 15 feet in depth shall be maintained along all road frontage, excluding designated access (curb cut) areas.

(5) Additional curbing, landscaping and screening, and pedestrian walkways may be required by the Board as needed to safely manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties.

(6) In addition to signs allowed under Section 3.14, a gasoline station may have one freestanding (1) pricing sign which does not exceed 12 square feet in area, and/or pump-top pricing signs, each not to exceed two (2) square feet in area.

(7) Site layout and building design shall be compatible with the character of the neighborhood in which the gasoline station will be located. Building facades shall not be used for advertising purposes, except as allowed for the placement of wall signs or graphics in accordance with Section 3.14.

(8) Station canopies, if determined by the Board to be necessary and appropriate to their context, shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy scale and design shall be compatible with station design and with surrounding buildings. Corporate logos are specifically prohibited on station canopies. Canopy fascias shall not be illuminated or used for advertising.

(9) The Development Review Board may require the submission of an outdoor lighting plan for

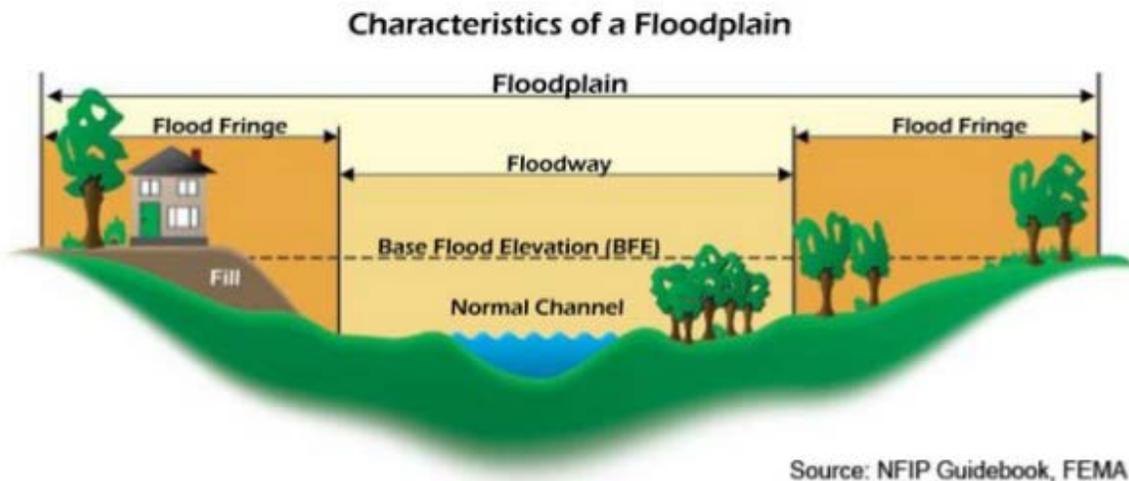
review and approval in accordance with Section 3.9. In addition: (a) light fixtures mounted on station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively on the underside of the canopy; (b) lights shall not be mounted on the top or sides (fascias) of canopies, nor shall canopies be internally illuminated; and (c) interior station lighting shall not be used to contribute to or increase outdoor lighting levels, nor for advertising purposes.

(10) All underground storage tanks shall meet state applicable state requirements for design and installation. Monitoring may be required by the Development Review Board as needed to ensure that ground water quality and wells in the vicinity are protected from contamination in the event of a leak.

(B) The use of a gasoline station is limited to the retail sale of gasoline, diesel fuel and other automotive fluids and products. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., motor vehicle repair, sales or rentals, car washes, towing services or restaurant seating) may be allowed only as a "Mixed Use" (see Section 4.14), and as such shall be required to meet applicable standards of these regulations pertaining to each use.

- **Contents of January 6, 2021 Memo** re: Amendments to the Zoning Regulations: Accessory On-Farm Businesses (AOFB) & Accessory Dwellings.

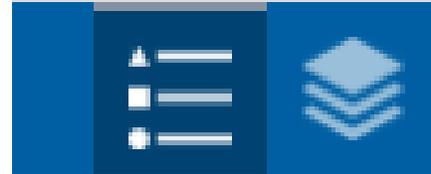
### 3. Introduction to Floodplain Regulations



In preparation for the meeting please review the following section of the Middlesex Zoning regulations: Table 2.1, Table 2.7, and Section 5.6.

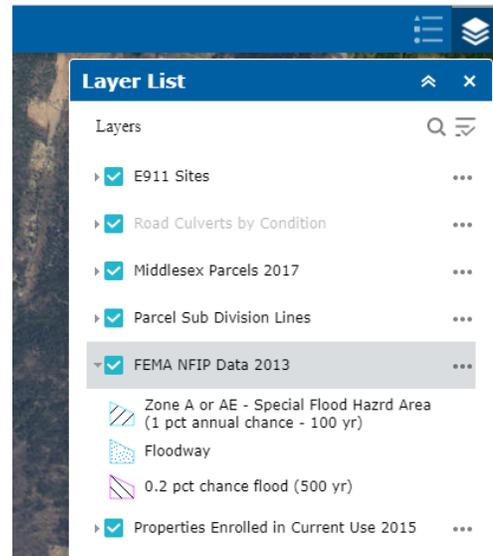
Also check out the extent of the floodplain in Middlesex by using the Middlesex interactive zoning map which can be accessed through the municipal website or directly here: <https://map.ccrpcvt.org/middlesex/>

To open the legend or to open the map layers navigate to the top right corner of the screen and find these icons displayed to the right. The bulleted list icon will open the legend, the stack of squares will open the map layers.



Once you've got the Layers List open, expand the FEMA NFIP Data – as shown in the image to the right.

- Zone A or AE: is the area which will be inundated during a flood otherwise generally referred to as the floodplain. This area and the floodway are regulated at the municipal level.
- Floodway: is the channel of the river which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This portion of the floodplain has the most strict development standards.
- 0.2 pct chance flood: is basically the 500 year flood, which is not required to be regulated by municipal regulations.



I'll be sharing additional information at the meeting about the NFIP and municipal responsibility. Plus we'll start the discussion about how Middlesex can meet its municipal plan flood resilience goals by considering what Middlesex must do, should do and can do. One area for consideration is limiting the range of allowable uses or increasing development standards for existing uses.

Changes to the flood sections will be both substantive, like those presented above, and procedural. The overall presentation and organization of the floodplain regulations can be organized into 2 sections rather than three, and the inclusion of a clear use table. An example of which is included in the Richmond Zoning Regulations – see section 6.8, starting on page 61. The table is located on page 70 of the following documents: <http://www.richmondvt.gov/wp-content/uploads/2014/03/Richmond-Zoning-Regulations-November-2020-2.pdf>

