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APPLICATION: SPR 21-06 December 3, 2021

APPLICANT: Noyes Properties, LLC

REQUESTED ACTION: Site Plan Review

LOCATION: 160 & 198 Railroad Street

EXISTING ZONING: VC-Village Commercial

Act 250 STATUS: Not Applicable

PROJECT DESCRIPTION:

Applicant requests Site Plan Review for a proposed new 18,750 sq. ft. Richmond Market with associated parking and infrastructure on 2 parcels of 0.88 and 1.65 acres respectively; parcels to be combined. Site Plan Review required as per sections 3.5 and 5.5 of the Town of Richmond Zoning Regulations.

PARCEL HISTORY

**160 Railroad Street**

- A.V. 21- 01 Lot Coverage relief 9/08/21 Denied
- Permit 14-104 Replacement Pole shed 8/11/14
- Permit 08-035 Warehouse Addition 4/16/08
- CUR 08-022 Setback Modification 4/15/2008
- CUR 07-186 Commercial Multi-Use/Lumber Yard 2/01/08
- Sign Permit 05-122 6/09/05
- Permit 02-127 Addition to Retail Space 6/19/02
- CUR 02-087 Lumber Yard 5/06/2002
- Permit 00-001 Reconfigured Pole shed 12/13/99
- Permit 98-077 Temporary Storage (Mobile Home) 7/11/98
- Permit 83-84-45 Building renovation 12/15/83
- Permit 80-74 Office Building 3/26/81

**198 Railroad Street**

- Sub 2020-31 5 lot subdivision 5/13/2020
- BLA 2019-035 5/08/19
- CUR 09-091 Lumber storage building 9/17/09
- Permit 98-093 Fence 9/10/98

### LIST OF SUBMISSIONS:

- Cover Letter 9-23-21
- SH 1 - Overall Plan 9-16-21
- SH 2 - Existing Conditions 9-16-21
- SH 3 - Site Plan 9-16-21
- SH 4 - Lighting Plan 9-16-21
- SH 5 - Landscaping Plan 9-16-21
- SH 6 - EPSC Plan 9-16-21 (1)
- SH 7 - Water & Sewer Details 3-18-21
- SH 8 - Roadway Details 3-18-21
- SH 9 - Stormwater Details 3-18-21
- SH 10 - Specifications 3-18-21
- SH DD2 - Building Elevations 6-30-21
- SH PL1 - BLA Plat 9-22-21
- Boundary Line adjustment permit

### PROCEDURAL INFORMATION:

1. Application pre-submission meeting with staff accomplished on August 5, 2021
2. Notice placed on Town website and at three locations in town on September 28, 2021 and November 23, 2021
3. Abutters notified on September 28, 2021
4. Agenda placed in Seven Days, October 6, 2021 and December 1, 2021 edition
5. Agenda placed on website and at three locations in town on October 7, 2021 and December 2, 2021
6. Application documents placed on the towns website on October 7, 2021 and December 2, 2021

### STAFF COMMENTS (New and continued comments in Bold):

1. The DRB may impose conditions and safeguards upon the approval of a site plan with respect to features authorized by the Act (§4416), as amended. Maps, data, studies, and other information will be requested as needed by the DRB for site plan review. Conditions of approval for site plan review include, but are not limited to, the following:
  - 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.
      - No immediate issues
    - 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.
      - Per section 4.4 Curb Cuts of the RZR only one curb cut shall be allowed onto a public ROW. The plan calls for 4 curb cuts to access parking and for delivery. The DRB can approve multiple curb cuts if an adverse effect on traffic circulation is noted. **Note: This was discussed at the October 13, 2021 meeting and generally approved as submitted.**

- iii. Pedestrians - Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas.
  - Sidewalks proposed, no immediate issues
- iv. Roads - Roads within the site connecting to roads outside the site that will bear substantial traffic loads being constructed to the Public Works Specifications.
  - **All roads, driveways and parking lot to comply with the 2016 Public Works Specifications**
- v. Parking - Parking must be located to the rear of buildings, or at the side well-screened from view.
  - Parking proposed to the side of the building with loading docks to the rear and well screened. **The DRB may consider additional landscaping within the side parking area to promote additional screening.**
- vi. Trails - Trails for non-motorized transportation.
  - **Not applicable**
- vii. Lighting - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences. Richmond Zoning Regulations 42 Effective November 10, 2020
  - All fixtures appear to be downcast and cutoff and are 20 ft. or less.
  - Per section 4.11.3 table c, the average illumination not to exceed 0.5 foot candles, proposal exceeds this requirement. As this proposal abuts two residential area, consideration on reducing lighting levels should be explored. This pertains to wall mounted fixtures.
  - **The applicant has revised the lighting plan to include programmable lighting sensors “dimmed” to 10% during non-business hours. However, if motion is detected, lights will be turned on at 100%.**
  - **The board may wish to explore if motion is detected can the lighting be reduced from 100%.**

B) Landscaping and Screening - Conditions and safeguards with respect to landscaping and screening, including, but not limited to:

- i. Provision for landscaping that will preserve the character of the existing neighborhood. This may include curbside shade trees.
  - Very little vegetation, except grass, is currently present.
- 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.
  - The DRB may wish to consider fencing and additional landscaping along the rear of the property, adjacent to the railroad, to buffer neighborhoods and control pedestrian access emanating from Depot Street and the south side of Route 2.
  - **Applicant has revised landscaping as per DRB discussion, see SH-5.**

- iii. Requirements that vegetation be indigenous to the area, sight-impervious, large enough to do well, and planted at intervals in keeping with other neighborhood foliage.
  - Proposal calls for 21 Red Maple deciduous trees and 8 lilacs, both are part of the horticultural heritage of the northeast. Additional plantings of native coniferous species should be considered.
  - **Applicant has revised landscaping as per DRB discussion. See SH-5**
- iv. Retention of currently existing site vegetation.
  - **Not applicable, site is devoid**
- v. Interim fencing being required while vegetation is growing to appropriate size.
  - **No immediate issues**
- vi. Provision for the care and maintenance of plantings, including removal of dead or diseased trees or shrubs.
  - **The DRB may wish, as a condition of approval, to require any approved plantings that are diseased or dying to be replaced.**
- 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: 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.
  - **This provision is a shall and not a should. The applicant to provide project cost and associated landscaping cost per above.**
  - **Not addressed by DRB nor applicant.**
- viii. Front Yards. In the case of non-residential uses, the required front yard shall be suitably landscaped and maintained in good appearance.
  - **Subjective but required**
  - **Not addressed by DRB nor applicant.**
- 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.
  - **Not applicable**
- 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.
  - **See previous comments**
- xi. Exterior Lighting. Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations.
  - **See previous comments**

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.

- See EPSC Plan page 6

C) Renewable Energy Resources - Conditions and safeguards for the protection and the utilization of renewable energy resources.

- No immediate issues

D) Signs – Size, location, and design.

- No immediate issues

### COMMERCIAL NOISE

In an attempt to mitigate noise issues, staff has worked with the applicant’s engineer to quantify and qualify any noise emanating from the proposal, specifically the refrigeration units to the rear. Please see the representations generated by O’Leary Burke Civil Associates titled Refrigeration Pad Sketch and comments from the Project Engineer below.

As per Town regulation 4.10.2, Commercial Noise shall not exceed the following levels at the property line in the Village Commercial District:

Time	1 Hour Average	Instantaneous Max.
7 AM to 11 PM	70	80
11 PM to 7 AM	60	70

Examples:

50 dBA = Quiet suburb, conversation at home, large electrical transformers at 100 feet.

60 dBA = Conversation in restaurant, background music, Air conditioning unit at 100 feet.

80 dBA = Garbage disposal, dishwasher, freight train at 15 meters (~50 feet)

Per exchanges with the project engineer the following has been offered:

*The 60 dB average standard will be the controlling noise level allowed as refrigeration units run constantly and at night. The specification sheet submitted by the refrigeration manufacturer shows the proposed unit configuration produces 72.4 dB at 10 feet, see attached. Using this data and the distance attenuation formula, we estimate the noise level at the closest property line (60 feet @ the Railroad ROW) to be 57 dB. To be clear, 57 dB at 60 feet is an estimate of the sound level produced by the refrigeration units and should not be interpreted as an exact measurement. As the estimate is less than the 60 dB requirement, we do not believe any further sound damping will be required to meet the Town noise standards, however, we are proposing a cedar fence and evergreen shrubs around the unit to further reduce visual and noise impacts. The attenuation formula does not take these dampening measures into account. The Applicant invites the DRB to include a condition of approval stating the noise generated by the refrigeration pad shall not exceed the requirements of section 4.10.1 of the Zoning Ordinance.*

### ADDITIONAL REVIEW REQUIREMENTS:

As per §4, Regulations applying to all lots, the following apply:

1. § 4.1 – Compliance with public work specifications; **See Town Engineer comments.**
2. § 4.4 – Curb Cuts; **Discussed at October 13, 2021 meeting, see A(ii) above.**
3. § 4.10 – Noise, specifically §4.10.2 Commercial Noise; **See Commercial Noise above.**

4. § 4.11 – Exterior Lighting; **See 1A(viii) above.**

ADDITIONAL COMMENTS

1. Fire and EMS comments pending. **No issues per discussion with Fire Chief**
2. Water Resources comments pending. **Application revised per comments.**
3. DRB to consider referral to Town Engineer for stormwater and infrastructure review and comment. **Comments attached and forwarded to project engineer.**
4. Elevations for Composting Structure to be submitted. **No immediate issues**