

Randall Farm Subdivision, 180 East Hill Road
Preliminary Subdivision Application
Peggy M. Farr Revocable Trust
Richmond Zoning Regulations Variance Request

The proposed Randall Farm Subdivision is in general compliance with the Town of Richmond Subdivision Regulations and Standards, but our clients are seeking a variance to Section 6.9 of the Richmond Zoning Regulations, “No building, roadway or septic system shall be constructed within 100 feet of a Class I wetland and within 50 feet of a Class II wetland.” The parcel contains Class II wetlands, which were delineated by Gilman and Briggs in November of 2019 and field located by Krebs & Lansing. This project proposes no impact to the wetlands, and the proposed access driveway would only have a minimal impact to the wetland buffer. We feel that the proposed project meets the variance requirements as follows:

- a) *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances of conditions generally created by the provisions of these Zoning Regulations in the neighborhood or Zoning District in which the property is located.*

The current parcel consists of one ±220.9-acre lot at 180 East Hill Road. Much of the lot is primarily wooded and used for silviculture activities. The Applicants propose to subdivide the existing parcel to create four lots. The existing Randall Farm Lot of ±209.6 acres, will remain and continue to be managed as a silviculture operation, and three new lots are proposed for residential use (see plan). The existing portion of the lot that is not currently wooded is the majority of open space which is being proposed for the development.

- b) *That because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these Zoning Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*

There are two portions of the lot with road frontage. One is on Kenyon Road and the other is on East Hill Road. Access from Kenyon Road is not possible because the driveway would need to cross a Class II wetland and the associated buffer on each side. The traditional farming access to the property is from East Hill Road near the Fay’s Corner intersection. The proposed access location on East Hill Road only involves a minimal amount of wetland buffer disturbance. Neither access location within the limits of the proposed subdivision parcel would allow for development in strict conformity with Section 6.9 of the Richmond Zoning Regulations.

- c) *That the unnecessary hardship has not been created by the appellant.*

The wetlands are existing and were not created by our clients. Furthermore, the proposed driveway has not been installed, and therefore, no “unnecessary hardship” has been created. We feel that the opinion of the wetland experts indicates that the proposed driveway will not create an unnecessary hardship or diminish the functions and values of the affected wetland.

- d) *That the variance, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.*

As mentioned above, this development is being proposed in an open area adjacent to existing residential dwellings. The proposed westerly property line of the residential properties maintains the land use for the existing silviculture practice. It also places the proposed dwellings in relative proximity to the existing houses, which maintains the character of the neighborhood.

- e) *That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least deviation possible from these Zoning Regulations and from the Town Plan.*

The wetlands are impacted to the least area possible to allow for the proper construction of the proposed shared driveway. Based on indications from wetland experts, we feel that the project as proposed presents minimal impacts and will have no undue adverse effect on the wetland buffer functions and values.