

# **MEMORANDUM**

**Date:** August 7, 2020

**To:** Development Review Board

**From:** Suzanne Mantegna, Zoning Administrative Officer

**RE:** Sketch application 2020-095, 2540 Hinesburg Rd

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Cheryl and Brian Dowd owns the approximately 343.5 acre property that spans both sides of Hinesburg Rd. (Submittal D). The parcel to the west of Hinesburg Rd, HI2713,a, is approximately 207 acre parcel and is the parcel that is concerned with this sketch application. (Submittal B) The parcel already is developed with a two bedroom mobile home. The Applicant would like to talk with the DRB about a proposed 2-lot (total of 1 new residential lots) subdivision (Submittal A).

The Applicant is working with Justin Willis, who has put together the application.

The new lot would be 1-acre and would meet the Agricultural/ Residential Zoning District Dimensional Requirements (Section 3.1) for Lot Area, Lot Dimensions, and Lot Coverage. The lot would not have frontage on a public road and will require DRB approval. This would be reviewed under Section 4.3 of the Richmond Zoning Regulations. The Applicant show a 30' wide right-of-way to the proposed lot, Submittal C, over an existing driveway to 2540 Hinesburg Rd and an existing agricultural road to the sugar woods and discontinued borrow pit. Section 4.3 requires a permanent easement for a 30' wide right-of-way. Submittal C states that the right-of-way will be graded to achieve the required 12% grade to the proposed house site but no driveway profile has been submitted. The right-of-way enters the property from Hinesburg Rd and through Zone A of the Special Flood Hazard Area (SFHA). Zone A is identified by FEMA as having a 1% annual change of flooding but base flood elevations have not been calculated. New driveways and parking areas at grade are allowed, per Section 6.8.11 of the RZRs, only with a Zoning Permit but if grading or excavating are required the Conditional Use approval is required from the DRB.

Lot 1 will have the septic system for both lots. The septic system will be outside of the wetland buffer as is required in Section 6.9 of the Zoning Regulations. The new lot will have its own drilled well. Submittal C shows that there will be a common septic easement that serves Lot 1 and Lot 2.

The Applicant is proposing that the shared driveway would be within the Class II Wetland Buffer. Section 6.9 of the Richmond Zoning Regulations (RZRs), states that no

building, roadway or septic system shall be constructed within 50' of a Class II wetland. The building envelope for the proposed Lot 2 will be outside of the wetland buffer. The Applicant has a possible alternate route, shown as a red dotted line on Submittal C, if the existing AG road cannot be utilized.

This is the second of three inquiries that Staff has received recently about access to parcels that would be within the 50' wetland buffer. Staff interprets that a driveway is a roadway and therefore no driveway can be within the buffer. Staff contacted Town Attorney for their opinion of whether a driveway is a roadway. Town Attorney submitted their opinion that a driveway is a roadway. (Submittal E) The DRB will be hearing an appeal of my determination next month from the third inquiry and possibly the Farr's will be submitting a preliminary plan. In reviewing State statutes 24 V.S.A. 4413(c), a municipality can have more stringent or restrictive regulation and the more stringent or restrictive regulation shall apply. (Submittal F)

The purpose of the Sketch Plan Review is to acquaint the DRB of the intent of the project at an early stage in the design process. The Sketch Plan Review is a voluntary, informal review and is non-binding. Any determination by the DRB is simply advisory. Following a Sketch Plan Review an applicant would submit a formal application for DRB approval.