

**Town of Richmond
Development Review Board
Staff Report
January 13, 2021**

Town of Richmond - Application 2020-164 for Major Site Plan Amendment to install a gate. Property located at 1129 East Main Street, Richmond, and within the Agricultural/Residential Zoning District.

SUBMITTALS:

- A. Site Plan Application, dated 12/21/20
- B. Project Narrative, prepared by Wright Preston
- C. Gate Image, prepared by Wright Preston
- D. Site Plan, prepared by Wright Preston
- E. Email, dated 12/31/20, between Town Staff and Wright Preston

PROCEDURAL INFORMATION:

As per the Notice Requirements, a Notice for Public Hearing appeared in the Seven Days on December 23, 2020 and was posted at 3 locations in Town and on the municipal website. The Referral Notice was sent to the Applicant and a copy of the Notice was sent to all adjoining landowners on December 21, 2020.

Please note that the warning listed the application with the incorrect permit number (2020-162).

DESCRIPTION OF PROJECT:

1. The Applicant is seeking approval for a 12-foot steel gate at 1129 East Main Street reviewed under Application 2020-164. (Submittal A & B).
2. The property is located in the Agricultural/Residential Zoning District. The use of the property is an Outdoor Recreation Facility.
3. Permit 2020-39 approved the current Outdoor Recreation use of the property. The property is owed by the Town of Richmond and is known as the Andrews Community Forest. The property has publicly-accessible hiking trails.
4. Per Section 5.5.5 of the Richmond Zoning Regulations, all site plan amendments that involve changes to “curb cuts, internal traffic or pedestrian circulation patterns, landscaping or screening” may not be approved by the Administrative Officer and shall be reviewed as a Major Site Plan Amendment.
5. The proposed gate is already installed on site and is attached to an existing barbed wire fence. The applicant is seeking retroactive approval for installation of the gate. The gate was installed on November 20, 2020 in response to unauthorized ATV use and vandalism of logging equipment on the property (Submittal B). While outside the jurisdiction of local zoning, it is important to note that ATV use is unauthorized on the property per existing conservation easement, Andrews Community Forest management plan, and state law. The gate is currently open to all traffic and is not obstructing access to the property.
6. The property is subject to a VELCO easement. Vehicular traffic from VELCO must access the property via this location and therefore the Town cannot narrow the trail in this location to discourage ATV use.
7. The applicant did not provide information about the setback between the gate and the front and side property lines. Per Section 3.1.4 the front setback requirement is “at least thirty (30) feet from each front lot line, or fifty-five (55) from the center line of each public or private Road or Highway right of way contiguous to the lot, whichever is greater.” The side setback requirement is “at least twenty (20) feet from each side lot line.”
8. However, the definition of “structure” in the Richmond Zoning Bylaw states that “for purposes of determining setbacks, the term Structure does not include fences, except where specifically provided.” The

DRB will need to determine if the gate qualifies as a “fence” and therefore would be exempt from the setback requirement.

9. All site plan applications are subject to the requirements in Section 5.5.3. Staff finds that only the “Traffic” criterion in Section 5.5.3 is relevant to this application. The criterion states that DRB shall create conditions and safeguards with respect to the “adequacy of parking, traffic access, and circulation for pedestrians and vehicles.” The existing gate prevents the movement of ATVs onto the former VAST trail, but also requires pedestrians to enter the woods to get around the gate. The applicant recognizes this in their application and is working to determine if another type of gate could be installed in the future to better facilitate pedestrian access while blocking vehicular access.
10. The application is subject to review under the following sections of the zoning regulations:
 - a. Section 3.1 Agricultural/Residential District
 - b. Section 5.5 Site Plan Review

REQUESTED WAIVERS:

1. The applicant has requested a waiver from the DRB of the requirements in Section 5.5.2. This section requires that site plan applications include a site plan be completed by a surveyor, planner, engineer, architect, or landscape planner.

PROPOSED CONDITIONS:

1. None

PROPOSED STANDARD CONDITIONS:

1. The applicant shall obtain a zoning permit prior to construction.
2. This approval shall expire 24 months from the date of the final approval unless a valid zoning permit has been obtained and remains in effect, or the DRB determines at a warned public hearing that substantial commencement of the project has begun or that the work, time and expenditures invested in the project indicates a good faith intent to presently commence upon the project. The DRB may grant an extension of up to 12 months for good cause, if a request for extension was made before the end of the 24-month period after the final approval.
3. The project shall be developed in conformance with the above referenced plans, and submittal documents.
4. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
5. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits, including wastewater permits.