



O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

September 1, 2021

Keith Osborne
Zoning Administrator
Town of Richmond
203 Bridge Street, Richmond, VT

RE: Noyes Properties, LLC
Richmond Market Site Plan
Notice of Appeal

Dear Keith:

We are writing on behalf of Noyes Properties, LLC c/o Dan Noyes to provide responses to the variance criteria described in Section 8.4.5 of the Richmond Zoning Regulation, as part of the Richmond Market site plan and boundary line adjustment applications to be heard by the Development Review Board on September 8, 2021. The variance request is to increase the coverage from the allowed 50% in the Village Commercial District to a 60% threshold.

- 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 or conditions generally created by the provisions of these Zoning Regulations in the neighborhood or Zoning District in which the property is located.*

The application proposes to eliminate the lot line between a 1.67-acre Lot 5, owned by Noyes Properties, LLC, and a 0.88 lot owned by All Five Services Inc. to create a single lot at 2.55 acres. The project parcel has an irregular triangle shape due to the abutting railroad to the east of the project parcel.

The irregular shape of the lot makes it difficult to design a square more efficient parking lot to serve the needs of the proposed Market. The parking lot configuration uses more 2-way aisles, and therefore more impervious coverage, than would be expected from a standard parking lot layout. In addition, an existing 30"x30" stone culvert runs through the project property to drain the upland area on the north/eastern side of the railroad tracks. As to not impact upland landowners, the location of the existing culvert had to be considered when determining the layout of the building. The building could

not be sited on top or in the vicinity of the culvert. If the building was proposed towards the north end of the parcel, a more efficient parking lot design may be achieved along Railroad Street.

In addition, as part of the 5-lot subdivision approved as part of Whistle Stop Ln, Lot 4 is technically no longer contiguous to Lot 5 due to the Whistle Stop Ln right-of-way. If the 0.20 acres of unbuildable greenspace associated with Lot 4 was counted towards the total area of Lot 5, the coverage would be decreased significantly.

The two project parcels are currently used for outdoor and indoor storage for Richmond Home Supply. The existing use utilizes approximately 1.50 acres of impervious surfaces. The proposed layout will keep the project parcels at 1.50 acres of re-developed impervious. The re-developed 1.50 acres of impervious will be treated by a new stormwater system meeting the most recent version of the Vermont Stormwater Management Manual and will require a State Stormwater Discharge Permit. The existing impervious coverage on the lot does not flow to a stormwater treatment practice.

- 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.*

The Richmond Market is looking for a new facility on Railroad Street to better serve the Town of Richmond. The existing location has served the community well over the years; however, the building footprint is narrow and is not ideal for the Market moving into the future. The proposed building is more than 5,000 SF larger and enables a more desirable interior layout than the current facility. To serve the new, larger facility, the Richmond Market is requiring 90 surface parking spaces. Given the lot constraints and the size of the desired building, providing 90 parking spaces and remaining at the allowed 50% coverage in the Village Commercial District is not feasible.

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

The Richmond Market is seeking a new facility and wants to remain on Railroad Street. However, the re-development opportunities on Railroad Street are limited. To provide an adequately sized building and desired 90 space parking lot, allowable coverage must be increased to 60%.

- 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. Richmond Zoning Regulations 108 Effective November 10, 2020.*

The two project parcels are currently used for outdoor and indoor storage for Richmond Home Supply. The existing use utilizes approximately 1.50 acres of impervious surfaces and the proposed project will re-develop the 1.50 acres of impervious. The proposed layout will only increase the impervious area by 0.18 acres up to 1.68 acres. The character of the area will not be impacted as the existing Richmond Market is already located on Railroad Street. The project is bound by Railroad Street, Richmond Rescue, Whistle Stop Ln, and the Railroad.

- 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.*

To construct the desired facility and parking lot, the allowed coverage will be limited to 60%.

Sincerely,



Bryan Currier, PE