

**Town of Richmond  
Development Review Board  
Staff Report  
September 3, 2020**

**Peggy Farr Revocable Trust- Application 2020-111** for Preliminary Subdivision Review for a 4-lot subdivision (creation of 3 new lots) and a variance request at 180 East Hill Rd, Parcel ID EH0180, in the Agricultural/Residential (A/R) Zoning District.

**SUBMITTALS:**

- A. Subdivision Application – Preliminary Plan Checklist, dated 8/14/2020
- B. Jay Renshaw, Krebs & Lansing, cover letter, dated 8/14/2020
- C. Jay Renshaw, Krebs & Lansing, variance request, undated
- D. Email from Tina Heath to Jay Renshaw, 06/08/20, 9 pages (includes Wetland Classification Report 2019-679)
- E. Preliminary Subdivision Plan, prepared by Krebs & Lansing, dated 8/13/2020
- F. Preliminary Plat4-Lot Subdivision Randall Farm, prepared by Krebs & Lansing, dated 8/13/2020
- G. ANR Atlas Deer Wintering And Habitat Blocks, dated 9/3/2020
- H. ANR Atlas Slope Map, dated 9/3/2020

**PROCEDURAL INFORMATION:**

As per the Notice Requirements, a Notice for Public Hearing appeared in the Burlington Free Press on August 25, 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 August 20, 2020.

**BACKGROUND INFORMATION:**

The Applicant came before the DRB with Sketch Subdivision Application 2020-068 on July 8, 2020. The application has remained virtually the same but the Applicant is requesting a variance from Section 6.9- wetlands for the construction of a shared driveway in a wetland buffer.

**DESCRIPTION OF PROJECT:**

- 1. The Applicant proposes to subdivide the existing 220.90 acre parcel located at 180 East Hill Road into 4 lots. Three lots will be residential lots and the remainder will remain for silviculture use.
- 2. According to Submittal E & F, lot sizes are as follows:
  - Lot 1 2.3 acres
  - Lot 2 2.4 acres
  - Lot 3 6.7 acres
  - Lot 4 209.5 acres
- 3. The new parcels are in the southwestern corner of the parcel with frontage on East Hill Rd and Kenyon Rd.
- 4. The access for the driveway will be between EH0136 and EH0002.
- 5. There is an existing agricultural/woods road to the north of the proposed residential lots. (Submittal E)
- 6. All lots meet the dimensional standards for Lot Area, Lot Dimensions and Lot Coverage for the Agricultural Residential Zoning District.
- 7. Lot 2 does not meet the Lot Frontage requirement of Section 3.1.3c) in the Richmond Zoning Regulations (RZR).
- 8. Pursuant to Section 4.2 and 4.3 of the RZR the DRB may grant approval for interior lots with no frontage that is provided access to a public road by a permanent easement or right-of-way.

9. Submittals D & E show a 30' wide right-of-way over lot 1 benefiting Lot 2 and 3. No Road Maintenance Agreement or draft deeds have been provided.
10. Per Section 4.3.2, the plan should show dimensions and grades of the vehicular access.
11. Submittals D & E show dimensions but not grades. Submittal H shows that according to the ANR Atlas the access from East Hill is between 5-15% slopes.
12. A shared driveway for 3 dwellings would require a road name, per State E911 Board and Town Addressing Standards, but would be required to Section 6.2 of the RZR's not the Town of Richmond Rural Road Standards.
13. The wastewater system for all three lots will be on Lot 3. Each lot will have its' own drilled well. (Submittal E & F)
14. The Applicant has not applied for a State Water & Wastewater Permit.
15. There are Class II Wetlands on all three lots (Submittal D, E & F). Lot 3 has the most wetlands and a building envelope that abuts the wetland buffer zone. Tina Heath, District Wetland Ecologist, states that the building envelope for this lot should be permanently demarcated so future landowners understand the limitations of the building envelope.
16. The shared driveway is within the wetland buffer. Section 6.9-wetlands of the RZRS states that no building, roadway, or septic system shall be within 50' of a Class II wetland.  
*Staff discussion- the Palmer appeal, Application 2020-106, may make this application unprovable if the DRB upholds ZA determination.*
17. The Applicant is requesting a variance from Section 6.9. (Submittal C)
18. The Applicant states that unnecessary hardship has not been created by the appellant since the wetlands are existing and were not created by their clients. It is their opinion that the wetland experts from the State indicate that the proposed driveway will not create an unnecessary hardship or diminish the functions and values of the affected wetland.  
*Staff discussion- State statute allows for more restrictive bylaws, and the more stringent or restrictive regulation applicable shall apply (24 V.S. A 4413). The Applicant has created this hardship since the Applicant is choosing to access the parcels through the wetland buffer instead of seeking alternate lot layouts or access via the existing woods road.*
19. The Subdivision Plan and Plat, Submittals E & F, are missing several items as required in Article III of the Richmond Subdivision Regulations.  
Plan: missing all the names of the owners of record of all adjoining properties to the proposed subdivision, true north.  
Plat: missing Large Animal Habitat- ANR Atlas shows a deer wintering area on part of the proposed parcels, the contour lines should be on the Plat not the Plan.
20. The application is subject to review under:  
Article III Preliminary Subdivision Regulations.  
Richmond Zoning Regulations –  
Section 3.1- Agricultural/Residential Zoning District  
Section 4.2- Required Frontage on, or Access to, Roads or Public Waters  
Section 4.3- Approval for Interior Lots with No Frontage  
Section 6.2- Driveway Requirements  
Section 6.9- Wetlands  
Section 6.11- Steep Slopes

**STAFF RECOMMENDATION:** The Applicant may want to withdraw application or request a continuance if DRB upholds ZA wetland determination. If the DRB does not uphold ZA determination then the following proposed and standard conditions should be considered.

**PROPOSED CONDITIONS:**

1. The Applicant shall apply to the Selectboard for a road name prior to the application for Final Subdivision Review.
2. Applicant shall apply and receive an Access Permit for the proposed shared driveway prior to the application for Final Subdivision Review.
3. The Applicant shall submit a draft Road Maintenance Agreement with Final Subdivision Review application.
4. The Applicant shall submit a State Water and Wastewater Permit for the proposed development.
5. The Final Plat and Plan should show all required items as spelled out in Article IV, Section 420 of the RSRs.

**PROPOSED STANDARD CONDITIONS:**

1. The Applicant shall apply for Final Subdivision Review within 6 months from this approval.
2. The Final Subdivision Plat shall include the new road name, and parcel IDs for the new lots. For confirmation on the new parcel ID, check with the Zoning Administrator/E911 coordinator.
3. The project shall be developed in conformance with the above referenced survey plat, 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.

