

**Town of Richmond  
Development Review Board  
Staff Report  
February 10, 2021**

**Buttermilk LLC** – Application #SUB21-01/CU21-01/SP21-01 to amend the Master Development Plan, conditions of approval, and phasing plan of an existing Planned Unit Development. Property at 74 Jolina Court is located within the Jolina Court District.

**SUBMITTALS:**

- A. Conditional Use Review and Site Plan Review application, received January 15, 2021
- B. Subdivision Amendment Application, received January 15, 2021
- C. Masterplan PUD Application Cover Letter, dated January 2021
- D. Project Phasing Plan, dated January 2021
- E. Master Development Plan, dated January 13, 2021
- F. Landscaping, Planting, and Parking Plan, dated January 27, 2021
- G. Landscaping Quote, dated January 28, 2021
- H. Building Renderings, undated (.jpgs compiled by Staff into a PDF)
- I. Lighting Spec Sheet
- J. Correspondence with Tyler Billingsley, dated February 4, 2021
- K. Review Letter from Tyler Billingsley, dated December 15, 2016
- L. Review Letter from Tyler Billingsley, dated February 27, 2017

**PROCEDURAL INFORMATION:**

As per the Notice Requirements, a Notice for Public Hearing appeared in the Seven Days on January 20, 2021 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 January 23, 2021.

Per Section 5.12, Planned Unit Developments (PUD) are “authorized to encourage flexibility of design and the development of land” and result in the approval of a “Master Development Plan.” The Master Development Plan generally guides the location of land development on site, set the total allowance of residential units and establishes an overall parking requirement. Per Section 5.12.4(c)(viii), “the Master Development Plan shall conceptually show future roads, future building areas, future open areas, and future uses on such remaining land.” Specific uses within structures and the allocation of residential density are not specified or “approved” through the approval of a Master Development Plan.

It is through Site Plan Review and Conditional Use Review, which may accompany PUD review, that specific uses within buildings are identified and allocations of residential density are allocated. This is specified in Section 5.12.1. Site Plan Review and Conditional Use Review are required before a zoning permit can be authorized for a specific phase of development (both buildings and associated infrastructure).

Site Plan and Conditional Use Review have been issued for Phase I and Phase II of the project. This specific application is to amend the portions of Master Development Plan (PUD) and to amend the specific Site Plan and Conditional Use Review approval for Phase II.

**BACKGROUND INFORMATION:**

On December 28, 2016 the Richmond Selectboard issued its Final Decision for Buttermilk’s Application 16-114 for PUD, Conditional Use & Site Plan Review for the construction of a 4-story, mixed-use building at parcel BR0125, then located within the Jolina Court Interim Zoning District (JCIZD). This approval was only for Phase I (of a total of four phases). On April 17, 2017 the Selectboard issued its Final Decision for Buttermilk’s Application 17-025 for amending the approved site plan to change the configuration of the parking lot, stormwater, water and sewer utilities for the mixed-use building at parcel BR0125, then located within the JCIZD.

The Richmond Zoning Regulations were amended to include the Jolina Court Interim Zoning District (JCIZD) May 27, 2014 and were extended for one-year May 23, 2016. The JCIZD required the Selectboard to issue approval for any redevelopment. With the expiration of the JCIZD in May of 2017, the parcel now reverts to the prior zoning district for the parcel- Village/Commercial Zoning District (V/C) and is under the purview of the DRB.

Buttermilk received a permit (18-009) on February 15, 2018 for the construction of a 14,440 sq. f.t mixed use commercial and residential building- Phase I. Phase I construction is complete.

On April 20, 2018, Buttermilk, LLC received PUD, Conditional Use, and Site Plan approval (Application 2018-020) for the construction of a 4-story, mixed-use building (Phase II). This approval is set to expire in April 2021. Approval of the proposed application would reset expiration to 24 months from the date of the final approval unless a valid Zoning Permit has been obtained.

**ANALYSIS**

1. The proposed project is subject to review under the following regulations:
  - a. Richmond Zoning Regulations, Jolina Court District
  - b. Planned Unit Development (PUD) (see Section 5.12 of Richmond Zoning Regulations)
  - c. Site Plan Review (see Section 5.5 of Richmond Zoning Regulations)
  - d. Conditional Use Review (see Section 5.6 of Richmond Zoning Regulations)
  - e. Public Improvement Standards and Specifications for the Town of Richmond
  - f. Richmond Subdivision Regulations
  
2. **Phasing.** The proposed project affects one parcel- JC0074. The applicant is explicitly seeking to amend Phase II under this application but has also provided a phasing plan for the remaining project phases, Phases II through IV. Phase II proposes one building on parcel JC0074. Both JC0074 and BR0125 are owned by the applicant, Buttermilk LLC.

The applicant has proposed the following for phases II through IV:

Phase	Proposed Development	Expected Completion
Phase II	<ul style="list-style-type: none"> <li>• Building identified as Phase II in the Master Development Plan.</li> <li>• Roadways and parking as shown in the Master</li> </ul>	2023

	<p>Development Plan under "Phase 2"</p> <ul style="list-style-type: none"> <li>• Landscaping in the areas as shown in the Master Development Plan under "Phase 2"</li> <li>• Sub-base within Phase 3 identified area for access to parking south of Phase 2 building, as annotated in the Master Development Plan</li> <li>• Sewer line infrastructure from Phase 2 building extending south*</li> </ul>	
Phase 3	<ul style="list-style-type: none"> <li>• Phase 3 building as shown in the Master Development Plan</li> <li>• Parking and roadways as shown in the Master Development Plan under Phase 3</li> <li>• Paving of sub-base used for access to Phase 2</li> <li>• Landscaping within the areas identified as Phase 3 in the Master Development Plan</li> <li>• Sewer infrastructure for Phase 3</li> </ul>	2027
Phase 4	<ul style="list-style-type: none"> <li>• Phase 4 building as identified in the Master Development Plan</li> <li>• Parking and roadways as shown in the Master Development under Phase 4</li> <li>• Landscaping within the areas identified as Phase 4 in the Master</li> </ul>	2030

	Development Plan • Sewer infrastructure for Phase 4*	
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**\*Note: The sewer line on the adjoining property to the south is a private wastewater line. The applicant has not provided agreements allowing them to connect to this private wastewater line as of February 4, 2021.**

Per Section 5.12.4(c)(vi) of the Richmond Zoning Regulations, the applicant is required to submit information about phasing of the PUD. While this information has been provided for the construction of buildings, phasing information has not been provided for much of associated infrastructure within the PUD. This includes water service, sewer service, and stormwater management. Staff finds that this information is needed in order to fully review the proposed PUD.

**Staff finds:**

- **There is insufficient information about the proposed stormwater management improvements. This includes details about retention ponds, swales, pretreatment, and culverts, and the timing of stormwater management improvements construction;**
- **There is insufficient information about the planned water infrastructure, and water infrastructure, on the plans provided;**
- **There is insufficient information about the planned sewer connections to the respective buildings;**
- **The plans do not show several easements required by the Town that are needed in order to provide maintenance to water and wastewater infrastructure the applicant proposes to build.**

**Staff requests that the Master Development Plan include details on the location, phasing, and specifications of all stormwater infrastructure, water infrastructure, sewer infrastructure, as well as details about when the applicant proposes turning over ownership any infrastructure to the Town.**

3. **Dimensional Standards.** The applicant is not proposing any changes to the physical location of structures in the PUD. Therefore, the proposed changes do not impact the PUD’s conformance with any of the Jolina Court dimensional standards (setbacks, building height, coverage).

**Staff requests that the applicant confirm that no changes to physical location or physical dimensions of any of the buildings on site is proposed.**

4. **Compatibility.** Per Section 3.9.6, “applicants shall be required to demonstrate compatibility” of new structures with “scale, color, materials, and character of the district, and construction utilizing materials similar or the same to the existing buildings of the district.” The applicant has submitted renderings of Building #2, Building #3, and Building #4 (Submittal E).

**Staff requests that the applicant explain how these renderings may be differ from previously approved building renderings.**

5. **Residential Land Uses.** The applicant proposes to reallocate the residential density within the PUD. Building #2 will now have more residential units than originally proposed. Residential units in Building #2

will be located on the second, third and fourth stories. Commercial uses will continue to occupy the first story in Building #2. Building #3 will now have no residential units and will contain only commercial uses.

<b>Building</b>	<b>Residential Units</b>	<b>Efficiency</b>	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>
Building #1	14	6	2	6	0
Building #2	20	4	8	8	0
Building #3	N/A	N/A	N/A	N/A	N/A
Building #4	N/A	N/A	N/A	N/A	N/A
Total	45				

<b>Building</b>	<b>Residential Units</b>	<b>Efficiency</b>	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>
Building #1	14	6	2	6	0
Building #2	25	10	10	5	0
Building #3	0	0	0	0	0
Building #4	6	0	2	3	1
Total	45	16	14	14	1

Buttermilk, LLC notes this change as a “tentative breakdown” of housing density. This DRB cannot approve a “tentative breakdown” of housing density. The DRB can only approve a specific proposal from Buttermilk, LLC. This approval can be amended later as market conditions change, but there needs to be clarity for all interested parties regarding what is actually approved in a decision.

**Staff requests that the applicant clarify that it is their intent to building 25 residential units in Building #2 as a part of Phase II.**

The increase in the number of units in Building #2 also increases the number of required parking spaces to support Building #2 (Phase II), but otherwise does not trigger any additional requirements per the Richmond Zoning Regulations.

The total number of proposed residential units within the PUD remains unchanged (45 residential units). This total number of residential units is based on standards in Section 3.9.3 and a total of 2.99 developable acre (on-site acreage amount is from a previous application).

- Commercial Land Uses.** Buttermilk, LLC proposes the following changes to commercial space on the Master Development Plan:

<b>Building</b>	<b>Commercial Space</b>
Building #1	9,182 square feet
Building #2	16,000 square feet
Building #3	N/A
Building #4	N/A

Total	N/A
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<b>Table 4: Proposed Commercial Space</b>	
<b>Building</b>	<b>Commercial Space</b>
Building #1	9,182 square feet
Building #2	8,000 square feet
Building #3	9,750 square feet
Building #4	2,750 square feet
Total	29,682 square feet

This proposed changes to the overall Master Development Plan is in conformance with the regulations. However, the applicant is required to be more specific about what type of “commercial” uses will be located in Building #2.

The applicant states in the application that the 1<sup>st</sup> story of Building #2 will be “commercial space.” This level of detail is adequate for the Master Development Plan level of review, but is insufficient for the Site Plan or Conditional Use level of review that is required to approve Phase II. Specific land uses are required to be identified and approved by the DRB before Site Plan or Conditional Use approval may be granted. Different commercial land uses have different parking requirements which may impact the amount of parking that shall be built for Phase II.

The previous approval of Phase II stated that Building #2 would be composed of two stories of “mixed commercial space totaling 16,000 sq. ft. defined as any combination of bank, retail store, personal service, professional office, light industry, deli/take out eatery – with no seats).” The number of commercial units was not specified.

**Staff requests that the applicant clarify the specific commercial uses, and their respective square footage, that will be on the first story of Building #2 to ensure that other requirements, notably the parking requirement, are met.**

- Residential to Commercial Mix.** The RZR PUD General Conditions (Section 5.12.2 f) states that:

*In the JC and VD Districts, any or all floors may be in commercial use. However, in the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, residential uses shall be restricted to the second floor and above and to the walk-out basement floor as long as all applicable Vermont Fire and Building Safety Codes are met.*

The proposed Building #2 will be composed of commercial on the first story and residential on the above stories. Building #3 will be all commercial uses. Building #4 will be composed of commercial on the first story and residential on the above stories. All buildings meet the requirement of Section 5.12.2.f.

- Traffic.** The applicant submitted the traffic study that was completed for Phase I and included speculative effects of Phase II and III. This study was not updated during the previous approval for Phase II.

Section 3.9.6 and Section 5.5.2 enable the DRB to require the applicant to submit an updated traffic study. While the DRB retains this right, Staff advises that the DRB should not require an updated traffic study at this time. Staff finds that this is appropriate for a few reasons. First, the current proposal includes additional residential units (and no additional commercial space) which is likely to have little impact on peak demand. Further, since the existing study includes Phase III, staff finds that it is unlikely that the DRB will find that changes to Phase II alone will trigger any major concerns about traffic safety or congestion. Instead, Staff advises the DRB to require that the applicant submit an updated traffic study with the Site Plan and Conditional Use applications for Phase III and Phase IV as a conditional of approval.

As required in previous DRB decisions, the private road, Jolina Court, will be upgraded to meet the Richmond Public Improvement Standards and Specifications construction standards. The Richmond Public Improvement Standards and Specifications require local roads to have a 60' right-of-way (ROW). The proposed upgraded road does not have a 60' ROW. The SB waived the 60' ROW standard for this project. It is Staff's understanding that the currently built portion of Jolina Court has been inspected by the Town Engineer, but would like the applicant to confirm.

**Staff requests that the applicant clarify that the existing portions of the road has been upgraded to Richmond Public Improvement Standards and Specifications construction standards.**

The Master Development Plan does not delineate an end of Jolina Court. Therefore, Staff interprets that Jolina Court extends throughout the PUD all the way to the gated access to the Richmond Town Office. This should be delineated on the Master Development Plan. Further, inspection and certification by the Town Engineer that the sections of road (as noted on the phasing plan) have been built to the Richmond Public Improvement Standards and Specifications is required before a CO may be issued for the corresponding buildings shown on the phasing plan.

**Staff requests that the applicant delineate the full extent of Jolina Court on the Master Development Plan.**

Staff finds that Jolina Court is a dead end road because the gate at the "end" of Jolina Court is not publicly accessible. All dead end roads require a cul-de-sac or hammerhead turn around per the Town of Richmond Public Improvements Standards and Specifications (page 6).

**Staff requests that the applicant amend the Master Development Plan to show the required turn around (cul-de-sac or hammerhead) at the end of Jolina Court.**

Staff is concerned about the ability of larger trucks, including garbage trucks and delivery trucks, from serving the proposed dumpster locations and proposed commercial development locations. There appears to be limited locations for these trucks to turn around. Staff recommends that the applicant provide turning templates for the location(s) in which it is anticipated that larger trucks serving the facility may turn around. Concerns about trucks serving the property could also be alleviated through multiple means. Centralizing dumpster locations, adding a turn around location, or removing the gate to the municipal parking lot at the Town Office and allowing traffic to use this access (either one-way or two-way), are all potential ways to ensure that trucks can serve the property. Staff does not necessarily think this potential issue needs to be solved now, but believes it should be dealt with before site plan and conditional use approval of Phase III and Phase IV.

**Staff requests that the applicant provide a turning template for a garbage truck, or other larger truck, on the Master Development Plan or otherwise provide information ensuring that trucks serving the property are able to turn around and/or serve the development safely. Staff also request information about roadway dimensions/limits/turn arounds on Jolina Court.**

Buttermilk, LLC is requesting a waiver from the paving requirement for the parking lot. Specifically, Buttermilk, LLC is proposing that paving of the parking area be delayed until the completion of construction on Phase #4. The DRB may grant this waiver only if all other standards in Section 6.1.6 are met. Staff finds that this waiver may only apply to parking lots, not Jolina Court.

**Staff also requests that the applicant amend the phasing of the Master Development Plan to include paving of sections of pavement in Phase III (Jolina Court) in order to facilitate adequate access to the southern side of the Building #2.**

9. **Parking.** Buttermilk, LLC proposes the following changes to parking allocation per building (or phase) on the Master Development Plan:

<b>Building</b>	<b>Use</b>	<b>Commercial Parking Requirement</b>	<b>Residential Parking Requirement</b>	<b>Total Parking Approved</b>	<b>Total Parking Requirement</b>
Building #1	2 floors per commercial and residential	19	21	40	40
Building #2	1 floor commercial/3 floors of residential	N/A	N/A	98	98
Building #3	1 floor commercial/3 floors residential	N/A	N/A	N/A	N/A
Building #4	1 floor commercial/3 floors residential	N/A	N/A	N/A	N/A
Total		N/A	N/A	N/A	N/A

<b>Building</b>	<b>Use</b>	<b>Commercial Parking Requirement</b>	<b>Residential Parking Requirement</b>	<b>Total Proposed Parking</b>	<b>Total Parking Requirement</b>
Building #1	2 floors per commercial and residential	19	21	40	40
Building #2	1 floor commercial/3 floors of residential	22	35	57	57
Building #3	Commercial only	27	0	27	TBD
Building #4	1 floor commercial/3 floors residential	8	13	20	TBD
Total		76	65	141	TBD

Buttermilk, LLC says that this is a “DRAFT” parking allocation in their application. Please note that the DRB cannot approve a “draft” allocation. Any future changes to parking allocation shall require a PUD amendment and/or conditional use and site plan amendment.

**Staff request that the applicant clarify that the “draft” parking allocation is what they actual are proposing in this amendment application.**

The applicant must specify the commercial use within the Building #2 before the DRB can confirm that the proposed parking allocation meets the standards in Section 3.9.6. Since specific commercial uses have not been described, staff cannot calculate the required number of parking spaces.

**Staff requests that the applicant specify the commercial uses in all of the proposed buildings in order for staff to calculate the required number of parking spaces.**

**Further, staff requests that the applicant clarify the number of parking spaces that will be on-site after the construction of Phase II to ensure both Phase I and Phase II are served by parking that meets the standard.**

Any future changes in use within the Master Development Plan that may require a change in parking allocation based on the parking standards in Section 3.9.6 and Section 6.1 shall require a site plan amendment. The applicant is not proposing any changes regarding the location of the parking.

The Master Development Plan does not show any location for loading as required per Section 6.1. One loading space is required for the first 5000 square feet of gross floor area and 1 space for each additional 30,000 square feet of gross commercial floor area. This means that approximately X spaces are required per the current proposal. The applicant may request a waiver, in writing, from this requirement.

**Staff request that the applicant provide the required number of loading spaces on the Master Development Plan or request a waiver from the requirement, in writing, from the DRB.**

Section 6.1.6 requires that “parking lots shall be designed to encourage bicycle access and that any structure containing 15 or more parking spaces “shall provide bicycle racks at a location convenient to the main entrance to the business.” The current proposal does not contain bicycle parking.

**Staff requests that the applicant provide the number of bicycle parking spaces they intend to provide, and their location on-site, for each phase of the Master Development Plan.**

10. **Sidewalks.** Per Section 3.9.6(f), “Sidewalks that connect all buildings on Jolina Court with the sidewalks and pedestrian crossings on Bridge Street shall be required. They may be connected individually or in series. The purpose of this is to ensure walkability of any new development and ensure connection to the downtown area.”

The previous DRB approval of Phase II stated that “a sidewalk will be built along the northside of the building from the Bridge Street intersection eastward and along the southern boundary of the parking lot, located on JC0074 and in front of Phase II.” The applicant shall confirm that it is still their intention to build this sidewalk as a part of Phase II.

Submittal C does not show a sidewalk on the east side of the site serving Building #3. This was what was previously approved by the DRB. Submittal D does show a sidewalk in the same location (Submittal D). Staff finds that a sidewalk in this location, as shown on Submittal D, more clearly meets the sidewalk standards in Section 3.9.6(f).

The DRB needs to determine if a sidewalk in this location should be required to meet the requirements of Section 3.9.6(f) and/or the applicant need to clarify if a sidewalk will be built as shown on Submittal D. If a sidewalk is to be required by the DRB, or proposed by the applicant, the Master Development Plan shall be revised to show this sidewalk.

**Staff requests that the applicant provide detail sheets on the sidewalks in order to indicate compliance with the Town Public Improvement Standards.**

11. **Landscaping and Stormwater.** The applicant has submitted a landscaping plan was submitted with this application as required by the previous DRB decision. The landscaping plan is needed to ensure conformance with Section 5.12.4 which requires a “site plan” showing “landscaping, including site grading, landscape design, and screening” and the “construction sequence and time schedule” for landscaping installation. The proposed landscaping plan screens dumpsters on site as required by previous DRB decisions and shows the phasing of landscaping installation.

The application states that the applicant intends to spend at least \$30,000 on landscaping within the entire PUD. However, the applicant revised this amount in a quote from Ambler Design (Submittal E). The Phase II total in the quote is for \$17,095 (\$14,345 in direct landscaping costs and an additional \$2,750 for seeding). This amount does not include labor. The quote also includes \$18,430 for Phase III and \$12,880 for Phase IV. This equals a grand total of \$48,405 in direct landscaping costs for all Phase II through Phase IV. The DRB needs to confirm that this value complies with the required dollar amount in Section 5.5.3 for both the entire PUD and specifically for Phase II.

Per the application, the applicant proposes to install the stormwater mitigation system shown on the Master Development Plan as a part of Phase II. This includes both stormwater retention areas. Staff would like the applicant to confirm this point. This is especially important because one of the proposed drop inlet locations is proposed to be located in a parking area that Staff assumes will not be built as a part of Phase II. The Town Engineer also requests information regarding stormwater calculations/designs to ensure that the local standards are met (Section 3.1 of the Town Public Improvement Standards). The applicant will likely need to obtain a State Construction and State Operation Stormwater Permits for this project.

**Staff requests that the applicant provide information about total project construction costs to ensure conformance with the minimum landscaping cost requirements in Section 5.5.3(b) for the entire PUD and specifically for Phase II.**

**Staff requests that the application provide stormwater design details and calculations in conformance with Section 3.1 of the Town Public Improvement Standards.**

**Lighting.** The applicant has provided a cut sheet of the light fixtures that will be installed on the property. However, a photometric lighting plan is needed to ensure the project conforms with Section 4.11 of the

Richmond Zoning Regulations. The applicant has never submitted such a plan and the DRB has never approved such a plan.

**Staff requests that the applicant provide a photometric lighting plan for the property to ensure conformance with Section 4.11.**

12. **Other Site Plan Criteria.** The applicant is not proposing any changes to curb cuts, roads, trails, or signs.

13. **Conditional Use Standards.**

- a. **Capacity of Existing or Planned Community Facilities.** Staff finds that the proposal will not have an undue adverse effect upon the capacity of existing or planned community facilities. However, in the previous DRB decision approving Phase II, the DRB required that the applicant “submit a letter from the Richmond Fire Department to P&Z staff stating their ability to meet the proposed capacity of Building #2 prior to receiving a zoning permit.” This condition should also apply to the current proposal to ensure that the Fire Department can provide adequate service to the proposed building.

**Staff requests that the applicant submit a letter from the Richmond Fire Department to P&Z staff stating that the department has the ability to serve of Building #2.**

The project will be served by wastewater pipe that will access the property through another property to the South. Per the Town Engineer, this wastewater line is existing and served the old creamery, but will need to be replaced due to its poor conditions and that fact that it does not meet current specifications. Staff requests that the applicant provided draft easement for this wastewater line. The easement shall also provide the Town with the ability to maintain line (except direct service lines). Further, Staff requests that the applicant confirm that they are not proposing any changes to the previously approved wastewater service connections to Building #2. This includes connection location and construction specifications.

**Staff requests that the applicant submit an draft easement agreement for the wastewater service line to the south of the property. This is needed to confirm that the proposed wastewater line can serve Building #2. The applicant shall also provide details on required wastewater improvements required by the Town Engineer. A wastewater allocation request is also needs to be approved by the Water Commission.**

**Staff requests that that applicant show the location of water connection to Building #2, provide specifications for review by the Town Engineer, and provide draft easement agreements for maintenance of water line to the Town as required by the Town Engineer. A water allocation request also needs to be approved by the Water Commission.**

**Staff requests that the applicant confirm that they are not proposing any changes to the previously approved wastewater service connection to Building #2. This includes connection location and construction specifications.**

The Master Development Plan does not show how the Building #2, Building #3, or Building #4 will be served both other utilities (electric, telephone, broadband).

**Staff requests that the applicant amend the Master Development Plan to show the location of utility connections to Building #2, Building #3 and Building #4.**

- b. **Character of the Area.** Staff finds that the proposal will not have an undue adverse effect upon the character of the area as defined by the Jolina Court District purpose statement in Section 3.9.
- c. **Traffic.** See above discussion.
- d. **Other Bylaws and Ordinances.** See above discussion regarding the private road, water service, and wastewater service.

**Staff and the Town Engineer are currently reviewing the project for conformance with the Town Public Improvement Standards, but additional information from the applicant is needed (see “Phasing” section above) before this review can be completed.**

- e. **Utilization of Renewable Energy Resources.** Staff finds that the proposal will not have an undue adverse effect upon the utilization of renewable energy resources. Building #2 will contain solar panels (approval of the panels is outside the jurisdiction of the DRB and is with the Vermont Public Utility Commission).
- f. **Performance Standards and Other Conditional Use Standards.** Staff finds that the proposed changes do not alter the proposed project’s conformance with Section 5.6.2 Specific Standards (Conditional Use) or Section 5.6.3 Performance Standards.

14. **Subdivision.** The Richmond Subdivision Regulations Article IX defines "subdivision" as:  
*Any LOT or parcel, vacant or improved, which is divided into two (2) or more LOTS and any other division of land, for sale, development, lease, or any other purpose. The term includes AMENDED SUBDIVISIONS, RESUBDIVISIONS, Planned Unit Developments or Residential Planned Unit Developments as defined in the ZONING REGULATIONS...*

Per Richmond Subdivision Regulations Section 130, the subdivision regulations apply to all subdivisions and minor subdivisions.

- a. **General Planning Standards.** Per Section 500, the DRB is required to evaluate subdivision applications in accordance to the listed 12 planning standards:
  - 1. Whether SUBDIVISION or development would be harmful to the safety, health and general welfare of the present or future inhabitants of the SUBDIVISION and/or its surrounding areas, due to flooding, improper drainage, steep slopes, rock formations, topography, utility easements or other features;
  - 2. Whether the proposed SUBDIVISION has an UNDUE ADVERSE IMPACT on existing historical resources or natural features, trees, brooks, rock outcroppings, water bodies, ground water, or other natural and/or historical resources;
  - 3. Whether the proposed SUBDIVISION includes adequate provision for the control of runoff and erosion during and after construction;
  - 4. Whether the proposed SUBDIVISION is in compliance with the ACT, the ZONING REGULATIONS and any other bylaws or town ordinances in effect;

5. Whether the proposed design and configuration of parcel boundaries and location of associated improvements achieve the desired settlement pattern for the zoning district and neighborhood in which the SUBDIVISION is located;
6. Whether the site is suitable for the proposed density;
7. Whether the proposed SUBDIVISION, when reviewed in the context of the Town's adopted capital budget and program, and other developments in the Town, will place an unreasonable burden on the ability of the local governmental units to provide municipal or governmental services or facilities;
8. Whether there is a sufficient potable water supply and adequate area for wastewater disposal;
9. That the wastewater disposal system(s) and potable water supply will not impair or pollute surface water and groundwater;
10. Whether the proposed SUBDIVISION will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town;
11. Whether the proposed development avoids UNDUE ADVERSE IMPACT on established LARGE ANIMAL HABITAT and prevents UNDUE ADVERSE IMPACT to, or provides adequate protection for, such habitat, and retains unrestricted animal access to the identified habitat; and,
12. Whether the proposed development would cause undue air, water, noise or light pollution.

**As mentioned under "Phasing", "Traffic", and "Conditional Use Standards", staff currently does not have enough evidence to determine if the proposed water, wastewater, stormwater and roadways meet the Town Public Improvement Standards.**

**Staff also requests details on erosion prevention and sediment control during construction to indicate compliance with the state erosion prevention and sediment control standards.**

- b. **Roads and Other Facilities.** All roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities and related facilities in a subdivision are to remain private unless accepted by vote of the Town Selectboard. If the applicant intends to offer infrastructure to the town, they must provide:
  1. A draft irrevocable offer of dedication; and,
  2. A draft warranty deed.

**For the water and wastewater lines the applicant intends to convey to the Town, staff requests that the applicant provide a draft irrevocable offer of dedication and a draft warranty deed along with draft easements to the town to maintain these lines.**

- c. **Construction.** Under Section 600.1, the applicant is required to construct all roads to the standards specified in the Town Public Improvement Standards
- d. **Dead End Roads.** Under Section 600.6, the applicant is required to terminate all dead-end roads--such as Jolina Court--with a cul-de-sac with at least a 60-foot radius. The applicant may also terminate the dead end road with a hammerhead turnaround, but the proposed hammerhead turnaround must be approved by the Selectboard prior to any land development.
- e. **Accessibility.** Per Section 600.8, the applicant must provide evidence that emergency and service vehicles can access all proposed buildings within the proposed development.

- f. **Drainage.** Per Section 600.10, all roads shall be adequately shaped and drained, with adequate ditches or other stormwater system. Per Section 650.4, the drainage system and all easements shall be designed to accommodate water from a twenty-five (25) year storm.

**The stormwater design details and calculations must include evidence that the infrastructure can accommodate water from a twenty-five year storm.**

- g. **Water Supply and Wastewater Disposal Systems.** Under Section 660, the applicant must provide the town a copy of any required state and federal permits, including wastewater system and potable water supply permits, prior to the commencement of any land development.
- h. **Utilities and Easements.** Per Section 670.3, all easements shall be of sufficient width to serve the proposed subdivision and the subdivision plat shall show all easements.
- i. **Plat Requirements.** Per Section 705, upon approval of the subdivision application, the applicant is required to record a survey plat in the Town Land Records within 180 days of the date of the DRB approval. It is the responsibility of the applicant to file the plat in a timely manner.

**Staff requests that the applicant provide a survey plat of the Planned Unit Development showing all easements to the Town and any other private parties (if applicable).**

- j. **Security.** Under Section 708.1, the DRB has the right to condition the approval of the subdivision on the submission of a performance bond, escrow account or other financial surety approved by the Town Selectboard to assure the completion of the proposed development. The security must be sufficient to cover the full cost of required streets, improvements on or in those streets, parking areas, stormwater facilities, water and sewer systems, and other required infrastructure improvements, as well as maintenance of improvements for a period of two years after completion of the last of the required improvement. Upon completion, as-built plans by a registered professional engineer must be submitted to the Administrative Officer. The applicant would be required to complete all improvements included in the security within three years of the start of construction.

As an alternative, the DRB may require the construction of all required infrastructure and the provision of as-built plans before any zoning permits unrelated to the construction of infrastructure can be pulled.

The DRB may also require security for the installation and maintenance for a two-year period of landscaping, screening, buffers, site restoration, or protection of public facilities. This security shall secure the Town the completion of all such required improvements within three years from the start of installation of the first required improvement and the maintenance period of two years after the completion of the last required improvement.

**Staff recommends the provision of security for landscaping and screening to cover the installation of improvements per phase with the Zoning Permits for each respective phase.**

- k. **Inspections.** Prior to the issuance of a certificate of occupancy for any required improvements, the applicant shall reimburse the Town within 30 days of invoice for the Town's engineering, legal, and other professional fees related to the inspection of the work, preparing reports to the Town, and other related activities.

**Note: The applicant would be responsible for all inspection fees associated with this project prior to the issuance of a certificate of occupancy for Phase IV.**

**REQUESTED WAIVERS:**

1. The applicant requests a waiver from the parking lot paving requirement in Section 6.1.6 until the completion of Phase IV.
2. The applicant requests a waiver from the loading spaces requirement in Section 6.1.1.

**STAFF RECOMMENDATION**

Staff recommends that the DRB continue the application to the March 10, 2021 DRB meeting so that the following information can be provided for the record:

1. Adequate review by Town staff of the proposed development;
2. Clarification on the proposed wastewater line serving Phase II and a draft agreement between the owner of the wastewater line the applicant would connect to and the applicant;
3. Review letters for compliance with the Town Public Improvement Standards for water, wastewater, and highway details;
4. Site plans showing turning templates and roadway dimensions/limits/turn arounds to indicate adequate access for large trucks and fire engines and conformance with the Town Public Improvement Standards;
5. Clarification on proposed water and wastewater infrastructure improvements in the phasing plan;
6. Clarification on the proposed stormwater infrastructure improvements in the phasing plan;
7. Information on the total construction costs to determine compliance with the landscaping cost requirements under Section 5.5.3;
8. Information on the proposed square footage of the proposed uses and the proposed parking for each use throughout the project;
9. Clarification on the proposed uses and their respective square footage for Phase II;
10. Clarification on the location and amount of bicycle parking within the project area;
11. Information on the proposed lighting, including a photometric plan.

**PROPOSED CONDITIONS:**

1. A Zoning Permit shall be required prior to any land development associated with this approval.
2. All conditions of prior Selectboard and DRB approvals must be complied with.
3. Applicant shall submit letters from the Richmond Fire Department to P&Z staff stating their ability to meet the proposed capacity of Building #2 prior to receiving a zoning permit.
4. Applicant shall submit a revised Master Development Plan showing the location of bicycle parking on-site with their Zoning Permit application for Phase 2
5. Applicant shall submit a landscaping plan to P&Z showing the phasing of all landscaping and the screening of all dumpsters with their Zoning Permit application for Phase 2.
6. The applicant shall submit an updated traffic study with the future Site Plan and Conditional Use applications for Phase III and Phase IV.
7. The applicant shall provide certification from their engineer that their proposed roadways are built per the Town Public Improvement Standards prior to the issuance of any Certificates of Occupancy for Buildings 2, 3, and 4.

8. The applicant shall provide certification from their engineer and the town engineer that the proposed water and wastewater lines and connections are built per the Town Public Improvement Standards prior to the issuance of any Certificates of Occupancy for Buildings 2, 3, and 4.
9. The applicant shall file a survey plat depicting the easements as drafted and proposed within 180 days of this approval.
10. Applicant shall submit a revised Wastewater System and Potable Water Supply Permit before any construction may begin on Building #2.

**PROPOSED STANDARD CONDITIONS:**

1. The project shall be developed in conformance with the above referenced survey plat, plans, and submittal documents.
2. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
3. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits.