



Planning & Zoning Office
Town of Richmond P.O. Box 285
Richmond, VT 05477
(802) 434-2430
tmachia@richmondvt.gov
www.richmondvt.gov

APPLICATION: PRESUB2023-04

APPLICANT: Hillview Heights LLC (Bob and Tammy Avonda)

REQUESTED ACTION: Preliminary Subdivision

LOCATION: 2427 Hillview Road

EXISTING ZONING: Agricultural Residential District

PROJECT DESCRIPTION: The Applicant (Hillview Heights LLC) is seeking preliminary subdivision approval for a 7-lot subdivision located at 2427 Hillview Road. The subdivision would create 6 new residential lots with one existing residential lot. The existing residential lot is currently used for agricultural purposes and will continue to be used as such.

PARCEL HISTORY:

1. Sketch Plan Application 1/14/21
2. Zoning Permit for driveway 2021-083 Approved 11/2/21
3. Notice of Intent to Build a Farm Structure 12/20/21
4. Notice of Intent to Build a Farm Structure 5/5/22
5. Zoning Permit for well 2022-53 approved 7/11/22
6. Zoning Permit for well 2022-62 approved 7/28/22
7. Notice of Intent to Build a Farm Structure 7/29/22
8. Notice of Intent to Build a Farm Structure 8/29/22
9. Notice of Appeal APE2022-02 9/28/22
10. Notice of Intent to Build a Farm Structure 11/17/22

PROCEDURAL INFORMATION:

1. Application submitted on 3/24/23
2. Agenda placed in Seven Days 3/27/2023
3. Notice placed on Town website and at three locations in town on 3/27/2023
4. Abutters notified on 3/27/2023
5. Notice sent to Applicant 3/27/2023

STAFF COMMENTS (In Bold):

1. The Applicant (Hillview Heights LLC) is seeking preliminary subdivision approval for a 7-lot subdivision located at 2427 Hillview Road. The subdivision would create 6 new residential lots with one existing residential lot. The existing residential lot is currently used for agricultural purposes and will continue to be used as such.
2. The project is located inside of the Agricultural Residential zoning district and is subject to section 3.1 of the Richmond Zoning Regulations
3. The Applicants narrative notes that they are proposing a 7 lot subdivision with 6 new single family residential lots
4. Lots size and coverage is as follows:
 - a. Lot 1-1.89 Acres 5% Coverage
 - b. Lot 2-8.66 Acres 2% Coverage

- c. Lot 3-4.60 Acres 4.5% Coverage
 - d. Lot 4-4.15 Acres 3.5% Coverage
 - e. Lot 5-2.06 Acres 4.5% Coverage
 - f. Lot 6-3.35 Acres 4.5% Coverage
 - g. Lot 7-60.78 Acres 1.5% Coverage
5. Single family residences are an allowed use per Section 3.1.1 of the Richmond Zoning Regulations
 6. Section 3.1.3 notes the following dimensional standards
 - a. No lot shall be less than one (1) acre. The purchase of additional land by the owner of such lot from an adjacent lot owner shall be permitted, provided such purchase does not create a lot of less than the minimum lot area required in the Zoning District for the lot on the part of the seller
 - b. Each lot must contain a point from which a circle with a radius of fifty (50) feet can be inscribed within the boundary of the lot
 - c. No lot having frontage on a public or private road shall have less than one hundred (100) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2, Required Frontage, and 4.3, Approval for Interior Lots with No Frontage
 - d. The total amount of ground on a lot that can be covered by any structure or impervious material shall not exceed 30%.
 7. The Applicants site plan notes that all lots will be greater than 1 Acre
 8. The Applicants site plan notes that all lots will have less than 30% impervious coverage
 9. Section 3.1.4 goes over the Dimensional Limitations for structures in the Agricultural Zoning district (**Applicants are only proposing building lots. No plans for home construction submitted with this application**)
 - a. The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6, Taller Structures, of these Zoning Regulations
 - b. All structures shall be set back 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
 - c. A principal structure shall be set back at least twenty (20) feet from each side lot line. An accessory structure shall be set back at least ten (10) feet from the side lot line
 - d. A principal structure shall be set back at least twenty (20) feet from a rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot line
 10. Section 3.1.5 of the Richmond Subdivision Regulations notes the following:
 - a. Parking requirements shall be regulated as provided in Section 6.1
 - b. Signs shall be regulated as provided in Section 5.7
 - c. Access shall be regulated as provided in Section 4.1 through 4.4
 - d. Traffic shall not exceed 10 vehicle trip ends during the peak evening hours
 11. Section 4.1 notes that all vehicular accesses shall comply with the 2000 Public Works Specifications, or the most recent version of Public Works Specifications at the time of application. (**The Road Forman inspected the proposed accesses and noted that the proposed access for lots 1 and 2 do not have adequate sight lines. He notes the following “ Lots # 1 and #2 do not have adequate sight distance. Lot # 2 has a sight distance from the access southeast of 190 feet and northwest of more than 500 feet. Lot # 1 has a sight distance southeast of 236 feet and northwest of more than 500 feet. The B71 specifies a minimum of stopping sight distance of 250 feet and minimum intersection sight distance of 390 feet. It may be possible to get this sight distance by clearing all the trees on the inside corner. The B-71 also states that advance warning signs are to be placed if the sight lines are below the minimum. Both accesses for lots #1 and #2 drain into the low spot on lot #1 into a detention**

pond". He went on to note that the site line for all remaining lots meet town standards)

12. Section 4.4 notes that no more than one curb cut shall be allowed onto a public or private road or highway right of way affording access to a lot.
13. The Applicants site plan and narrative notes one curb cut per lot
14. 6.1.6 notes that parking areas associated with single or two family dwellings are exempt from review by the Zoning Administrator and do not require site plan review
15. Applicants site plan and narrative notes that each lot will have a minimum of 2 off street parking spaces
16. Section 6.2.1 notes the following standards for driveways:
 - a. Unless specifically approved by the DRB there shall be a maximum of one driveway per lot accessing a public Road or Highway. This provision shall not disallow a shared driveway between two or more lots, or dual driveways where one lane is marked for entering traffic and one lane for exiting traffic.
 - b. Driveways shall meet the following standards unless a different size is required by the DRB due to special circumstances: Residential - 12 feet minimum width, 36 feet maximum width; Commercial - 20 feet minimum width, 36 feet maximum width
 - c. The DRB may require installation of acceleration and/or deceleration lanes on the adjacent public Road or Highway if it deems necessary
 - d. Driveways shall be located more than 100 feet from signalized Road or Highway intersections (measured between the near edges of the driveway and intersection). Greater distances may be required on Roads or Highways with high traffic volumes
 - e. The intersection of the driveway to the public or private road shall conform to the standards in the Public Works Specifications. The driveway shall meet the Vermont Agency of Transportation's B71 Standards for construction
 - f. For the length of the driveway, the driveway grade shall not exceed twelve (12) percent except that the last 200 feet from the foundation of the primary structure being served shall not exceed fifteen (15) percent. In measuring the compliance of a driveway, the maximum grade may not be exceeded along the driveway center-line
17. The Applicants narrative and site plan indicates that each lot will have one driveway
18. The Applicants narrative and site plan indicates that each driveway will meet the minimum width requirement of 12 feet
19. The Applicants narrative and site plan indicates that grade of all driveways will not exceed 12%
20. The Applicants site plan notes Class 2 wetlands
21. Section 6.9 notes that any land development on a lot containing a known or suspected wetland identified by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetlands Screening Tool shall require a zoning permit issued by the Administrative Officer
22. 6.9.2. No land development shall occur within a Class I or II wetland, or wetland buffer, unless approved or exempted by the Vermont Wetlands Program (**Applicants have obtained a state wetland permit from the Department of Environmental Conservation**)
23. 6.9.3. Wetland Buffers. All Class I and II wetlands shall be surrounded by a buffer of the following widths:
 - a. a) 100 feet for a Class I wetland
 - b. b) 50 feet for a Class II wetland (**The applicants plan set notes a 50 foot buffer**)
24. 6.9.4. Applications for development within Class I or II wetlands, and wetland buffers shall provide the following:
 - a. A wetlands delineation and assessment of the wetland prepared by a professional wetlands ecologist in accordance with the Vermont Wetlands Rules put forth by the Agency of Natural Resources

- b. A site plan indicating the location of the proposed land development in relation to the wetland and the wetland buffer
 - c. A permit approving such development issued by the state Wetlands Program **(Permit provided and included in the application packet)**
 - d. An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control
25. 6.9.6. The creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited unless approved by the state Wetlands Program. Supplemental planting within a wetland or wetland buffer with appropriate native vegetation to restore and enhance the function of the wetland is allowed.
26. 6.9.7. New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits
27. Subdivision applications also have to comply with the Richmond Subdivision regulations
28. Section 300 covers regulations for preliminary subdivisions
29. Section 310.1 notes the following requirements
- a. Subdivision name or identifying title, tax map number and the name of the Town
 - b. Name and address of the owner of record of the property, and of the subdivider if different
 - c. Location map showing the relationship of the proposed SUBDIVISION to adjacent property and surrounding areas within two thousand (2,000) feet of any property line of the proposed project. Such location map may be shown on a USGS map at a scale of 1inch equals 2,000 feet **(Location map noted but the scale is not shown)**
 - d. Boundaries of the proposed subdivision and the names of the owners of record of all adjoining properties, to the proposed subdivision **(Names of abutters noted on plat)**
 - e. Existing easements within the proposed subdivision **(Noted on site plan)**
 - f. The zoning district, including overlay districts, in which the property is located and the relevant zoning regulation provisions applicable to the site;
 - g. The location, names and widths of existing roads, easements, and building setbacks **(Noted on site plan)**
 - h. The location of any bridges, drains, drainage ways or culverts which are proposed in the subdivision **(Culverts noted on the site plan)**
 - i. Proposed LOT lines with dimensions and planned locations and uses for buildings, any stream and wetland buffer zones, and any overlay (s) applicable to the proposed subdivision **(Wetlands noted on plat and site plan. Lot lines and dimensions noted. Building envelopes noted on plat and site plans)**
 - j. Potential layouts for the subdivision showing all roads, pedestrian ways, recreational trails, utilities, and all proposed access to the subdivision **(Roads and utilities noted on plans)**
 - k. Date, true north arrow and scale. Scale noted, date noted, true north noted (
30. Section 310.2 notes that the preliminary subdivision plan shall include the following information:
- a. Name of the designer of the subdivision **(Noted)**
 - b. Number of acres within the proposed subdivision, buildings, water courses and other noteworthy physical features **(Noted)**
 - c. The location of all natural features or resources on the site such as streams, ponds, wetlands, flood plain, floodway, forest stands, established large animal habitat **(Noted on Site plan and Plan Set)**
 - d. Designation of each segment of adjoining property boundaries of all adjoining properties common with the proposed subdivision the location of known

archaeological sites such as cellar holes, building foundations, wells, or known fences (**Noted on Site plan and Plan Set**)

- e. The location and dimensions of any existing wastewater disposal systems, water supplies, culverts, drains, drainage ways, or underground cables on the site (**Noted on Site plan and Plan Set**)
 - f. The location, names and widths of parks, public open space, trails, etc. on the site as well as similar information regarding adjacent properties
 - g. Contour lines, at intervals of twenty (20) feet, of existing (**Noted on Site plan and Plan Set**)
 - h. means of providing water supply to the proposed subdivision(**The applicants narrative notes that each lot will have its own well**)
 - i. General information regarding the location(s) of potential wastewater systems and potable water supplies in the proposed subdivision (**wastewater and water system information noted in plan sets and site plan**)
 - j. proposals for maintaining open spaces, natural features and resources on the
 - k. As specified in Section 6.10.1, a master development plan prepared by an engineer, land use planner, or other professional acceptable to the DRB
 - l. A list of waivers, if any, which the SUBDIVIDER requests from the requirements of these Subdivision Regulations, and the justification for the request
 - m. Written authorization appointing a representative, if appropriate
31. Section 600.1 notes that the subdivider shall construct all roads to meet the of the Town of Richmond Public Works Specifications standards and specifications for public infrastructure, including roads. Specifications for driveways must meet the requirements established in the zoning regulations(**The Applicants narrative notes that roads will be built to Richmond public works specifications. Curb cuts will be built to B-71 Standards**)
 32. Section 600.4 notes that the access points to public or private rights-of-way shall be consolidated to minimize multiple curb cuts. (**The driveways for lots 1 and 2 are located close together. These could be redesigned to have a shared access with one curb cut. DRB should consider requiring the applicants to consolidate these two curb cuts into one curb cut**)
 33. Section 600.6 notes that dead end roads shall terminate in a circular turnaround with an outside radius of not less than sixty feet approved by the DRB or in a hammerhead approved by the Selectboard (**Applicants proposed a hammerhead turnaround for the road serving lots 4,5,6 and 7**)
 34. Section 6008 notes Emergency and service vehicles must have access to all lots and buildings
 35. Section 600.9 notes that sight distances at all intersections should be consistent with anticipated traffic speeds, terrain, alignments and climatic extremes
 36. Section 600.10 notes that all roads shall be adequately shaped and drained, with adequate ditches or other storm water system (**The applicants plan set shows road design and shape. It also shows plan set for storm water system**)
 37. 600.11 Road names shall be approved by the Selectboard prior to the submittal of the final subdivision plat application (**The Applicants have proposed the road name Hillview Heights Way for the road serving lots 4,5,6 and 7**)
 38. 610.1 The layout of all lots and their setback requirements shall conform to the requirements of the zoning regulations and these Subdivision Regulations to achieve the desired settlement pattern for the zoning district, area, and neighborhood in which the subdivision is located, including associated overlay districts. All lots must have the required frontage. If the subdivision meets the requirements and is approved as a Planned Unit Development or as a Planned Residential Development, the DRB may waive or modify specific requirements of the zoning regulations as provided in the PUD or Residential PUD sections of the zoning regulations. For any portion of the parcel or LOT not proposed for land development in the subdivision as of the application date, a

master development plan is required. The master development plan shall conceptually show future roads, future stormwater infrastructure, future building areas, future open areas, and future uses on such remaining land, including those that the subdivider expects to offer to the town of Richmond. 610.2 other considerations: The subdivider shall design LOTS and building envelopes consistent with topography, existing vegetation, drainage, soil conditions, and aesthetic considerations. (**The lots in this proposed development conform to the dimensional requirements for the underlying district. All the land is assigned to a parcel and shows potential development. There are no remaining lands that are on a lot devoid of development. Therefore the applicants are not required to show a conceptual master plan for undeveloped land as all lots are being developed**)

39. Section 650.1 notes that the subdivider shall provide a design for a drainage system which will remove any water and storm run-off which may traverse the site. The drainage system may include pipes or open drainage ways, and shall be located in road rights-of-way or in unobstructed easements not less than twenty (20) feet in width. The design of the drainage system shall utilize natural waterways and drainage ways to the extent possible. The drainage system shall identify all waterways into which water exiting the site will flow (**Applicants have provided a data sheets on storm water plans for the property**)
40. Section 650.2 notes that drainage facilities shall accommodate all existing surface water and run-off, plus run-off anticipated from the proposed development. (**Applicants plan set shows state stormwater permit approval for the design storm water system**)
41. the subdivider shall demonstrate that existing drainage facilities below the grade of the subdivision will accommodate the anticipated additional run-off from the proposed subdivision. If the additional run-off will overload down gradient facilities so that there will be undue drainage onto other property, or an increase in expenditure of public funds, the DRB shall require the subdivider to design and implement facilities to correct such overloads within the subdivision or offsite with associated easements or agreements with one or more adjoining property owner.
42. Section 650.4 The drainage system and all easements shall be designed to accommodate water from a twenty-five (25) year storm (**Applicants plan set does not indicate that this system has been designed for a 25 year storm event. They will need to provide documentation to what it has ben designed to**)
43. Section 650.5 EROSION CONTROL: The smallest practical area of land shall be bare at any one time during development. Any exposure shall be kept to the shortest practical period of time. The DRB may require temporary vegetation, mulching, and/or structural measures to protect exposed areas. The SUBDIVIDER shall install and maintain appropriate sediment basins during development to remove silt and to control runoff. The SUBDIVIDER shall install permanent vegetation and erosion/runoff control measures as soon as practical. There shall be adequate permanent measures at culvert outfalls to prevent erosion and disruption of drainage ways
44. Section 650.6 notes that the subdivider shall not use stumps, wood, roots or other fibrous materials or refuse as fill, except in areas stipulated for no development. The DRB shall require the subdivider to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within road sections or on the site of structures.
45. Section 660 notes all land development shall be located to prevent contamination of any water supply or water resource by run-off or leachate from wastewater disposal systems. 14 land development may be serviced by private or community potable water supply and/or wastewater systems which shall be designed, installed, and maintained in accordance with all applicable State of Vermont regulations and standards. The subdivider shall provide the Town of Richmond with a copy of any required state or federal permits, including a Wastewater System and Potable Water Supply Permit, before any zoning permit for land development will be granted (**Applicants Plan set**

notes the technical specifications for the wastewater systems in the subdivision. Each lot is serviced by its own wastewater and well. The applicants have also received their wastewater and storm water permits from the state.)

46. Section 670 notes that the final subdivision plat shall show all utility systems, existing and proposed. the subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for proposed subdivision and for areas adjacent to the subdivision (Utilities noted on site plan)
47. Section 670.2 notes that all utility systems, including but not limited to electric, gas, telephone and cable television, shall be located underground throughout the subdivision **(The Applicants site plan notes above ground utilities on lots 1,2 and 3. These may be preexisting. DRB will need to clarify why these utilities are shown above ground. Applicants will need to bury utilities)**
48. Section 670.3 notes that all easements shall be of sufficient width to serve the proposed subdivision, existing development, and planned development outside of the subdivision. The final subdivision plat shall show all easements **(Applicants narrative notes several proposed easements)**
49. Section 680 notes that the DRB may require that a subdivision creating six or more lots be divided into two or more phases to ameliorate, avoid or mitigate any undue adverse impacts of the subdivision on existing or planned community facilities or services, in accordance with the town's adopted capital budget and improvement program. Any phasing decision shall be based on the timing of construction or implementation of planned facilities and services, but shall allow at a minimum the development of five lots per year. The DRB may require phasing to avoid or mitigate undue, adverse impacts on the community's schools, roads, bridges, transportation infrastructure, police, fire, rescue, municipal services or the local economy. Any DRB decision requiring phasing shall describe the specific circumstances that warrant phasing under these standards **(This proposed subdivision application does not contain plans to build any residential structures at this time. It is simply for the building lots and water and waste water infrastructure and other associated site work for the lots. Given this I feel it is appropriate that the DRB not require phasing for this project)**
50. Section 701 notes that the subdivider shall provide a draft of all restrictions which will run with the land and become covenants with the final application. The DRB may require the subdivider to provide a certificate of title for all property to be conveyed to the town as part of the subdivision. The DRB may require the filing of such other legal data (including rights-of way, easements, road agreements, etc.) as it deems appropriate to enforce these subdivision regulations
51. Section 702 notes that the subdivider, and the subdivider's successors and assigns, including the organization or trust required by section 703, shall continuously maintain to the condition when originally installed, all facilities (as defined in section 600) and other improvements (as defined in article vi), including all required subdivision landscaping. diseased, dying, or dead landscaping shall be replaced with landscaping of a size equal to that as of the time of replacement, but in no event to exceed the size the landscaping would have reached by ten years after installation. the obligations of this section 702: (1) shall not apply to facilities or landscaping which have been accepted by the town: and (2) shall only apply to an individual lot owner as to landscaping on the owner's lot
52. Section 703 notes that the subdivider shall provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space: the organization or trust shall not be dissolved or revoked nor shall it dispose of any common facilities or open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common facilities or open space, without first offering to dedicate the same to the Town or other government agency to maintain those common facilities or that open space **(The Applicants have provide articles of incorporation for the HOA of the subdivision)**

Recommendations to the DRB

DRB Approves the preliminary subdivision with the following conditions

- a. Applicants provide copies of all legal agreements for the HOA related to**
 - i. Maintenance of landscaping**
 - ii. Maintenance of roads**
 - iii. Maintenance of utilities**
- b. Applicants create one curb cut and shared access for lots 1 and 2**
- c. Applicants submit a utility plan that shows all utilities located underground**
- d. Applicants submit plans for a draining system designed to handle a 25 year storm water event**
- e. Applicants receive a letter of recommendation from Richmond Fire Department**
- f. Applicants must provide an erosion control plan that follows the Vermont Standards and Specifications for Erosion Prevention and Sediment Control.**
- g. To comply with section 650.5 the applicants will need to meet the following conditions**
 - i. The Applicants will need to break the proposed site work into phases**
 - ii. Each phase will need to be completed in order so as to limit the amount of bare land at any one time**
 - iii. Prior to starting each phase, the Zoning Administrator will inspect the site and ensure that works is complete and that any required vegetation or structural measures required by the DRB has been planted or constructed**
 - 1. Once the inspection is complete the Zoning Administrator will issue a letter of satisfactory completion of the first phase and authorize the applicants to begin construction of the next phase of the project**
 - iv. Process will repeat until all phases are constructed**
 - v. Applicant should reference the standards in the Vermont Department of Environmental Conservation Watershed Management Division Low Risk Site Handbook for Erosion Prevention and Sediment Control February 2020 edition for best practices**