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April 10, 2023

Preliminary Subdivision 2023-04—Hillview Heights LLC

Dear Messrs. Sunshine, Osborne and Machia,

Please provide this letter to the members of the Development Review Board as our written comments concerning this Preliminary Subdivision application, which is on the April 12, 2023, agenda. We also request that you provide us with copies of any submissions in response to this letter.

We have resided at 21 Bates Farm Rd. for thirty-five years. Our property abuts the southern end of Hillview Rd. We intend to participate as full parties in any proceeding related to this application. Work, however, may prevent us from attending the scheduled meeting.

Our Interest

Our interest in the application focuses upon: 1) the failure of the developer to disclose its full plans for the parcel; 2) the traffic and town road impacts of the development, including the impacts of any future undisclosed development.

Overview of Project

The application depicts an eighty-five acre parcel. Six “new” residential lots cover 24.7 acres, although each of the seven lots depicts new residential development. Lot 7 and its 60.78 acres are the “remaining lands.” There are no plans provided for these “remaining” acres, other than the depiction of a proposed residence and accessory dwelling on Lot 7. Most of the “remaining” acres are depicted as meadow or wooded land, without any restriction for future

development. The applicant proposes a two-lane highway designed to support a larger development for access to lots four, five, six, and the “remaining acres.”

The Failure to Disclose a Development Plan for The Entire Parcel

Richmond’s Subdivision Regulations require applicants to submit a comprehensive plan as part of an application for a subdivision on a large parcel such as Hillview Heights:

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.

Town of Richmond Subdivision Regulations, Section 610.1 (Emphasis added).

Section 310.2(12) of the Subdivision Regulations requires that this master development plan be part of the Preliminary Subdivision Plan.

The PRELIMINARY SUBDIVISION plan shall include the following information:

....

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. (Emphasis added).

This requirement is specific and mandatory. No application can proceed to final subdivision review without submitting a master development plan during the preliminary subdivision phase.

The purpose of this provision is to prevent piecemeal applications that mask the true impact of developments and the compliance of these impacts with the governing Town regulations. Developers cannot avoid this provision by claiming they have not yet developed their plans. The ordinance requires comprehensive planning before subdividing large parcels.

This application cannot proceed until the developer complies with this provision. If the developer wishes to limit development on the “remaining” acres to the residence now depicted on Lot 7, that proposed restriction must be in a master development plan as part of the preliminary subdivision review. If, however, the developer wishes to preserve the option of further subdividing or developing the “remaining” acres, those plans must be disclosed so that their impacts can be considered as part of this application.

### Zoning Regulations for Trip Ends

All subdivisions must also comply with the Richmond Zoning Ordinance. Under the Richmond Zoning Ordinance, “Land Development” is a defined term. It specifically includes the division of a parcel into two or more parcels. Ordinance at page 99. For the Agricultural/Residential District, Land Development may not generate more than ten vehicle “trip ends” during the peak evening hour. Zoning Ordinance at Section 3.1.5. The Zoning Ordinance defines trip ends as: “Each time a vehicle comes to or leaves a site it is a trip end.” Ordinance at page 104.

Thus, if the subdivision—not each individual lot—generates more than ten vehicle trip ends, the subdivision fails. If the master development plan yields more than ten vehicle trip ends for the entire parcel, the master development plan fails.

This restriction makes sense. Richmond’s highway infrastructure in the Agricultural/Residential District is limited and not designed to support large subdivisions. Other districts in Richmond have much more generous trip allowances, which recognize the capacity of highway infrastructure in those districts.

The applicant’s traffic study is silent on the trip generation from any future development of the “remaining” land. The study asserts the seven lots will only generate eight additional evening trip ends. The Board should be skeptical of this assertion and obtain independent evidence on this critical question.

The study bases this assertion “primarily on rates published by the Institute of Transportation Engineers (ITE) Trip Generation Manual for the weekday AM and PM peak hours.” The study does not provide the primary source data. The Richmond Zoning Ordinance cites various editions of this Manual as authoritative in other districts; the Ordinance does not mention this Manual as an authority for the Residential/Agricultural district. This likely reflects that residential developments generate different trip ends depending upon the size of the residences and their location, and therefore require more specific data.

It is at best unclear whether the Manual’s generalized residential rates accurately represent trip ends in this rural setting that is more than three miles distant from the nearest store or workplace. The applicant proposes seven new dwelling units plus an accessory dwelling unit on Lot 7. Thus, there will be a total of eight new dwelling units. Six of the seven primary dwelling units have wastewater disposal permits for four bedrooms.

Richmond residents should be skeptical of the assertion that eight new residences with this many bedrooms in this rural setting will generate fewer than ten evening trip ends. Single people generally do not live in rural bedroom communities in Richmond. Four-bedroom residences appeal to families. Two commuting workers and residents with children should be the norm for these dwellings and will likely generate many more trip ends.

The Board should also note that the traffic study was prepared two years ago for the then-proposed nine-lot subdivision during the pandemic. Pandemic conditions significantly impacted traffic levels and trip ends.

Before the Board allows this project to proceed to a final hearing stage, it should take three actions to address this issue:

- 1) It should require the applicant to update its trip generation analysis to current conditions and provide the supporting sources.
- 2) It should require the applicant to analyze the trip generation that will occur from all additional development shown on the required master plan for the “remaining” land.
- 3) It should request assistance from an independent expert such as the Chittenden Regional Planning Commission on the projected trip generation in this rural setting.

### The Limitations of Hillview Road

Hillview Road is problematic to support a large development. It has narrow sections, blind curves, and steep grades. There are only three points where its residents can access the arterial road system (two on the Main Rd. and one on the Hinesburg Rd.). Each of those points is a dangerous intersection with limited visibility. Mud season imposes substantial limitations. Segments of the road are difficult to maintain because of inadequate space to install roadside ditching. There are multiple locations where two vehicles traveling from opposite directions can barely pass each other. Pedestrian and bicycle users already encounter dangerous conditions.

The applicant’s traffic study makes no mention of these limitations. As part of any final review, however, the applicant must demonstrate that its entire project—including all improvements in the required master development plan—will not burden Town taxpayers or create unsafe conditions. Subdivision Ordinance at Sections 500 (6) and (10).

The limitations of Hillview Rd. should be a major concern for both the applicant and this Board. The Board should direct the applicant to address these limitations. The Board should also obtain an independent expert on the limitations of Hillview Rd.; its capacity to support additional large developments; and the costs to the Town of addressing the impacts of this project.

### Conclusion

We appreciate the Board’s consideration of these concerns.

Very truly yours,

*/s/ Michael Marks and Sally McCay*

Michael Marks and Sally McCay

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