
Bradley Holt & Jason Pelletier

1931 Hillview Road
Richmond, VT 05477

5th May 2023

To: Development Review Board

David Sunshine, Chair
Padraic Monks
David Schnakenberg
Matthew Dyer
Roger Pedersen
Ian Bender, Alternate

Cc:

Tyler Machia, Zoning Administrative Officer

Dear Town of Richmond Development Review Board:

We attended the April 12th hearing on PRESUB2023-04 and have a number of additional comments beyond those shared in our April 10th letter. We are sending this letter today as the Zoning Administrator informed us that May 5th is the deadline for written public comments. However, we have not seen any new documents posted since the last hearing date. We have been informed that these materials will be posted by the end of the day on May 5th (the same day as the deadline for written public comments). As such, our written public comments cannot address any new materials since the last hearing date.

First, we would like to address the issue of the housing crisis. We are not opposed to building new housing. Most policymakers seem to be in agreement that we need to focus on denser housing in village centers and downtowns. We've seen this same position to varying degrees represented in the Richmond Town Plan, in the proposed zoning amendments to the Residential/Commercial and the Gateway Commercial Zoning Districts recently presented to the Selectboard by the Planning Commission, and in the most recent version of S.100 which is currently working its way through the Vermont House of Representatives.

State and local policy makers recognize the risks of rural sprawl and the impacts this would have on our environment, fragmenting forests and farmlands. The Richmond Town Plan is clear on its intent to preserve our small town character: "Richmond

boasts a traditional Vermont development pattern, with a dense, mixed-use Village Center, compact residential neighborhoods, and surrounding rural landscapes. Residents feel strongly about encouraging business growth that fits with this development pattern and prevents sprawl.”

Specifically, the Town Plan says of the A/R District that, “These are rural areas with low density residential development, agriculture and forestry uses. They contribute to Richmond’s prized rural character and natural resource[s].” The Town Plan says that future uses of the A/R District should be, “Low to moderate density residential uses” and, “Development that occurs on agricultural and forested land should be clustered and should minimize fragmentation of forest lands and prime agricultural soils.”

While our Zoning Regulations have yet to be updated for the A/R District since the Town Plan was approved, there are many existing regulatory provisions on which this proposed project falls short. The laws and ordinances as established have gone through a rigorous public process. While it may be up to the subdivider to decide to what extent they want to follow the social contract established in our Town Plan and our clearly-established policy intent, there should be no debate on the regulatory provisions as written today.

We understand that the landowner has made an investment in this property and is looking to make a profit. We are not looking to deny the landowner the ability to develop this land. The subdivider is free at any time to come to the Board with an application that meets all of the necessary regulatory provisions. We sincerely hope that the subdivider will address many of the concerns that they have heard from members of the public and incorporate those concerns into their application. But, at a minimum, the subdivider must comply with our Town’s Subdivision Regulations and Zoning Regulations.

The subdivider has yet to come forward with a master development plan. Even if the Board generously interprets the subdivider’s current plans as a master development plan (an interpretation with which we strongly disagree), the current plan as presented does not provide an adequate level of detail on proposed development. Specifically, the agricultural uses of the proposed Lot 7 (remainder) are mentioned solely in the narrative with no details of the flower farm operation provided anywhere else in the application. There is also quite a bit of remainder land that is not currently proposed for development.

The scope and scale of the agricultural operation on the proposed Lot 7 (remainder) is left to the imagination. Is the flower farm operation large enough to reasonably account for the entire meadow? What additional development will be required for the flower farm operation beyond purely agricultural activities? Will the landowner need to build a driveway and parking lot to support the pick-your-own farmstand aspect of

the farm business plan that they submitted when seeking a farm determination from the Vermont Agency of Agriculture, Food & Markets?

The wooded hillside is unaccounted for, and one should not assume that slopes and forests will not be developed. The fate of the abandoned farmhouse is unclear. How does the subdivider plan to have two house sites on one lot? The purpose of a master development plan is to ensure that questions such as these are answered now so that the Board can fully assess the impacts of the project in its entirety.

The subdivider stated at the last hearing date that there are overhead utilities that will remain. Subdivision Regulations Article VI Section 670.2 requires that all utility systems be located underground. This provision is quite clear and we fail to understand how the subdivider thinks that their Preliminary Subdivision application could be approved with *any* overhead utilities.

The subdivider also stated at the last hearing date that easements will be provided for buried utilities where needed. What is to ensure that these easements will be used and that, after subdividing, utilities will in fact be located underground and not overhead? We ask the Board to ensure that any approval is conditioned on all utility systems being located underground for any current and future development.

The subdivider stated at the last hearing date that the stormwater systems “have been permitted for the 10 year storm at the State level but have been designed to accommodate the 100 storm, which modeling was provided to the Board.” We continue to ask the Board to require an independent technical review of the proposed stormwater systems (per Richmond Subdivision Regulations Article VIII Section 800.4) as this is the only way to ensure compliance with Richmond Subdivision Regulations, unless the Board has the sufficient expertise to read and fully understand this document.

We have engaged a stormwater expert to review the twenty-five year storm modeling document provided by the subdivider. However, we have not yet received the results of this review. The twenty-five year storm modeling document was made available to the public 24 days ago. We respectfully ask the Board for more time so that our stormwater expert can review this highly-technical document and we can better assess the stormwater system’s compliance with Richmond Subdivision Regulations.

The setback requirements for stormwater systems notwithstanding, the stormwater detention pond at the base of the proposed Lots 4–7 driveway spills out directly onto Town infrastructure that may not be designed to adequately handle additional stormwater. We would appreciate hearing from the Town Highway Foreman on the impact this would have on the narrow and shallow culvert along Hillview Road.

At the last hearing date we heard about two emails from Town Highway Foreman Peter Gosselin. Our understanding is that one email was regarding sight lines and the

other email was regarding Hillview Road capacity. One of these emails was shown on screen during the hearing, and the other was only referenced verbally. As these materials have not been made available as of the deadline for written public comments, we reserve the right to comment on and incorporate the emails from Town Highway Foreman Peter Gosselin after these materials have been made available to the public and we have had sufficient time to review these materials.

Note that we requested these materials on April 14th and were informed by the Zoning Administrator that we would have to wait until after May 4th before these materials would be made available. We also heard from the Zoning Administrator at the last hearing date that there were additional written public comments received the day of the last hearing date, though these have yet to be made public.

A representative of the subdivider stated at the last hearing date that the proposed Lot 3 will utilize an existing curb cut. However, the Selectboard revoked the access associated with the proposed Lot 3 curb cut when it approved Access Permit #21-17 for a different driveway. The condition was clear and direct: “Land owner must close any pre-existing access.” The subdivider and the Board should not presume that the Selectboard will grant this access when this access was previously revoked.

At the last hearing date we heard that the subdivider plans to have an apartment in an accessory building on the proposed Lot 7 (remainder). The only reference we can find to an apartment on the proposed Lot 7 (remainder) is in the Wastewater System and Potable Water Supply Permit. Perplexingly, as best we can tell this apartment is to be located in a structure for which the landowner previously submitted a Notice of Intent to Build a Farm Structure for a barn (initial Notice dated December 20th, 2021 and revised Notice signed by the Zoning Administrator on July 29th, 2022).

The apartment also raises another important consideration. The project as proposed is for six new single-family residential lots and one “existing” residential lot. However, Richmond Zoning Regulations allow a lot within the A/R District to be used for, “One two-family residential dwelling.” The provided traffic study is predicated on the flawed assumption that all lots will be used for single-family dwellings, when in fact these lots could each be used for two-family residential dwellings per allowable uses.

Sincerely,



Bradley Holt



Jason Pelletier