



Planning & Zoning Office
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APPLICATION: PRESUB2023-09

APPLICANT: Bradley and Karin LaRose

REQUESTED ACTION: Preliminary Subdivision

LOCATION: 156 Wortheim Road

EXISTING ZONING: Agricultural Residential District

PROJECT DESCRIPTION: The applicants, Bradley and Karin LaRose, are seeking preliminary approval for a proposed 2 lot subdivision. Lot 1 is 1.37 acres. Lot 2 is 2.40 acres. Parent parcel is 3.77 acres.

PARCEL HISTORY:

1. Zoning Permit 2023-23, Approved 5/8/23
2. Sketch Plan SKP2023-01, 2/8/2023
3. Zoning Permit 07-070, Approved 5/29/07

LIST OF SUBMISSIONS:

- A. Cover Letter
- B. Pre Sub App
- C. Abutters List
- D. Wetland Advisory
- E. River Corridor
- F. Ag Soils
- G. Slopes
- H. Wildlife Habitat
- I. Site Plan
- J. Wastewater System
- K. Plat

PROCEDURAL INFORMATION:

1. Application submitted on 5/17/23
2. Agenda placed in Seven Days 5/26/2023
3. Notice placed on Town website and at three locations in town on 5/26/2023
4. Abutters notified on 5/26/2023
5. Notice sent to Applicant 5/26/2023

STAFF COMMENTS (In Bold):

1. The applicants, Bradley and Karin LaRose, are seeking preliminary approval for a proposed 2 lot subdivision. Lot 1 is 1.37 acres. Lot 2 is 2.40 acres. Parent parcel is 3.77 acres. The project is located inside of the Agricultural Residential zoning district and is subject to section 3.1 of the Richmond Zoning Regulations
2. The Applicants narrative notes that they are proposing a 2 lot subdivision
3. Lots size and coverage is as follows:
 - a. Lot 1-1.37 Acres
 - b. Lot 2-2.4 Acres
4. Single and two family residences are an allowed use per Section 3.1.1 of the Richmond Zoning Regulations
5. 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%.
6. Site plan indicates that Lot 2 does not have frontage on a public road
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 (**Coverage not noted. However, based on the size of the lot development is likely under the 30% coverage requirement**)
9. Section 3.1.4 goes over the Dimensional Limitations for structures in the Agricultural Zoning district (**Applicants are only proposing one building lot. No plans for home construction submitted with this application**)
10. The project will be subject to Section 4.
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 Applicants have not provided documentation noting that the driveway will meet the 12% grade requirement. Applicants will need to provide this information**)
12. Section 4.2 notes that land development may be permitted on lots which do not have frontage either on a public road or public waters in conformance with Section 4.3, provided that access through a permanent easement or right-of-way has been approved by the DRB
13. Section 4.3.1 notes that a new or relocated access to any lot without frontage on a public road or public waters shall require DRB approval, under the standards in Section 6.2
14. Section 4.3.2 notes that applications shall include a plan drawn to scale showing boundaries of all properties crossed by and to be served by the proposed private easement or right-of-way, dimensions and grades of the vehicular access, the

- point of access onto a public road, and any other information the DRB may require to assure adequate emergency access to all lots and dwelling units
15. The Applicants survey plat shows 50 ROW (**Site plan map not drawn to scale. DRB should clarify if the survey plat is drawn to scale**)
 16. Section 4.3.3 notes that an easement or right-of-way shall be at least thirty (30) feet in width if serving less than four (4) lots. Easements or rights-of-way serving four or more lots shall be at least sixty (60) feet in width and meet the standards in Section 6.2.1 and the current Public Works Specifications
 17. The Applicants plan set indicates that the right of way for the shared driveway is 50 feet
 18. 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
 19. The Applicants site plan and narrative notes one shared curb cut
 20. 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
 21. 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 (**The Application makes no reference to B71 standards**)
 - 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 (**Grade of driveway not noted. The Applicants will need to confirm that the driveway will be at 12% grade or less**)
 22. The Applicants are proposing a shared driveway to serve lots 1 and 2
 23. The Applicants site plan notes a 12-foot driveway width
 24. The Applicants narrative and site plan indicates that there will be one shared driveway
 25. Subdivision applications also have to comply with the Richmond Subdivision regulations
 26. Section 300 covers regulations for preliminary subdivisions
 27. Section 310.1 notes the following requirements

- a. Subdivision name or identifying title, tax map number and the name of the Town (**Need to clarify name of the subdivisions**)
 - 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. Applicants will need to clarify scale of map**)
 - 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 (**ROW noted**)
 - f. The zoning district, including overlay districts, in which the property isolated and the relevant zoning regulation provisions applicable to the site;
 - g. The location, names and widths of existing roads, easements, and building setbacks
 - 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 notes. 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 (**Unclear where utilities are for lot 2 the applicants will need to clarify**)
 - k. Date, true north arrow and scale. Scale noted, date noted, true north noted (
28. Section 310.2 notes that the preliminary subdivision plan shall include the following information:
- a. Name of the designer of the subdivision
 - b. Number of acres within the proposed subdivision, buildings, water courses and other noteworthy physical features
 - 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
 - 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**)
 - h. Means of providing water supply to the proposed subdivision(**The Applicants plan set 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 610.1, a master development plan prepared by an engineer, land use planner, or other professional acceptable to the DRB (**Not provide**)
 - 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
29. 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 does not note if driveway and curb cut will be built to Richmond public works specifications and B71 standards**)
 30. 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 combined.)**
 31. Section 600.9 notes that sight distances at all intersections should be consistent with anticipated traffic speeds, terrain, alignments and climatic extremes
 32. 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 does not show road design and shape. The Applicants will need to provide this information for final review**)
 33. 600.11 Road names shall be approved by the Selectboard prior to the submittal of the final subdivision plat application (**The driveway only serves two lots and therefore is not a road and does not need to be named**)
 34. 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. Master Development Plan not shown for this project. Given the scale of the development DRB could consider making this a condition of approval**)

35. 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 culverts on their site plan. However, they have not provide a storm water plan. DRB should consider more detailed stormwater information from the Applicants**)
36. Section 650.2 notes that drainage facilities shall accommodate all existing surface water and run-off, plus run-off anticipated from the proposed development. (**Not Shown**)
37. 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 owners
38. Section 650.4 notes that 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 any storm water system. Applicants will need to have a system that has been designed for a 25 year storm event**)
39. 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 (**Erosion control plan not noted. Applicants will need to provide an erosion control plan.**)
40. 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.
41. 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.
42. 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 well shields for both lots**)

43. 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. However, power connection for lot 2 will need to be clarified**)
44. 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 underground power**)
45. 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 (**ROW easement shown**)
46. 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**)
47. 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 (**Deed ROW language needs to be provided**)
48. 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

49. 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

1. **The Applicants should provide more information as to how they plan to deal with stormwater for the project**
2. **The Applicants should provide an erosion control plan for the project**
3. **The Applicants should confirm that the driveway and curb cuts will be built according to the B71 Standards and the Richmond Zoning Regulations**
4. **The Applicants should clarify if there will be an HOA. If there is they should supply articles of incorporation**
5. **The Applicants should clarify the name of the subdivision**
6. **The Applicants should clarify if all the plan sets have been drawn to scale**
7. **The Applicants should clarify the grade of the driveway to make sure it does not exceed 12%**