



Planning & Zoning Office
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APPLICATION: CU2023-05

APPLICANT: Richmond Housing Partnership

REQUESTED ACTION: Conditional Use Review

LOCATION: 123 Railroad Street

EXISTING ZONING: Agricultural Residential/ Industrial Commercial

PROJECT DESCRIPTION: The applicants, Richmond Village Housing Partnership, are seeking Conditional Use Approval to correct issues with unpermitted work in the Special Flood Hazard Overlay District. The applicants are seeking to repair unpermitted work and restore and improve previously permitted drainage system

PARCEL HISTORY:

- A. Zoning Permit 12-148, Approved 8/27/2012
- B. Boundary Line Adjustment 08-145, Approved 11/26/2008

LIST OF SUBMISSIONS:

- A. Narrative
- B. Conditional Use Review Application
- C. Abutters List
- D. Stormwater Site Plan
- E. Grading and Erosion Control plan
- F. Stormwater Plan
- G. Stormwater Calculations

PROCEDURAL INFORMATION:

1. Application submitted on 5/19/23
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
6. Application Continued to 7/12/2023

STAFF COMMENTS (In Bold):

1. The applicants, Richmond Village Housing Partnership, are seeking Conditional Use Approval to correct issues with unpermitted work in the Special Flood Hazard Overlay

District. The applicants are seeking to repair unpermitted work and restore and improve previously permitted drainage system

2. The Applicants narrative notes that unpermitted excavation occurred on 5/4/2023 that installed a drainage swale that extending to the south and west of the Richmond Village Housing Partnership property line
3. The Applicants narrative notes that they wish to remove the new swale and restore the preexisting drainage area while also installing a new bioretention swale to keep as much of the water on their property as possible
4. The Applicants narrative notes that the original site plan for this project shows an 8-foot-tall pyramid of soil located on their property. However, this pile does not currently exist even though it is shown on the approved site plan
5. The Applicants wish to amend the original site plan to reflect this as built conditions by noting that the berm will be lowered by 8 feet to reflect its current condition
6. The Property is located in the Village Commercial District and is covered by Section 3.5 of the Richmond Zoning Regulations
7. Section 3.5 notes that any Zoning permit issued into the Village Commercial District requires Site Plan approval by the DRB
8. The Property is located in the Special Flood Hazard Overlay District and will be subject to Section 6.8 of the Richmond Zoning Regulations
9. Section 6.8.12 of the Richmond Zoning Regulations notes that excavation requires Conditional Use Approval
10. Section 5.6 covers the requirements for Conditional Use Review
11. Conditional Use Review requires Site Plan Review and is covered by Section 5.5 of the Richmond Zoning Regulation
12. Section 5.5.2 lays out the following requirements for Site Plan Review
 - a. Name and address of owner(s) of the parcel (**Richmond Village Housing**)
 - b. Names and addresses of all abutters, including those across contiguous Road(s) or Highway(s). (**Abutters list provided**)
 - c. Unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. In all events, the site plan shall be drawn to scale, and submitted with written supporting data, showing the following:
 - i. Existing features: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, Roads or Highways, surveyed boundaries, dimensions, total lot size; (**Current and proposed conditions noted on site plan**)
 - ii. Proposed Land Development: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas (**Current areas of disturbance noted. Existing permitted swale noted. New Bioretention swale noted on plan set.**)
 - d. Information as to the time period or phasing for completion of the project. (**Phasing for project not noted on narrative**)
 - e. The DRB may also require the following submittals:
 - i. Security as provided in Section 8.2.5.
 - ii. Formal traffic study if a substantial alteration in public traffic flow is anticipated or a largescale parking area is planned. This may include

analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control

13. Section 5.5.3 lists the following conditions of approval for Site Plan Review

- a. Traffic - Conditions and safeguards with respect to adequacy of parking, traffic access, and circulation for pedestrians and vehicles, including, but not limited to:
 - i. Lanes - Installation of speed change lanes or frontage roads.
 - ii. Curb Cuts - Limitations on access driveways, or requirement that these be shared with adjacent properties to reduce curb cuts and provide for safe ingress and egress. **One curb cut on property**
 - iii. Pedestrians - Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas
 - iv. Roads within the site connecting to roads outside the site that will bear substantial traffic loads being constructed to the Public Works Specifications
 - v. Parking must be located to the rear of buildings, or at the side well-screened from view
 - vi. Trails for non-motorized transportation.
 - vii. Lighting - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences. (**The Applicants narrative indicates that there are no proposed changes to traffic patterns with this project**)
- b. Landscaping and Screening Conditions and safeguards with respect to landscaping and screening, including, but not limited to
 - i. Provision for landscaping that will preserve the character of the existing neighborhood. This may include curbside shade trees.
 - ii. Provision of a buffer zone that shall include vegetative screening to conceal outdoor storage or display areas, parking lots, or loading areas, or other outdoor commercial or industrial uses from neighboring residences.
 - iii. Requirements that vegetation be indigenous to the area, sight-impervious, large enough to do well, and planted intervals in keeping with other neighborhood foliage.
 - iv. Retention of currently existing site vegetation.
 - v. Interim fencing being required while vegetation is growing to appropriate size.
 - vi. Provision for the care and mainince of the landscaping
 - vii. Minimum Landscaping Costs. The minimum direct landscaping cost shall be at least equal to the total project construction cost multiplied by a certain percentage per the below schedule
 1. \$0-\$250,000-3%
 2. Next \$250,000 -2%
 3. Excess over \$500,000-1% (**The Applicants site plan indicates that the projected cost of the bioretention swale is estimated at \$10,000 and they are projecting their required landscaping cost to be \$300. The applicants are proposing \$825 in landscaping for 15 shrubs for the new bioretention swale. They are also proposing \$600 in perennial planting. This would bring the total landscaping cost to \$1425. They are also**

working planning additional landscaping to provided screening to the neighboring properties. Maintenance agreement has been provided)

- viii. In the case of non-residential uses, the required front yard shall be suitably landscaped and maintained in good appearance.
 - ix. Buffer Strips. DRB may also require additional landscaping above and beyond the formula for the purpose of adding a buffer strip along I-89 to properly screen development from the highway.
 - x. Additional Screening. The DRB may require additional plantings or attractive solid fencing, above the normal landscaping requirement, whenever it determines a particular site warrants such additional landscaping, such as to adequately screen two adjacent dissimilar uses from each other, or to improve the appearance of a property which is covered excessively with pavement or structures or is otherwise insufficiently landscaped. All outdoor lighting or parking from public or commercial uses shall be screened from the view of the ground floor of adjacent residential buildings. Auto service stations shall be screened in the same manner from all abutting properties. Recreational vehicle parking areas shall be screened with evergreen trees and shrubs and such landscaping plan shall be part of the application (DRB should consider whether or not they want the proposed additional planting along the southern property boundary to be included in the landscaping plan
 - xi. Exterior Lighting. Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations. Site Restoration. The DRB may require any necessary grading or seeding to restore the condition of any portion of a site that is disturbed during construction. **(The Applicants narrative indicates extra landscaping along southern property boundary. This landscaping as not been noted on plan set. DRB Should consider whether they want to see this landscaping ahead of time or make it a condition of approval)**
 - c. Renewable Energy Resources Conditions and safeguards for the protection and the utilization of renewable energy resources.
 - d. Signs Size, location, and design.
14. Section 5.6 covers Conditional Use Review
15. Section 5.6.1 outlines the general standards for Conditional Use Review
- a. The capacity of existing or planned community facilities
 - b. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan Traffic on roads and highways in the vicinity **(The Applicants narrative notes that they proposed biorientation swale and landscaping will not be out of the character of the area)**
 - c. Bylaws and ordinances then in effect
 - d. The utilization of renewable energy sources
16. Section 5.6.2 notes the following specific requirements
- a. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated
 - b. There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business.

- c. Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety
- d. A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
- e. The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met
- f. In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures
- g. No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel.
- h. The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities

Recommendations For the DRB

- 1. DRB Approve the Application with the following potential conditions**
 - a. Prior to apply for a Certificate of Occupancy the applicant provided final construction and landscaping cost to the Zoning Administrator**
 - b. Prior to apply for a Zoning Permit the applicants provided final landscaping plans for the southern boundary to the Zoning Administrator**
 - c. Prior to apply for a Zoning Permit the applicant provided documentation noting that all planting will be native to new England to the Zoning Administrator**