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APPLICATION: SUB2023-05

APPLICANT: Buttermilk LLC

REQUESTED ACTION: Final Subdivision Approval

LOCATION: 74 Jolina Court

EXISTING ZONING: Jolina Court

PROJECT DESCRIPTION: The Applicant's, Buttermilk LLC, are proposing a multiphase Planned Unit Development in Jolina Court for a development consisting of 4 mixed use buildings with ground floor commercial and residential units located on the subsequent floors. Applicants are submitting plans for phase 2 building 2 for this proposed Planned Unit Development. They are also submitting a Master Development Plan with proposed phasing for the remaining buildings

PARCEL HISTORY:

1. Conditional Use and Site Plan Review 16-114 approved by the Selectboard 12/30/2016
2. Amended Site Plan Application 17-025 approved by the Selectboard 5/13/17
3. Conditional Use and Site Plan Review 18-020 approved 4/20/2018
4. Amended Conditional Use and Site Plan Review 2019-003 approved 3/15/2019
5. Conditional Use and Site Plan Review 2019-094 approved 9/13/19
6. Conditional Use Review 2019-106 approved 10/16/2019
7. Conditional Use and Site Plan review 2020-14 approved 5/27/2020

LIST OF SUBMISSIONS:

- A. Narrative
- B. Final Sub Application
- C. Visual Rendering
- D. Building Two Color Scheme
- E. Height Calculations
- F. Constriction Plans
- G. ISO Diagram
- H. Surface Diagram
- I. Electrical Site Plan
- J. Landscaping Plan
- K. EPSC Details
- L. EPSC Plan
- M. Floor Plan

- N. Landscaping Estimate
- O. Trip Generation Estimate
- P. Lighting Information
- Q. Fire Dept Letter
- R. Town Engineer Letter
- S. Revised Site Plans
- T. Stormwater Data
- U. Stormwater Plans
- V. Waste Water Allocation

**PROCEDURAL INFORMATION:**

1. Application submitted on 4/21/23
2. Agenda placed in Seven Days 4/24/2023
3. Notice placed on town website and at three locations in town on 4/24/2023
4. Abutters notified on 4/24/2023
5. Notice sent to Applicant 4/24/2023
6. Application Continued to 6/14/2023
7. Application Continued to 7/12/2023
8. Agenda place in Seven Days 6/26/23

**STAFF COMMENTS (In Bold):**

1. The Applicant's, Buttermilk LLC, are proposing a multiphase Planned Unit Development in Jolina Court for a development consisting of 4 mixed use buildings with ground floor commercial and residential units located on the subsequent floors. Applicants are submitting plans for phase 2 building 2 for this proposed Planned Unit Development. They are also submitting a Master Development Plan with proposed phasing for the remaining buildings
2. Proposed development is located in the Jolina Court zoning district.
3. Project calls for 4 buildings
  - a. Building 1
    - i. 2 floors commercial, 2 floors residential
    - ii. 18,362 square feet
  - b. Building 2
    - i. 1 floor commercial, 3 residential
    - ii. 32,000 square feet
  - c. Building 3
    - i. Commercial only
    - ii. 11,280 square feet
  - d. Building 4
    - i. Commercial only
    - ii. 8,400 square feet
4. Applicants are presenting a Master Development Plan for the project
  - a. Applicants note that this plan is based on current market conditions
  - b. They anticipate a 10-to-15-year timeline to complete the project
  - c. The Applicants note that all allowable 45 residential units will be in buildings 1 and 2
    - i. Building 1 actual units
      1. Efficiency-6
      2. 1 Bed- 2

3. 2 Bed- 6
  - ii. Building 2 proposed units
    1. Efficiency-14
    2. 1 Bed-8
    3. 2 Bed-9
  - iii. Units will be market rate
  - iv. Any additional residential units will depend on zoning changes
  - v. Construction of buildings 3 and 4 will depend on signed commercial tenants
5. Jolina Court is governed by Section 3.9 of the Richmond Zoning Regulations
  6. Project would be a Planned Unit Development (PUD)
  7. PUDs are an allowed use per Section 3.9.2 of the Richmond Zoning Regulations
  8. Section 3.9.3 notes that the districts residency requirements allow 15 units an acre or 1 unit per 1/15<sup>th</sup> an acre
  9. The Applicants site plan notes the project consists of 5.4 acers
  10. Lot Dimensions are governed by Section 3.9.4 of the Richmond Subdivision Regulations
  11. Section 3.9.4 notes the following dimensional requirements:
    - a. Lot Area - No lot shall be less than one-fourth (1/4) or 0.25 acre. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller
    - b. Lot Dimensions - Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot
    - c. Lot Frontage - No lot having frontage on a public or private road shall have less than seventy-five (75) 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 and 4.3
    - d. Lot Coverage - The total ground area covered by all structures, parking areas, walkways, driveway and areas covered by impervious materials shall not exceed eighty percent (80%) of the total ground area of the lot
  12. Applicants note that lot coverage is 2.48 acers which is 46%
  13. Section 3.9.5 subsection A. notes that building heights are governed by Section 4.11 of the Richmond Zoning Regulations
  14. The following subsection of 3.9.5 covers setback requirements in Jolina Court
    - b. Setbacks for the Periphery of the Zoning District - Refer to Appendix D for the map and text of the setback requirements for periphery of the zoning district. If a lot line demarcating the periphery of the zoning district conflicts or overlaps with any lot lines created after May 12, 2020, principal and accessory structures must follow the setback requirements for the periphery of the zoning district with respect to the lot line that also serves as a boundary line for the Jolina Court Zoning District
    - c. Setbacks within the Zoning District - The following regulations apply to structures with respect to lot lines created after (date regulations are adopted) and are wholly within the zoning district:
      - d. Front-yard setback - A principal structure shall be set back at least ten (10) feet from the front lot line. An accessory structure shall be set back at least five (5) feet from the front lot line

- e. Side-yard setback - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from each side lot line (**Building one is located inside of the side yard setback for principal structures; however, the select board determining in 2016 that building one met the setback requirements**)
  - f. Rear-yard setback - A principal structure shall be set back at least ten (10) feet from the rear lot line. An accessory structure shall be set back at least five (5) feet from the rear lot line. For Planned Unit Developments, the setback requirements for lot lines within the PUD may be waived by the DRB if the design and layout of the PUD conforms with the Town Plan
  - g. Parking Setbacks – Parking spaces on all properties in the Jolina Court Zoning District shall meet the setback standards for the Jolina Court Zoning District, except for properties bordering the Village Commercial Zoning District. On such properties, the setback for parking spaces from property lines that separate the Jolina Court Zoning District from Village Commercial Zoning District is zero (0) feet. However, for all other property lines that do not serve as boundary lines for the Jolina Court Zoning District on properties bordering the Village Commercial Zoning District, parking spaces must meet the setback standards for the Jolina Court Zoning District
15. Subsection h. of Section 3.9.5 notes that that no principal structure shall have a footprint area that exceeds 10,000 square feet
  16. The Applicants Master Plan notes that the building footprint for Building 2 is 8,139 square feet
  17. Section 3.9.6 subsection a notes that no zoning permit can be issues without meeting the following parking requirements based on the total number of units
    - a. Efficiency unit = 1 parking space
    - b. One bedroom = 1.5 spaces
    - c. Two bedrooms = 2 spaces
    - d. Three bedrooms = 2.5 spaces
    - e. Four bedrooms = 3 spaces
  18. Based on the previously noted number of units the applicants need 65 residential parking spaces
  19. The Applicants narrative notes 65 residential parking spaces
  20. Section 3.9.6 Subsection b. notes that loading requirements shall be regulated as provided in Section 6.1
  21. The Applicants narrative notes that they need 65 residential parking spaces between buildings 1 and 2
  22. Section 3.9.6 Subsection b. notes that off-road or highway loading requirements shall be regulated as provided in Section 6.1
  23. Section 3.9.6 Subsection c. notes that signs shall be regulated as provided in Section 5.7
  24. Section 3.9.6 Subsection d. notes the following traffic impact requirements
    - i. A transportation impact study shall be required for uses which generate more than 70 vehicle trip ends on adjacent roads during the P.M. peak hour for the first 40,000 square feet of land development area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of land development area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize “Trip generation – Tenth Edition”, Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates

from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates. **(The Applicants have submitted a traffic study that shows that the 4 modeled uses do not generate more than 70 vehicle trip ends)**

- ii. For establishments that generate more than 70 vehicle trip ends during the P.M. peak hour, the Development Review Board shall review the level of service of adjacent roads. Based on its review as well as consultation with the Road Foreman, the DRB may put forth permit conditions to mitigate adverse traffic impacts. Permit conditions may include:
    1. Site improvements to improve access management, such as the creation of secondary access points, the reduction of the width of curb cuts, or the like **(One curb cut and access noted on plan set)**
    2. Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like
    3. Improvements with connections with adjacent properties, such as, but not limited to, the creation of additional vehicle or pedestrian access points, the installation of signage and traffic lights, and adjustments to intersections to reduce pedestrian crossing distances and to slow traffic **(The Applicants Master Plan shows sidewalks and crosswalks connecting all the proposed buildings to each other and the sidewalk on Bridge Street)**
25. The Applicants traffic study notes that based on their modeling that the PM trip count will be 61 PM trip ends
  26. The traffic study modeled 4 types of uses to come up with the calculation. They used multi-family residential, Commercial-Office, Commercial Research & Development, Commercial-Health club
  27. The Applicants narrative notes that the proposed uses are modeled in the traffic study
  28. Section 3.9.6 Subsection f. notes that sidewalks will need to connect all the buildings of Jolina Court to each other and link with the pedestrian crossings on Bridge Street
  29. The Applicants Master Plan shows sidewalks and crosswalks connecting all the proposed buildings to each other and the sidewalk on bridge street
  30. Section 3.9.6 Subsection g. notes the following compatibility requirements:
    - a. The purpose of this requirement is to allow the Development Review Board to review and approve the visual aspects of new construction, or new or remodeled exteriors. This ensures public ability to review the visual rendering and provide input. A visual rendering of any new construction or remodeled exterior shall be required as part of a site plan and/or conditional use application. Any changes to the façade, size, or scale of new construction or a remodeled exterior shall require a new visual rendering that portrays the proposed changes and shall require an amendment to the Development Review Board's original site plan and/or conditional use approval which contains the most recent iteration of the visual rendering. Publicly displayed visual renderings must be in accordance with section 5.3.3 (b). The following shall be considered when reviewing the application:
      - i. Compatibility of size, scale, color, materials, and character of the district, and construction utilizing materials similar or the same to the existing buildings of the district, shall be required for all new construction and all new or remodeled exterior facades. Applicants shall be required to

demonstrate compatibility through examples, research, architectural consultation, or other means. This compatibility requirement shall not prohibit artistic expression, ability to landscape, commercial viability, creativity, or individuality (**The Applicants show a mixed color scheme of blue, grey green and white. This is a departure from the color scheme of building one. In addition, the Applicants cover letter notes that they do not intend to use brick front façade for Building 2. The Jolina Court regulations require the color scheme to be in keeping with similar color schemes in the surrounding area. The DRB should consider whether or not the proposed color scheme is in keeping with the visual character of the district**)

- ii. Design features that provide all structures with an attractive and human-scale appearance when viewed from a public or private road or by neighboring properties shall be required. These features shall include the following:
    1. Building façades of 50 feet or more shall be broken down into a series of smaller facades that incorporate changes in color, texture or materials; architectural projections or recesses; varying setbacks or roof treatments, or other structural or decorative variations
    2. Primary building facades of any length shall include windows and doors. (**Windows and doors noted**)
    3. All sides of buildings must have windows (**Building 2 has windows on all sides**)
    4. Accessory structures shall also satisfy compatibility criteria as described above
    5. Landscaping, screening and green space shall be required to achieve the following goals:
      - a. To provide screening of development to increase privacy, reduce noise and glare, contribute to the attractiveness and scenic qualities of the property, and to otherwise lessen the visual impact of the development on neighboring properties
      - b. To provide green space amenities for the occupants of the development (**The Applicants Site plan shows the potential for a community garden that could be constructed in another phase**)
      - c. Provisions for the care and maintenance of plantings, including the removal and replacement of dead or diseased shrubs or trees
31. The Applicants have provided a landscape plan
  32. The Applicants elevation sheet and visual renderings note windows on all sides of the building
  33. The Applicants landscaping plan notes several existing trees located around the perimeter of the property
  34. The Landscaping plan also shows plantings around Building 2
  35. Section 3.9.6 subsection h. notes that any building using engineered lumber shall have the appropriate placard as deemed necessary by ISO standards. This placard shall be placed at the primary ingress/egress of the main floor of said building (**Applicants need to indicate that this placard will be posted at the primary ingress/egress of the main floor of Building 2**)

36. Section 3.9.6 subsection i. notes that development should prioritize the protection of wetlands, riparian areas and surface waters to maintain the health and function of those areas and their ecosystem services. These ecosystem services include, but are not limited to, protection of water quality; stormwater management; floodwater storage; limitation of soil erosion; stream channel stabilization; preservation of existing plant and animal communities, including identified rare and sensitive specie; preservation of habitat connectivity, and the maintenance of Richmond's rural character and scenic beauty (**The Applicants site plan notes greenspace around Building 2 and proposed Buildings 3 and 4. The Applicants Storm Water Plans noted limits of disturbance. Soil restoration boundary also noted. The landscaping plan notes existing trees Applicants have submitted stormwater details. Applicants cover letter does not address floodwater storage**)
37. Section 3.9.6 subsection j. notes that the DRB may impose the following additional conditions:
  - a. Greater setback or screening requirements along the perimeter of the property
  - b. Adequate pedestrian facilities
  - c. Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, driveways, parking, sidewalks, landscaping, and other conditions or standards imposed
38. Project is subject to Section 4 of the Richmond Zoning Regulations
39. 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. The Administrative Officer or DRB may impose further reasonable conditions regarding curb cuts including consolidation of access points to public or private Road or Highway rights of way, in the interests of minimizing to the greatest degree possible, a multiplicity of curb cuts. Notwithstanding the foregoing, the DRB, in a conditional use or appeal proceeding, may increase the number of curb cuts, where only one curb cut would result in adverse effects on traffic circulation within the site or on traffic on Roads and Highways in the vicinity
40. The Applicants site plan notes only one curb cut
41. Section 4.5 notes that there will only be one principal structure allowed per lot unless the lot is part of a Planned Unit Development
42. Proposed buildings 2,3, and 4 are all part of a Planned Unit Development
43. Section 4.9.1 and 4.9.2 notes restriction on residential and commercial noise levels
44. Section 4.10 deals with lighting regulations
45. Section 4.10.1 notes that all Richmond property owners or Applicants are encouraged to utilize the following general guidelines when designing and installing or replacing existing exterior lighting fixtures:
  - a. Use the minimum light level needed for the task
  - b. Avoid competitive lighting, in which one source of lighting is increased in illumination to “outshine” a neighboring source
  - c. Light areas evenly and uniformly for better visibility
  - d. Consider the color of the light and limit the use of lighting that provides unnatural color (**Provided more information on what types of colors the lights will utilize. Applicants have provided cut sheets for lighting.**)
  - e. Lighting should not shine onto adjacent properties or above the horizontal plane, at the elevation of the light fixture (**Illumination chart shows illumination levels diminishing at property boundaries**)
46. Section 4.10.2 notes the following lighting standards:

- a. Site Plan. submit a Site Plan proposal that includes all proposed exterior light fixtures: (**Lighting shown on site plan and lighting plan**)
    - i. Specifications for all proposed lighting fixtures including photometric data designation as IESNA (the Illumination Engineers Society of North America) “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures such as height and location
    - ii. Analyses and iso-illuminance diagrams showing that the proposed installation conforms to the lighting standards in this Section (**ISO lighting diagram provided**)
  - b. Illumination. Whenever building elevations are submitted, show exterior fixtures and the portions of the walls to be illuminated (**ISO diagram has been provided for parking area and illuminated portion of the wall**)
  - c. Sensors. Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting (**Cover Letter notes lighting will be on timers and motion sensors and will be set to shut off at 11:00 PM. Lighting will also be downcast and shielded**)
  - d. Underground. Electrical service to exterior lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles (**Electrical utility plan provided by Applicants**)
  - e. Height. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture (**Mounting height for fixtures noted on sight lighting calculations page**)
  - f. Exemptions. Lighting associated with normal and customary residential activities and holiday lighting, displayed within 45 days of the State recognized date of the holiday, shall be exempt from this standard
47. Section 4.10.3 notes that parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination on adjacent properties or Roads or Highways. (**Illumination chart shows illumination levels of lights in the parking area**)
48. Section 4.10.3 notes the following requirements for parking lots
- i. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by (IESNA)(**Lighting shall be on timers and motion sensors and will be designed to shut off at 11pm unless the motion sensor is triggered**)
49. Section 4.10.3 notes the requirements for security lighting for parking
- a. Security Lighting - The purpose of and need for security lighting, i.e., lighting for safety of persons and property, is allowed when part of an overall lighting plan.
    - i. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination on other areas. In no case shall any lighting be directed above a horizontal plane through the lighting fixture (**The Applicants cover letter noted that lighting will be downcast and shielded**)
50. Section 4.10.7 with the exception of structures having exceptional symbolic (i.e. churches and/or public buildings) or historic significance in the community, exterior building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, a design for the illumination shall be approved by the DRB, after public hearing, and the following provisions shall be met:



- a. The maximum illumination on any vertical surface or angular roof surface shall not exceed 2.5 footcandles. LIGHTING A/R, HDR, and MHP R/C, G, V/C, JC, VD, and C I/C Mounting Height (Max.) \*\*\* 20' 20' 25' Minimum Illumination Level no less than 0.2 foot candles (fc) no less than 0.2 fc no less than 0.3 fc Uniformity Ratio \* 4:1 4:1 4:1 Average Illumination Level on Vertical Surface no more than 0.3 fc no more than 0.5 fc no more than 0.3 fc Minimum CRI \*\* 70 70 60
  - b. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed towards adjacent Roads and Highways.
  - c. Lighting fixtures mounted on the building and designed to “wash” the facade with light are to be preferred.
  - d. To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
51. Section 4.11.1 notes that buildings shall not exceed 35 feet in height
  52. Cover letter notes that the heights for buildings 1-4 will not exceed 35 feet
  53. The definition of height in the Richmond Zoning regulations notes that Height of a Structure is defined as the vertical distance from the average finished grade or the base of the structure whichever is lower to the highest point of the structure
  54. Per the definition of Height of a Structure the south elevation would be the base of the structure based on the applicant’s visual renderings and elevation sheet
  55. The elevation sheet for the south elevation shows the average building height is will be 34 feet 11 inches
  56. 4.11.3 notes that all single-family and two-family dwelling uses must include an egress window with a lower sill or threshold that does not exceed 32 feet from adjacent finished grade, and meet all applicable municipal and state fire safety codes. (**Egress windows noted on elevation sheet**)
  57. 4.11.4 notes that all single-family and two-family dwelling uses shall have at least one point where the threshold of the roof is no higher than 32 feet from the adjacent finished grade to allow for ladder access to the roof by fire and rescue personnel. (**The applications elevation sheet notes that the north elevations maximum average height is 31.4 feet**)
  58. 4.11.5 notes that for all Conditional Use and Site Plan Review applications, applicants must consult with the Richmond Fire Department prior to applying. All Conditional Use and Site Plan Review applications must include a letter of recommendation from the Richmond Fire Department. The DRB shall take into consideration the recommendations the Richmond Fire Department in its review. Permit conditions may include recommendations from the Richmond Fire Department, so long as the recommendations promote the health, safety and general welfare of the inhabitants of the Town of Richmond. (**Letter provided by the Richmond Fire chief notes that building 2 will be able to be served by the Richmond fire department**)
  59. Section 4.12 goes over the performance standards for building in Richmond
    - a. No vibration resulting from the activities or use of a lot shall be measurable at the lot lines
    - b. No odors resulting from the activities or use of a lot shall be discernible at the lot lines
    - c. Smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart

- d. No dust, dirt or fly-ash from the activities or use of a lot shall exceed two-tenth (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.
  - e. No noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines
  - f. Hazardous materials and wastes shall be stored on and removed from a lot without causing a release or the threat of a release from a facility on a lot or on adjacent lots, and any such storage, use and/or removal shall protect the public health, safety, welfare and the environment. All uses shall comply with all federal and state laws, rules and regulations for the use, storage, transport, and disposal of hazardous materials and wastes. Richmond Zoning Regulations 37 Effective May 23, 2022
  - g. No use shall cause, create, or result in an undue adverse impact on municipal facilities and services
  - h. No heat shall be discernible at the lot lines
60. Applicants proposed development contains a mix of uses
61. Section 4.5 notes there shall be only one Principal Structure on a lot and there shall only be one use on a lot, unless the lot is part of a Residential PUD or PUD (Planned Unit Development) as specified in Section 5.12
62. Section 5.12.1 notes that Applications for PUD or Residential PUD approval shall be reviewed by the DRB as a Conditional Use, subject to Conditional Use review and approval under Section 5.6 and concurrently with the review of a subdivision plat, in accordance with the Town of Richmond Subdivision Regulations. A Zoning Permit shall not be issued for any building or development in a PUD or Residential PUD until a Master Development Plan has been approved by the DRB if required by Section 5.12.4.viii. Any subsequent Zoning Permit, site plan or conditional use approval of a proposed development within an approved PUD or Residential PUD shall incorporate all applicable conditions of PUD/Residential PUD and Master Development Plan approval, if required by Section 5.12.4(viii), unless the Master Development Plan is also amended
63. Section 5.12.2 subsection a. notes that a Planned Unit Development is an allowed use in the Jolina Court District
64. Section 5.12.2 subsection e. notes that the DRB may allow for a greater concentration of units than would otherwise be allowed in the underlying district within some section(s) of the development, provided there is an offsetting lesser concentration or an appropriate reservation of open space on the remaining land( **The Applicants site plan notes green space**)
65. Section 5.12.2 subsection f. notes The total number of allowable dwelling units in the PUD or the Residential PUD shall not exceed the number that would be permitted if the land were subdivided into lots in conformance with these Zoning Regulations for the Zoning District in which such land is located, and in accordance with Section 2.5 of these Zoning Regulations. The DRB may authorize multiple uses within PUDs in the JC, VD, V/C and R/C Districts. Multiple uses may be allowed on all lots within PUDs in these districts (including pre-existing, nonconforming lots) provided that adding multiple uses shall comply with the PUD standards and other specific criteria of these Zoning Regulations and state law. In any PUD in the R/C District, at least 50% of the gross floor area shall be in residential use. In the V/C District, at least 50% of the gross floor area must be in commercial use. In the JC and VD Districts, any or all floors may be in commercial use. However, in the VD District, residential uses shall be restricted

to the second floor and above; and in the JC District, residential uses shall be restricted to the second floor and above and to the walk-out basement floor as long as all applicable Vermont Fire and Building Safety Codes are met. (**The Applicants cover letter and plan set indicates that residential uses for Building 2 will be from the second floor up**)

66. Planned Unit Developments require Conditional Use Review
67. Section 5.6.3 notes that conditional use approval requires site plan approval
68. Site plan approval is covered by section 5.5.3
69. Section 5.5.3 Subsection a. notes the DRB may impose the conditions and safeguards upon the approval of a site plan with respect to features authorized by the Act (§4416), as amended. Maps, data, studies, and other information will be requested as needed by the DRB for site plan review. Conditions of approval for site plan review include, but are not limited to, the following:
  - a. 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 noted on site plan**)
    - iii. Pedestrians – Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas. (**Applicants site plan notes sidewalks and crosswalks**)
    - iv. Roads - 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 - Parking must be located to the rear of buildings, or at the side well-screened from view. (**Applicants site plan shows existing trees surrounding the parking area by Building 2**)
    - vi. Trails - Trails for non-motorized transportation.
    - vii. Lighting - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences (**Lighting plan, ISO diagram and lighting cut sheets have been provided by the Applicants**)
  - 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 (**The Applicant's Site plan indicates that their will be a greenspace surrounding the boundaries of buildings 2,3 and 4.**)
    - 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 (**The Applicants cover letter notes that there landscaping will include native and salt resistant plants All vegetation will be indigenous to the area ie. Vermont / New England. Landscaping quote is only for building 2**)

- iv. Retention of currently existing site vegetation. **(The Applicants landscaping plan shows existing trees being retained)**
  - v. Interim fencing being required while vegetation is growing to appropriate size
  - vi. Provision for the care and maintenance of plantings, including removal of dead or diseased trees or shrubs **(Plans to maintain landscaping have been provided)**
  - 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: Construction Cost Percentage \$0 - \$250,000 3% Next \$250,000 2% Excess over \$500,000 1% In evaluating landscaping requirements, the DRB may grant some credit for existing trees, existing site features or for alternative improvements, other than tree planting, as long as the objectives of this section are met **( Total project cost not provided. The Applicants will need to provided total construction cost for all phases of the project to determine the appropriate cost of landscaping. The DRB could consider requiring a landscaping plan for each building of the project if the Applicants are unable to provide construction cost for all phases of the project)**
  - viii. Front Yards. 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
  - xi. Exterior Lighting. Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations
  - xii. 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
70. Section 5.6.2 Subsection d. notes a state waste water and potable water permit shall be obtained prior to the use commencing **(Applicants need to provide sewer allocation from the town of Richmond)**
71. Section 5.6.2 Subsection e. notes that the development is proposed over a reasonable time period **(The Cover Letter does indicate that the total build out of all buildings could take 10-15 years to complete)**
72. Section 6.1.1 notes that all uses shall provide off road or highway parking that complies with the following standards unless waived by the DRB. The DRB may require that

waivers be filed with Town Land Records and that a statement be attached that any change in use may require the construction of loading facilities. The requirements for Loading spaces are as follows: **(The Applicants site plan notes 4 loading spaces)**

- a. All loading spaces shall be located on the same lot as the principal use. Loading spaces shall minimize circulation conflicts on the lot. Loading areas shall not be calculated to include required off-Road or Highway parking spaces.
  - b. All loading spaces shall be of sufficient size to allow necessary maneuvering for deliveries without encroaching upon the public right of way, parking spaces, or internal parking lot circulation unless a specific waiver is approved by the DRB. Loading spaces shall be fifteen (15) feet wide by twenty-five (25) feet in length. The DRB may require greater dimensions if deemed necessary to handle projected truck traffic volumes
  - c. All loading areas shall be hard-surfaced and clearly marked with painting to designate the loading area. This requirement may be waived by the Administrative Officer or the DRB based upon projected traffic counts
  - d. Loading spaces may be designed to serve one or more businesses located in the same building or on the same lot. The DRB may approve joint usage on adjacent lots provided a written agreement is submitted and filed with a deed
  - e. One (1) space for the first 5000 square feet of gross floor area. One (1) additional space for each additional 30,000 square feet of gross floor area
    - i. Gross floor area is defined in Section 7.1 as the sum of the gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building including interior walls, balconies, mezzanines, hallways, stairwells, and including the area of roofed porches, roofed patios and carports having more than one (1) wall, but excluding basements. **(Based on the above formula and given the total amount of gross floor area the applicants will need a minimum of three loading spaces. The Applicants have 4 spaces)**
  - f. Loading areas shall meet screening, landscaping, lighting, and other development standards as specified herein. All waiver requests shall be submitted in writing. The Administrative Officer may approve a waiver request for a change in use which does not increase loading requirements or any building expansion which does not exceed five hundred (500) square feet of gross floor area. The DRB may approve waiver requests under one or more of the following circumstances:
    - i. The proposed use will require minimal deliveries which will not interfere with the traffic circulation on the lot
    - ii. Deliveries are made during non-business hours
    - iii. Existing development makes it impossible to meet loading standards.
73. Section 6.1.2 deals with off road and highway parking requirements.
74. Subsection a. of Section 6.1.2 notes that all required parking spaces shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet **(Length and width of parking spaces not noted on site plan or application materials)**
75. Subsection b. of Section 6.1.2 notes the minimum widths for parking patterns **(Parking appears to be 90 degrees perpendicular. with a minim aisle width of 20 feet for one way and twenty-five feet for two ways. Width and lengths will need to be noted)**
76. Subsection c. of Section 6.1.2 notes minimum parking requirements based on use
77. Applicants noted a variety of potential uses for the commercial space. These included the following

- a. Research Laboratory
  - b. Office, Professional
  - c. Commercial multi use
  - d. Fitness Facility or Sports Club/ Health Spa
  - e. Retail Business
  - f. Personal Services
  - g. Healthcare Service
  - h. Artists/ Craft study
  - i. Wholesale/ trade
  - j. Office, Medical
78. Subsection d. of Section 6.1.2 notes that if the land use or building type is not contained in this zoning ordinance, then the American Planning Association's 'Off Street Parking Requirements' shall provide the range for the number of spaces required
79. Section 6.1.6 notes the other parking standards for the district and lays out the following requirements:
- a. All parking areas subject to administrative review by the Administrative Officer, except for such areas associated with single or two-family dwellings, or other Land Development specifically exempted from site plan review, shall require Site Plan Review (see Section 5.5.1). All parking areas shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the DRB
  - b. All parking areas shall be hard-surfaced (asphalt or concrete). The DRB may waive this requirement if the Applicant demonstrates that all of the remaining standards of section 6.1.6 will be met. In addition, the following specific standards shall be considered by the DRB when reviewing a waiver request for surfacing requirements: 1) The parking area shall be designed so as to prevent the intrusion of gravel or a similar surfacing material onto the road / Road or Highway travel lanes or adverse impacts on drainage systems. **(Applicants cover letter notes that parking will be paved. The applicants have provided a timeline for when the paving for building 2 will be completed)**
  - c. All parking areas and associated roadways shall be designed and constructed with detention devices, such as, but not limited to overland grassed and/or stone lined swales, detention basins, and settling ponds, in order to assure that the post development peak flow stormwater volumes from such parking areas and roadways do not exceed the predevelopment quantities based on the run-off from a twenty-five year, twenty-four hour storm event. All such devices shall be designed and constructed to the standards in the Public Works Specifications, except that in the event of a conflict between the Public Works Specifications and the preceding sentence, the preceding sentence shall control. Unless stormwater flows are contained on the lot where such parking areas and roadways are located, there must also be adequate off-site drainage areas to accommodate such flows **(Applicants have submitted plans for MC 3500 Stormtech Draining system. Applicants also submitted sewer details)**
  - d. All parking areas shall provide for persons with disabilities which are clearly designated and marked, and signed, using the international symbol for access required by Title 21 V.S.A. Section 275, as amended, for use by such persons only. **(ADA parking spaces noted on site plan )**
  - e. State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 5.5.

- f. All parking spaces shall meet the setback standards for the district in which it is located except parking in driveways in the Agricultural / Residential District for single-family residential uses, parking in the Jolina Court Zoning District, and the Village Commercial District. Refer to Section 3.9 for specific requirements regarding parking and setbacks in the Jolina Court Zoning District, and Section 3.5.4 for specific requirements regarding parking and setbacks in the Village Commercial District. **(Parking meets setback requirements)**
- g. The DRB may require screening for any parking lots located within any front yard. Screening shall emphasize the separation of parking lots from adjoining public Roads or Highways to minimize glare from vehicle headlights onto public Roads or Highways. The use of berms and landscape materials is the preferred method of screening. The DRB may approve fencing, if it determines the more preferred methods are impractical. **(Parking is located behind building one and is screened from view of public road)**
- h. All parking lots shall be landscaped as approved by the DRB. **(Landscaping plan provided. Green space noted on site plan)**
- i. The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where possible. The DRB may waive this requirement due to unique characteristics of the lot, or innovative alternative designs. **(Sidewalks are present on-site plans)**
- j. Parking lots shall be designed to encourage bicycle access. Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The DRB may waive this requirement if in their judgment the business will not generate bicycle traffic **(Bike racks noted on site plans)**
- k. Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB.
- l. The DRB may require the use of uniform ingress and egress signs, traffic control signs, and other signs as necessary to direct the flow of traffic.
- m. Lighting shall be provided in all parking lots as approved by the DRB and in conformance with Section 4.11, Exterior Lighting, of this Regulation. **Lighting located on site plan**
- n. Joint parking arrangements may be approved by the DRB, provided that the Applicant has submitted legal documentation to guarantee continued long-term availability of said parking. Within any shopping center or other areas where joint parking has been established, the DRB may not approve any site plan amendments or other use changes which would increase parking needs, or any waivers of parking requirements, until the Applicant has submitted proof of notice to all tenants or shared parking participants of the proposed change.
- o. All fire lanes as recommended to the DRB by the Fire Chief shall be clearly designated by pavement markings and/or signage. All designated fire lanes shall be kept free from obstruction at all times. Vehicles parked within a designated fire lane for any period of time shall be subject to immediate towing at the owner's expense. **( Fire lanes noted on site plan)**
- p. The DRB may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking. The DRB may require any change in use on any property where a waiver has been granted to be

reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The DRB shall determine that one or more of the following standards are met at a specific location prior to granting a waivers:

- i. The proposed uses have staggered business hours with minimal overlap in business hours.
- ii. The Applicant presents evidence that the parking requirements are excessive based upon new parking studies, traffic engineering data, or obvious and apparent existing parking demands.
- iii. The Applicant demonstrates that the demand for parking is reduced because the type of business proposed substantially relies on pedestrian traffic.
- iv. The Applicant demonstrates that sufficient off-Road or Highway parking is available at other locations within two hundred (200) feet which are, or have been approved by the DRB.
- v. The use of mass transit, or other alternate transportation reduces parking demand.
- vi. Joint parking facilities with abutting businesses are sufficient to meet parking demand. Richmond Zoning Regulations 61 Effective May 23, 2022
- vii. The I.T.E. (Institute of Traffic Engineers) Parking Manual, or other professional source, provides data which demonstrates parking demand for a proposed use is less than the standards specified in these Zoning Regulations. (**Applicants traffic studied modeled the proposed uses for phase 2. The traffic study indicates that the proposed uses will meet Richmond's parking requirements**)

80. Section 5.12 notes that Planned Unit Developments are Subdivisions

81. Article 4 section 420 lays out the criteria for Final Subdivision approval

82. Section 420.2 notes that the final subdivision plat shall be consistent in all respects to the layout as approved by the DRB for the preliminary subdivision. The final plat shall be drawn to a scale of not more than two hundred (200) feet to the inch, and shall show:

- i. proposed subdivision name or identifying title, the name of the municipality, the name and address of the owner of record and of the subdivider (if different), the name, registration number and seal of the registered land surveyor, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks, scale, date, magnetic north, with true north declination and legend;
- ii. Road names and lines, pedestrian ways, recreational trails, lots, reservations, easements and areas to be dedicated to public use, if any;
- iii. The location, bearing and length of every road line, lot line and boundary line. all locations should be tied to known reference points such as road intersections;
- iv. the length of all straight lines, the deflection angles, radii, length of curves, tangent distances and bearings for each road;
- v. all public open space for which offers of dedication are made by the subdivider, and those spaces for which title is reserved by the subdivider;
- vi. Lots within the SUBDIVISION numbered sequentially (any reserved land shall have the highest number). Below each LOT number, within the LOT boundaries, the following shall be listed: the acreage, new parcel ID number, and building envelope to contain all proposed primary structures.



- vii. The location of any zoning overlay district(s) applicable to the proposed subdivision
  - viii. Location of well shields on all lots;
  - ix. Location of any existing or proposed easements on all lots;
    - x. Location of all of the improvements referred to in article vi, landscaping, utility poles, and rough grading and other devices for draining the area within the subdivision;
    - xi. Locations of proposed monuments at all right-of-way intersections and at all points of curvature (P.C.) and points of tangency (PT) on both sides of any road lines, and at any other critical points in the road lines as will enable a land surveyor to correctly stake out any LOT in the subdivision.;
    - xii. Names of all subdivisions immediately adjacent and the names of adjoining property owners; and
    - xiii. Subdivision location map.
83. Section 420.3 notes that along with the final subdivision plat, the subdivider shall submit to the town a set of materials that constitute a final subdivision plan, which shall include the following information:
- i. Location and envelope area of wastewater disposal system(s) including primary and any required replacement areas, and a letter from the wastewater disposal system designer stating that all such systems will be designed and constructed in conformance with all applicable state regulations and standards;
  - ii. Location of and envelope area of all existing and proposed sources of potable water and wastewater system(s)
  - iii. Location and design of all of the considerations and improvements referred to in Article V (Planning Standards) and Article VI (Required Improvements and Design Standards);
  - iv. Identification and methods of protection of natural features or site elements (i.e., streams, ponds, wetlands, flood plain, forest stands, established large animal habitat, rock outcroppings, etc.);
  - v. Typical cross sections and proposed grading of roadways;
  - vi. Designs of any bridges or culverts which may be required on the subdivision;
  - vii. A signed statement reciting: a) the location, type and length of any proposed road or roads. All roads shall be designed to the specifications in section 600 of these Subdivision Regulations;
  - viii. The nature and extent of any recreational features, open spaces, parks, or playgrounds to be provided, if any, and whether or not and under what conditions they are intended to be dedicated to the Town.
  - ix. Contours of finish grades at five (5) foot intervals if finished grade varies from existing grade by five (5) feet or more, except that contours at two (2) foot intervals shall be shown in areas where wastewater disposal systems are to be located;
  - x. At the discretion of the DRB, letters from the Chittenden East School District Superintendent, the Richmond Police Chief, the head of Richmond Rescue, and the Richmond Fire Chief indicating their assessment of the impact of the proposed subdivision on the provision of school, police, rescue or fire protection services, or letters from others on relevant issues;

- xi. A letter from a professional engineer retained by the SUBDIVIDER stating that all proposed public and private infrastructure is in compliance with these Subdivision Regulations and other standards established by the Town of Richmond such as ZONING REGULATIONS, Public Works Specifications or other standards; and,
  - xii. Any other documents required by the DRB as a result of SKETCH PLAN, PRELIMINARY SUBDIVISION, or FINAL SUBDIVISION review and these Subdivision Regulations. The DRB may vote to waive any of these application requirements in accordance with Section 704, if it finds that the information waived is not necessary to determine whether the FINAL SUBDIVISION plan is in conformance with the standards and requirements of these Subdivision Regulations and the ZONING REGULATIONS.
84. Section 600.4 notes that access points shall be consolidated to limit the number of curb cuts. **(Only one curb cut noted on plan set)**
85. Section 600.6 notes that dead end roads shall terminate in a circular turnaround with an outside radius of not less than 60 feet approved by the DRB or a hammerhead turnaround approved by the Selectboard **(The Applicants cover letter does not note a turnaround or hammerhead. However, they offer a turning diagram that shows a vehicle circling around the parking located to the south of Building 2. Applicants will need to specify if this is the proposed end of the dead-end road. If this is not then the Applicants will need to specify how the road is to terminate and get the necessary approvals)**
86. Section 600.14 notes that the DRB may require sidewalks and bike racks in the subdivision **(The Applicants site plans note sidewalks and bike racks)**
87. Section 640 notes that The DRB may require the permanent planting of new trees and shrubs in subdivisions which are lacking in trees or shrubs or in which substantial loss of trees or shrubs will result from road construction and development of the subdivision. such trees or shrubs shall be of a type indigenous to Vermont, preferably of high wildlife conservation value, shall be planted in fertile and fertilized ground in accord with standard horticultural practices, and shall be watered and nurtured until growth is assured. trees shall have a minimum trunk diameter at a point six (6) inches above the ground level of two (2) inches, shall be planted close to the right-of-way line at average intervals of no more than sixty (60) feet, and shall be free of branches between ground level and a point six (6) feet above ground level **(The Applicants cover letter notes that the landscaping will include native species. the diameter of the trees are noted in the landscaping estimate.)**
88. Section 650.1 notes that the applicants will provide a design for a drainage system which will remove any water and storm runoff which traverse the site **(The applicants plan set notes a sewer plan and storm water plan for Building 2)**
89. Section 650.4 notes that the drainage system and all easements shall be designed to accommodate a 25 year storm event ( **Letter from the town engineer indicates that the storm water system is in compliance with town regulations)**
90. Section 650.5 notes that 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 (**The Applicants have presented and erosion control plan**)

91. Section 670.1 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. (**The Applicants have presented a site plan that shows various utilities**)
92. Section 670.2 notes that all utilities should be underground

#### **Items for DRB Consideration**

1. Consider whether the color scheme proposed for Building 2 is in keeping with the character of the area

#### **Recommendations to the DRB**

1. The DRB approves the application with the following conditions
  - a. Prior to applying for a Zoning permit the applicants shall provide the following information
    - i. Provided written confirmation on whether or not the dead-end road will terminate in a circle or hammerhead
    - ii. Any outstanding conditions from Building 1 will need to be completed prior to applying for a Zoning Permit
  - b. Prior to receiving a Certificate of Occupancy, the applicants shall submit the following information
    - i. Require as built documentation from an engineer for Building 2
    - ii. Total construction cost of building 2 to ensure that minimum landscaping cost are met
    - iii. Confirmation that the required placard noted in Section 3.9.6 Subsection h. will be posted at the primary ingress/egress of Building 2