



Planning & Zoning Office
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Town of Richmond Development Review Board Staff Notes 10/11/23

RE: SUB2023-13- The Applicant (Hillview Heights LLC) is seeking preliminary subdivision approval for a 7-lot subdivision located at 2427 Hillview Road. The subdivision would create 6 new residential lots with one existing residential lot. The existing residential lot is currently used for agricultural purposes.

PARCEL HISTORY:

1. Sketch Plan Application 1/14/21
2. Zoning Permit for driveway 2021-083 Approved 11/2/21
3. Notice of Intent to Build a Farm Structure 12/20/21
4. Notice of Intent to Build a Farm Structure 5/5/22
5. Zoning Permit for well 2022-53 approved 7/11/22
6. Zoning Permit for a sign 2022-62 approved 7/28/22
7. Notice of Intent to Build a Farm Structure 7/29/22
8. Notice of Intent to Build a Farm Structure 8/29/22
9. Notice of Appeal APE2022-02 9/28/22
10. Notice of Intent to Build a Farm Structure 11/17/22
11. Preliminary Subdivision Application Approved 5/23/23
12. Notice of Intent to Build a Farm Structure 9/23/23

PROCEDURAL INFORMATION:

1. Application submitted on 9/18/2023
2. Agenda placed in Seven Days 9/22/2023
3. Notice placed on Town website and at three locations in town on 9/22/2023
4. Abutters notified on 9/22/2023
5. Notice sent to Applicant 9/22/2023

STAFF COMMENTS (In Bold):

1. The Applicant (Hillview Heights LLC) is seeking preliminary subdivision approval for a 7-lot subdivision located at 2427 Hillview Road. The subdivision would create 6 new residential lots with one existing residential lot. The existing residential lot is currently used for agricultural purposes.
2. The project is located inside of the Agricultural Residential zoning district and is subject to Section 3.1 of the Richmond Zoning Regulations.
3. The Applicants narrative notes that they are proposing a 7 lot subdivision with 6 new single family residential lots.
4. Section 3.1.3 notes the following dimensional standards
 - a. No lot shall be less than one (1) acre.
 - 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.
 - d. The total amount of ground on a lot that can be covered by any structure or impervious material shall not exceed 30%.
5. Lots size and coverage is as follows:
 - a. Lot 1-1.89 Acres 5% Coverage
 - b. Lot 2-8.66 Acres 2% Coverage
 - c. Lot 3-4.60 Acres 4.5% Coverage
 - d. Lot 4-4.15 Acres 3.5% Coverage
 - e. Lot 5-2.06 Acres 4.5% Coverage
 - f. Lot 6-3.35 Acres 4.5% Coverage
 - g. Lot 7-60.78 Acres 1.5% Coverage
6. Single family residences are an allowed use per Section 3.1.1 of the Richmond Zoning Regulations.
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.
9. Section 3.1.5 of the Richmond Subdivision Regulations notes the following:
 - a. Parking requirements shall be regulated as provided in Section 6.1.
 - b. Signs shall be regulated as provided in Section 5.7.
 - c. Access shall be regulated as provided in Section 4.1 through 4.4.
 - d. Traffic shall not exceed 10 vehicle trip ends during the peak evening hours.
10. 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 narrative notes that all curb cuts have been designed to the B 71 standards. The road serving lots 4-7 have been designed to exceed all public works specifications).**
11. Section 4.2 notes that lots that do not have frontage on a public road will be subject to Section 4.3 of the Richmond Zoning Regulations.
12. Section 4.3.3 notes that the right of way easements shall be at least 60 feet if serving more than 4 lots.
13. The Applicants plan set notes a 60 foot right of way for the road serving lots 4-7.
14. 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.
15. The Applicants site plan and narrative notes one curb cut per lot. **(Lots 1 and 2 will be served by a shared driveway. Lot 3 will have its own driveway located on a preexisting access road. Lots 4-7 will be served by a proposed private road Hillview Heights way. The State E911 coordinator notes that the proposed road name of Hillview Heights Way would comply with E911 standards).**
16. Section 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.
17. The Applicants site plan and narrative notes that each lot will have a minimum of 2 off street parking spaces.
18. 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.
 - 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.
19. Lot 1 and 2 will have a shared driveway. Both driveways will have a width of 12 feet.
 20. Lot 3 will be served by an existing access that will be improved to serve the lot. The width of this driveway will be 12 feet.
 21. Lots 4-7 will be served by a private road. The road will be 24 feet in width.
 22. The Applicants narrative and site plan indicates that the grade of all driveways will not exceed 12%.
 23. The Applicants site plan notes Class 2 wetlands.
 24. Section 6.9 notes that any land development on a lot containing a known or suspected wetland identified by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetlands Screening Tool shall require a zoning permit issued by the Administrative Officer.
 25. Section 6.9.2 notes that no land development shall occur within a Class I or II wetland, or wetland buffer, unless approved or exempted by the Vermont Wetlands Program.
 26. The Applicants have obtained a state wetland permit from the Department of Environmental Conservation.
 27. 6.9.3. Wetland Buffers. All Class I and II wetlands shall be surrounded by a buffer of the following widths:
 - a. a) 100 feet for a Class I wetland
 - b. b) 50 feet for a Class II wetland
 28. The applicants plan set notes a 50-foot buffer.
 29. 6.9.4. Applications for development within Class I or II wetlands, and wetland buffers shall provide the following:
 - a. A wetlands delineation and assessment of the wetland prepared by a professional wetlands ecologist in accordance with the Vermont Wetlands Rules put forth by the Agency of Natural Resources.
 - b. A site plan indicating the location of the proposed land development in relation to the wetland and the wetland buffer.
 - c. A permit approving such development issued by the state Wetlands Program
 - d. An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.
 30. The Applicants have provided a Wetland Permit and included it in the application packet.
 31. 6.9.7. New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.
 32. The Applicants site plan notes that the septic system will be located outside of the wetland buffer.
 33. Subdivision applications also have to comply with the Richmond Subdivision regulations.
 34. Section 400 covers regulations for preliminary subdivisions.
 35. Section 420.2 notes that the Applicants must supply the following information.
 - a. Subdivision name or identifying title, tax map number and the name of the town.
 - b. The names of all roads.
 - c. The location and bearing of all lines.
 - d. The length of all lines for each road.
 - e. Lots within the subdivision shall be numbered sequentially.
 - f. The location of any zoning overlay districts.
 - g. The location of the well shield on all lots.

- h. The location of the easements on all lots.
 - i. The location of all proposed improvements noted in Article VI.
 - j. The subdivision location map.
36. The name of the subdivision is noted on the plan set.
 37. The Applicants have proposed the road name of Hillview Heights Way.
 38. The lots are numbered sequentially.
 39. The applicants site plans shows well shields on all lots.
 40. Section 420.3 notes that the final subdivision plat shall include the following information:
 - a. The location and envelope area wastewater disposal systems.
 - b. Location of potable water sources.
 - c. Cross section and grading of any proposed roadway.
 - d. Designs of any bridges or culverts.
 - e. Typical cross sections and proposed grading of roadways.
 - f. Contours of finish grades at five (5) foot intervals.
 - g. A letter from an engineer noting that all proposed infrastructure is in compliance with town regulations.
 41. The Applicants site plan notes the envelopes for the wastewater disposal systems.
 42. The Applicants site plan notes the location of potable water sources.
 43. The Applicants plan set has the grading plan and road design.
 44. Contours of finished grade are shown at 1 foot intervals.
 45. The Applicants have provided a cover letter from the engineer noting compliance with town regulations.
 46. The project will be subject to the Subdivision regulations noted in Article 6.
 47. 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 notes that roads will be built to Richmond public works specifications. Curb cuts will be built to B-71 Standards).**
 48. Section 600.4 notes that the access points to public or private rights-of-way shall be consolidated to minimize multiple curb cuts.
 49. The Applicants plan set notes that the lots 1 and 2 will have a shared driveway and curb cut/ Lot 3 will have its own curb cut and will utilize a preexisting access road. Lots 4-7 will have a shared curb cut and private road.
 50. Section 600.6 notes that dead end roads shall terminate in a circular turnaround with an outside radius of not less than sixty feet approved by the DRB or in a hammerhead approved by the Selectboard.
 51. The Applicants proposed a hammerhead turnaround for the road serving lots 4,5,6 and 7.
 52. Section 600.8 notes Emergency and service vehicles must have access to all lots and buildings.
 53. The Applicants plan set notes that each driveway will be at or below the 12% grade requirement.
 54. Section 600.9 notes that sight distances at all intersections should be consistent with anticipated traffic speeds, terrain, alignments and climatic extremes.
 55. The Applicants plan set shows that they intend to install an advanced warning sign 250 feet from the entrance from lots 1 and 2 to comply with site distancing standards.
 56. Section 600.10 notes that all roads shall be adequately shaped and drained, with adequate ditches or other storm water systems. **(The applicants plan set shows the road design and shape. It also shows the plan set for the storm water system).**
 57. 600.11 Road names shall be approved by the Selectboard prior to the submittal of the final subdivision plat application. **(The Applicants have proposed the road name Hillview Heights Way for the road serving lots 4,5,6 and 7).**
 58. 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 Applicants have submitted a master site plan for the development and have shown development on all lots. Each lot has the number of acres noted as well as the anticipated uses. It is important to note that this master plan only has to be conceptual. Any further subdivision of this parcel would require a new subdivision that would follow the usual process for approval i.e. Sketch, Pre Sub and Sub).**

59. 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.
60. The Applicants have provided a data sheet on storm water plans for the property. The Applicant Storm water runoff summary notes that the stormwater eventually filters into the Huntington River.
61. Section 650.2 notes that drainage facilities shall accommodate all existing surface water and run-off, plus run-off anticipated from the proposed development.
62. The Applicants plan set shows state stormwater permit approval for the design storm water system.
63. 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.
64. Section 650.4 notes that the drainage system and all easements shall be designed to accommodate water from a twenty-five (25) year storm. **(The Applicants have provided data on the discharge volumes of the storm water systems) .**
65. 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. **(Given that the applicants will be required to pull permits for any site work related to the project and that those permits have a 3 year timeline I recommend that the Board not require phasing and let the Applicants develop the parcel as needed to sell or develop the lots. If the Board ops to require phasing, the board could consider requiring the applicants to provide a phasing plan for site work developed between the applicant and ZA. The board could break the site work into phases to be completed once one of the lots Is sold i.e site work for lots 1 and 2 will need to begin if one or both of the lots are sold.)**
66. 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.

(The applicants have not indicated that they plan to use stumps or woody debris as fill on this project).

67. 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. 14 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. **(The Applicants plan set notes the technical specifications for the wastewater systems in the subdivision. Each lot is serviced by its own wastewater and well. The applicants have also received their wastewater and storm water permits from the state.)**
68. 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).**
69. 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 plans indicated that all utilities for all lots will be located underground. Lot 3's above ground utilities will no longer be used. Lot 3 will be serviced by new underground utilities).**
70. 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. **(Applicants narrative notes several proposed easements).**
71. 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 wastewater 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. If the Board wishes to require phasing, then the Board could consider a timeline that would allow the applicants to gradually complete the work minimizing the initial intensity of the development rather than requiring a short timeline that would necessitate a more intense rate of development).**
72. 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.
73. 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.

74. 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.
75. The Applicants have provided a Declaration of Covenants and Conditions for the subdivision.

Recommendations to the DRB

- 1. DRB Approves the Final Subdivision**
- 2. The DRB not require phasing.**
 - a. If the DRB opts for phasing the Board considers a broad enough timeline to allow for more gradual development rather than a short timeline that would necessitate intense initial development.**
 - b. If the DRB opts for phasing the Board considers tying the phasing for parts of the project to the sale or initial development of a lot associated with a specific phase.**
 - c. If the DRB opts for phasing the Board considers giving the ZA the authority to develop a phasing plan with the applicants without having to come back to the Board for further approvals. This plan would only be for work associated with the site plan approved by the DRB. Any changes to the site plan that requires DRB approval would still have to come before the Board.**

