

**Town of Richmond
Development Review Board
Staff Report – May 11, 2016**

Review description:

Michael Sipe, Jr. – Application #16-026 for Site Plan Review by the DRB for an Administratively Created Lot at 60 Wolf Lane (parcel WF0060). Mr. Sipe owns the parcel at 60 Wolf Lane within the Agricultural/Residential

<u>District.</u>	Application #	16-026
	<i>Applicant / Property Owner</i>	Sipe
	<i>Property Address</i>	60 Wolf Lane
	<i>Parcel #</i>	WF0060
	<i>Size in Acres</i>	15.05
	<i>Zoning District</i>	Agricultural/Residential

Submittals:

- A. Conditional Use & Site Plan Application (4/11/16)
- B. Contour map of Project Area (ND)
- C. Subdivision Plat (11/17/06)
- D. Richmond DRB Decision, Subdivision Application #05-057 (7/21/06)
- E. State of Vermont Judgement Order, Docket No. 268-12-05 Vtec (4/19/06)
- F. Richmond DRB Decision, Subdivision Amendment Application #08-074 (9/10/08)
- G. Subdivision Plat (11/21/08)
- H. ANR Project Review Sheet (6/18/06)
- I. ANR Project Review Sheet (12/23/08)
- J. Second Amended Declaration of Covenants for Wolf Lane Development (8/29/08)
- K. Richmond DRB Decision, Conditional Use and Site Plan Review Application #15-100 (11/11/15)

Procedural Information:

As per the Notice Requirements, a Notice for Public Hearing appeared in the Burlington Free Press on April 22, 2016. The Notice was also posted at three locations within the Town. The Referral Notice and Notice Poster, as well as notice to adjoining landowners were sent on April 25, 2016.

Description of project:

1. The Sipes purchased 60 Wolf Lane (Parcel# WF0060; Lot 8) and are coming before the DRB to subdivide the lot (Submittals A). Since Lot 8 covers 15.05 acres, it is not possible to complete the application administratively.

2. The original Lot 8 (Submittals B and C), covered 1.74 acres. The DRB granted approval of this subdivision (Application# 05-057) on July 21, 2006 (Submittal D), following a Judgement Order of the Vermont State Environmental Court from April 19, 2006 (Submittal E).
3. Following the DRB's approval of a Subdivision Amendment Application (Application# 08-074; Submittal F), the WHW Development Corporation expanded Lot 8 to include a portion of Lot 7 bordering Hinesburg Road to the northeast (Submittal G). The expanded Lot 8 covers 15.05 acres.
4. The subdivision proposed by the Sipes would therefore return Lot 8 to its original configuration from 2006 covering 1.74 acres.
5. The original subdivision never qualified for an Act 250 permit and so no Act 250 amendments are required (see Submittals H and I).
6. The applicant is currently consulting with the DEC Stormwater District Reviewer to verify that no amendments are needed to Stormwater Permit #5457.
7. Restrictions were placed on the development of what was originally the portion of Lot 7 that lay along the southwest side of Hinesburg Road. The original Lot 7 was then subdivided in 2008 so that this portion became part of Lot 8 and, following approval of the Sipes proposed new subdivision, would become a new lot (hereafter referred to as Lot 15) covering 13.3 acres. These restrictions include the following from Item #6 of the Second Amended Declaration of Covenants (see Submittal J):

“6. Lots 7, 8, and 14 are subject to non-motorized pedestrian easements for the benefit of Lots 7 through 14 over Lots 7, 8, and 14 as shown on the aforesaid plan for the purposes of walking, horseback riding and cross-country skiing. No structures of any kind are permitted within said easement areas, excepting fore mains, utilities and the roadway providing access to Lot 7.”

This 20-foot easement is marked on the plat maps (Submittals B and F), labeled as the ‘Field Road’. The second restriction is listed in Item # 3 of the Judgement Order of the Vermont Environmental Court (see Submittal D) and reads:

“3. The portion of Lot 7 [now Lot 8, following approval of this current application, Lot 15] located adjacent to Hinesburg Road shall be preserved without any building envelopes because it contains septic and disposal fields; except for the proposed building envelope for agricultural use only-no residential use. Any other construction on it would interfere aesthetically with the view of the rest of the home sites on the remaining lots and/or restrict the homeowner's association from properly managing the common facilities such as the septic system.”

The DRB then repeats this language in its Decision dating to July 21, 2006 (Submittal C). The building envelope referred to above can be seen on both plat maps (Submittals B and F), although no restrictions are listed for the envelope on either of these maps.

8. Development within what would be Lot 15 is therefore restricted to any area outside of the 20-foot easement encompassing the ‘Field Road’ and to construction that does not prevent the Homeowner's Association from properly managing the common facilities such as the septic system, or that does not interfere aesthetically with the view of the abutters.
9. As was discussed in the DRB Decision dated to November 11, 2015 (Submittal K), a force main runs along the south side of the field road. Therefore construction within the envelope

illustrated on the plat maps (Submittals B and F) should not interfere with the septic system. In addition, access exists to the septic system in the west corner of the lot.

10. The issue of aesthetic interference should be satisfied by a warned DRB hearing. The abutters will all be notified and can therefore appear at the hearing to voice any concerns about aesthetic interference.
11. The restriction against residential development within what would be Lot 15 was discussed extensively with Town Attorney, Mark Sperry. Sperry explained that the DRB cannot supersede an order from the Environmental Court, but that the matter could be addressed by the Richmond Selectboard. Therefore Sperry and Rinehart will draft a new Item #3 (the original Item #3 is cited above) that the Town Manager will present to the Selectboard on May 16, 2016 for permission to sign off on the change.
12. Mr. Sipe is applying for a Wastewater permit, a process that will involve a review of the adjacent systems.

Staff Discussion:

1. To grant permission to subdivide, the applicant must verify that the proposed subdivision complies with all pertinent state and local statutes, regulations, and ordinances relating to water supply, sewage disposal, and vehicular access.
2. Review any concerns by abutters about possible aesthetic interference. It will be important to weigh these concerns, if any are raised, with the building plans that the Sipes present and their ability as landowners to develop their land.
3. Verify that construction plans will not interfere with the easement encompassing the 'Field Road'.
4. Any approval must be made with the conditions that the applicant procure a wastewater permit, that any amendments to the existing stormwater permit is secured, and that the Richmond Selectboard approves the proposed changes to the Environmental Court's Judgement Order (Docket No. 268-12-05 Vtec).

Standard Conditions:

1. Within 30 days of this decision the Applicant, shall record this decision in the Richmond Land Records.
2. The project shall be developed in conformance with the above referenced survey plat, plans, and submittal documents.
3. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
4. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits.