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## Town of Richmond Development Review Board Staff Notes, 08/27/2025

RE: SUB05-057(A) The Applicants are seeking a subdivision amendment through the Stowe Club Highlands Analysis to allow for a two-lot residential subdivision of 1.74 acres (Lot 8) and 13.26 acres (Lot 15) respectively from an existing 15-acre parcel. The second lot of 13.26 acres would contain an existing studio barn that would be converted to a dwelling unit that currently has a residential prohibition; the applicants are seeking to remove this prohibition.

Location: 60 Wolf Lane.

### PARCEL HISTORY:

- A. Subdivision Application 05-057, Approved 7/21/2006
- B. Subdivision Amendment Application 08-074, Approved 9/10/2008
- C. Conditional Use Application 15-100, Approved 11/11/2015
- D. Zoning Permit 17-019, Approved 4/6/2017
- E. Zoning Permit 17-058, Approved 6/7/17
- F. Zoning Permit 17-138, Approved 12-22-17
- G. Zoning Permit 2019-030, Approved 4/24/2019
- H. Sketch Plan Review SKP2024-04, 11/22/2024
- I. Preliminary Subdivision Review 2024-04 05/14/2025 Denied

EXISTING ZONING: Agricultural Residential District-AR

### SUBMITALS:

1. DRB Cover Letter
2. Stowe Club Highlands Analysis
3. Plat Map
4. Residential Prohibition Plat Reference
5. Proposed Subdivision

### PROCEDURAL INFORMATION:

1. Application received 8/7/2025
2. Warning and agenda sent to Seven Days 8/7/2025
3. Hearing notice sent to applicant 8/7/2025
4. Abutters letter sent 8/7/2025

### STAFF NOTES (In Bold):

**The exercise here is to review, per the Stowe Club Highlands Analysis, the applicant's request to remove the residential prohibition that was upheld at the May 14, 2025 DRB**

**meeting. Procedurally, under Attorney guidance, the applicant may file a second application under the Successive Application Doctrine, opening this review as the ability to reconsider had timed out (30 days passed since the DRB's May decision).**

STOWE CLUB HIGHLANDS TEST:

FACTS:

1. When the Applicants original lot was created in 2006 with subdivision application 05-057 it was part of an 8-lot subdivision.
2. The original number of this lot is lot 7.
3. Condition 3 of the Environmental Court Judgement Order dated April 19, 2006 (see submittal #5 on materials page) on application SUB05-057 notes that a portion of lot 7 is prohibited from being developed due to the location of proposed septic systems. The only area that can be developed is inside of the approved building envelope and all buildings inside of this envelope are restricted to agricultural purposes only.
4. The DRB must consider the following factors when applying the Stowe Club Highlands Analysis:

**Please see provided A250 Rule 34(e) for complete text**

- i. Changes in facts, laws and regulations that are outside the applicant's control.
- ii. Changes in technology construction or operations which necessitate the need for an amendment.
- iii. Invitation to alternative design which provide for a more efficient or effective means of mitigation.
- iv. The importance of policy consideration including the proposed amendments furtherance of municipal plans.
- v. Manifest error on the part of the reviewing body.
- vi. The degree of reliance on prior permit conditions to protect the interests of other neighboring properties and interested parties.

**STAFF RESPONSE (in-bold):**

**Per the analysis guidance:** In granting flexibility against finality, the district commission shall consider the following, among other relevant factors:

- a) Changes in facts, laws and regulations that are outside the applicant's control. **Staff feels the facts are that the Town Plan supports this request, the surrounding area has grown to an extent that any adverse visual effects are mitigated, and the past and current zoning allows for this use.**
- b) Changes in technology construction or operations which necessitate the need for an amendment. **The applicant proposes no change to the current conditions other than allowing for residential use. Any physical changes will require permits if the changes are relegated to the current building envelope.**
- c) Invitation to alternative design which provide for a more efficient or effective means of mitigation. **See letter b above, there are no changes to existing physical conditions proposed.**
- d) The importance of policy consideration including the proposed amendments furtherance of municipal plans. **Additional housing is an important policy**

**consideration, see 2018 Town Plan.** This is an existing structure that could be easily added to the Town's housing stock.

- e) **Manifest error on the part of the reviewing body. Looking at the 2005 decision, it is not clear as to why this prohibition was required other than a subjective belief that a residential use would be detrimental to the neighborhood.**
- f) **The degree of reliance on prior permit conditions to protect the interests of other neighboring properties and interested parties. Based on the neighborhood's overwhelming support for the removal of condition #3, the subjective interests appear to have abated.**

RECOMMENDATIONS TO THE DRB:

1. **Approve the amendment to SUB05-057 by removing the agricultural only restriction on the existing building envelope due to DRB authority to amend permit conditions imposed by an Environmental Division Stipulation if the circumstances warrant.**

