Town of Richmond

 Planning & Zoning Office

203 Bridge Street, P.O. Box 285

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**Town of Richmond**

**Development Review Board**

**Staff Notes 10/8/2025**

APPLICANTS: Marc Shattuck

RE: Conditional Use Review (CUR) # 2025-04

DATE: October 8, 2025

LOCATION: 2941 Dugway Road

PARCEL ID: DG2941

EXISTING ZONING: Agricultural/Residential (AR)

* *FLOOD HAZARD OVERLAY DISTRICT (FHOD)?* Yes. Floodway and Special Flood Hazard Area.
* *SHORELINE PROTECTION OVERLAY DISTRICT?* Yes. Yet, superseded by the FHOD.

PROCEDURAL HISTORY:

1. Site Plan prepared in December 2024
2. CUR Application finalized and accepted for DRB review 9/18/2025
3. Notice and agenda sent to Seven Days 9/22/2025
4. Agenda posted in 3 locations 9/22/2025
5. Hearing notice sent to applicant 9/22/2025
6. Letter to abutters 9/22/2025
7. ANR Referral 9/30/2025

PROJECT DESCRIPTION:

Applicant seeks conditional use approval from the DRB to perform an emergency streambank stabilization project at 2941 Dugway Road. The work is located entirely within the Floodway and involves site grading, excavating, and filling. As discussed in the project narrative,

The work is construction of a rip rap stabilized stream bank approximately 4’ high, 14’ wide and 300’ long. A total of approximately 150 cubic yards of rip rap, 3’ thick will be placed at the site. No fill is anticipated and the net change to the site surface will be approximately 84 cubic yards of soil removed and disposed of off-site. An additional 150 cubic yards [will be] removed and disposed of off site, which [will be] replaced with the rip rap. Other work includes: temporary berms for diverting the stream; clearing and grading for access; temporary stockpile of materials on-site; and final restoration of the site.

Applicant notes that the project is funded by the USDA, NRCS Emergency Watershed Program. NEPA review of the project has already been completed. Permits from USACE, VT DEC Wetlands, and VT DEC Stream Alteration are required per Richmond Zoning Regulations (RZR) § 5.2.1(c)(viii) and § 5.2.1(d).

AUTHORITIES:

* § 5.5 Site Plan Review (SPR)
* § 5.6 Conditional Use Review (CUR)
* § 6.8 Flood Hazard Overlay District (FHOD)

STANDARD OF REVIEW:

For DRB approval, the CUR Application must comply with general standards, specific standards, shoreline protection standards, and development standards.

Separate site plan review is not required. Yet, the proposed conditional use must also meet site plan review standards which include considerations for traffic, landscaping, and screening. RZR § 5.5.3.

**CONDITIONAL USE REVIEW**

**General Standards § 5.6.1**

* With the anticipated movement of 234 cubic yards of soil, Applicant should explain how the proposed stabilization project will not result in an undue adverse effect upon traffic on roads and highways in the vicinity of the project. RZR § 5.6.1(c).
  + Applicant’s plan should include the installation of stabilized construction access before construction starts. The purpose of the access pad is to keep mud from tracking onto paved and gravel roads. Installation and maintenance should conform to Section 5 of the VT DEC’s Low Risk Site Handbook for Erosion Prevention and Sediment Control.[[1]](#footnote-2)
* Other than that, the proposed use does not appear to cause undue adverse effects.

**Specific Standards § 5.6.2**

* No immediately apparent concerns by staff.
  + Applicant should explain the plan for outside storage of goods, parts, supplies, vehicles, and machinery to ensure safety will not be impaired. RZR § 5.6.2(c).
    - Particularly, where are the approximately 84 cubic yards of removed soil going? Is it going to be removed to an off-site location within the Town of Richmond? If not, where?
* DRB should review these Specific Standards and may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of these Zoning Regulations and 24 V.S.A. chapter 117.

**Shoreline Protection Standards § 6.7.4**

* No immediate concerns by staff.
  + The DRB should independently determine if the project is planned and located in a manner best suited to protect the shoreline from erosion. RZR § 6.7.4(a).
  + The DRB should independently determine that the project “shall not result in erosion of the shoreline, introduction of pollutants to the river, increase in flooding, detrimental effect on shoreline and aquatic habitats, or other impacts which would effect water quality, visual quality, or other purposes of these Zoning Regulations.” RZR § 6.7.4(b).

**Development Standards § 6.8.16**

* No immediate concerns by staff.
  + No fill is anticipated. RZR § 6.8.16(r).
  + Development should not increase flood levels during a Base Flood and also not increase risk to surrounding properties from erosion or flooding.

**Site Plan Review Standards § 5.6.3**

* “In order to expedite the review process, conditional uses are not subject to separate site plan review under §5.5, however, all conditional uses shall also meet site plan review standards and conditions as set forth under §5.5.3 prior to the issuance of a Conditional Use Approval.” RZR § 5.6.3.

**SITE PLAN REVIEW STANDARDS § 5.5.3:**

**Note: Per § 5.5.3 – The DRB may impose conditions and safeguards upon the approval of a site plan with respect to features authorized by 24 V.S.A. § 2416.**

* Traffic:
  + No construction entrance is located on the Site Plan. This practice needs to be accounted for.
  + Parking was not planned for this project, to any extent on-site parking is planned, that should also be accounted for.
  + Roads within the work site are planned.
  + No plans for onsite lighting exist.
* Landscaping and Screening
* DRB to ascertain if landscaping is required.
  + Typically, plantings are based on the diameter at breast height (DBH). Applicants should clarify what the DBH of proposed planting(s) are.
    - Conditions may be imposed to require plantings that are: indigenous to the area, sight-impervious, large enough to do well, or planted at intervals in keeping with other neighborhood foliage. RZR § 5.5.3(b)(iii).
    - Conditions may be imposed that the minimum direct landscaping cost be at least equal to the total project construction cost multiplied by a certain percentage. See RZR § 5.5.3(b)(vii) (minimum direct landscaping cost schedule).
  + Applicant has plantings proposed in the existing stream bed that feeds the Huntington River. Applicant should clarify the need for these plantings.
* The DRB may require the installation of a turbidity curtain on the Huntington River while construction occurs. RZR § 5.5.3.
* The DRB may also require any necessary grading or seeding to restore the condition of any portion of a site that is disturbed during the construction. RZR § 5.5.3(b)(xii).
* Renewable Energy Resources
  + Not applicable.
* Signs
  + Not applicable.

**STAFF COMMENTS AND RECOMMENDATIONS**

* Comment: This application requires additional clarity for streambank stabilization. Federal funding has otherwise been obtained and received. Further, a Federal NEPA review has been completed.
* Recommendations:
  + All Federal, State, and Local permits shall be submitted prior to the release of any zoning permits for the project.
  + Final comment from the Vermont Agency of Natural Resources shall be received before the DRB issues a final determination.
  + Applicant shall respond to the following questions as further inquired by the Agency of Natural Resources,
    - Applicant will confirm that, as stated in the Project Narrative, a net decrease of 84 cubic yards of fill will occur on-site, with 150 cubic yards of soil removed to an offsite location and replaced with 150 cubic yards of rip-rap.
    - The project details the construction of temporary berms for stream diversion, the temporary stockpiling of materials, and general clearing and grading activity. Applicant will provide additional details about the placement of the stockpiles and berms.
    - Applicant will provide an anticipated timeline for the temporary work.
  + The DRB may wish to consider the following as conditions of approval:

1. Applicant to denote the location and plan for a Stabilized Construction Entrance for the project.
2. Applicant to provide the diameter at breast height (DHB) for all planting proposed. Minimum DBH should be clarified. Staff recommend a minimum of 3 inches for all species planted. If the willows are to be whips or cuttings, that should also be denoted.
3. Applicant to install a turbidity curtain on the Huntington River before construction and remove it upon completion.
4. Applicant to seed any disturbed portion of the site and restore it back to the condition it was in prior to construction.
5. Applicant to submit an Excess Weight Permit to the Richmond Highway Department for any loads over 24,000 lbs. The DRB should ascertain what the average weight of loads are to be expected.

1. Vermont Department of Environmental Conservation, Low Risk Site Handbook for Erosion Prevention and Sediment Control (February 2020), <https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/StormwaterConstructionDischargePermits/LowRiskSiteHandbookForErosionPreventionAndSedimentControl_Large-Booklet_February_2020.pdf>. [↑](#footnote-ref-2)