



Planning & Zoning Office
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APPLICATION: PRESUB2022-03, CU2022-07

APPLICANT: Rabideau Architects Inc.

REQUESTED ACTION: Preliminary Subdivision Application, Conditional Use Review

LOCATION: 22 Depot Street

EXISTING ZONING: Village Downtown

PROJECT DESCRIPTION:

On behalf of Jameson Partners, LLC, we propose a mixed-use addition to the existing historic structure at 22 Depot Street (Now or Formerly Giffords Mortuary.) Site re-development would entail removal of several single-story wood frames garages and storage buildings, consolidation and reconstruction of onsite parking, and construction of a three-story addition with commercial lease space on the ground floor, and four apartments above. The project Site is in the Village Downtown District. Mixed use projects in this district are treated as conditional uses. Such conditional mixed uses are reviewed as planned unit developments, and are further reviewed as sub-divisions.

PARCEL HISTORY: No major development in the last 10 years

LIST OF SUBMISSIONS:

- A. Preliminary Subdivision Application, Submitted on July 13th
- B. Conditional Use Application, Submitted on July 13th
- C. Narrative, Submitted on July 13th
- D. Exterior Elevation Diagram, Submitted on July 13th
- E. Site Plan, Submitted on July 13th
- F. Floor Plans, Submitted on July 13th
- G. Context Map, Submitted on July 13th
- H. Utility Map, Submitted on July 13th

PROCEDURAL INFORMATION:

1. Application submitted on July 13, 2022
2. Notice placed on Town website and at three locations in town on July 22, 2022
3. Agenda placed in Seven Days July 22, 2022
4. Abutters notified on July 25, 2022
5. Notice sent to Applicant July 25, 2022

STAFF COMMENTS (In Bold):

1. Property is located within the Village Down town zoning district

2. Project is a proposed mixed-use addition to the existing historic structure at 22 Depot Street (Now or Formerly Giffords Mortuary.) Site re-development would entail removal of several single-story wood frames garages and storage buildings, consolidation and reconstruction of onsite parking, and construction of a three-story addition with commercial lease space on the ground floor, and four apartments above.
3. Lot Area: 11,898.26
4. Building Coverage:4500
5. Parking lot:4552
6. Total Coverage 79%
7. Allowable lot coverage 80%
8. Application is subject to conditional use and Preliminary Subdivision Review
9. Application is subject to the following Sections of the Zoning regulations: 3.10, 4, 5.4, 5.5, 5.6, 5.12, 6.1, 6.2 and the Richmond Subdivision regulations
10. Section 3.10 notes that the purpose of the Village Downtown Mixed-Use District is to provide a district that encompasses the existing village core area and supports employment, light industry, commercial enterprises, community gathering spaces, dense and affordable housing, and other compatible uses that bring value to the community and maintain Richmond's unique sense of place. It will also support the traditional village mixed use patterns with street/ground level commercial uses and upper floor residential uses. There are 3 primary goals for this district: **Proposed mixed use would conform to the stated purpose of this district**
 1. Help improve the economic vitality of Richmond by attracting desirable new businesses to the site, creating jobs, and increasing municipal water and wastewater utility use. **Applicants note that the additional office space and apartments would provide opportunities for new business and will result in more utility use**
 2. Attract residents and visitors to our village center for community and commercial activities. **Applicants note that their development will result in 4 new units of housing and rehabilitation of two older units**
 3. Increase the housing density, affordability, and diversity in order to support a vibrant and diverse population of Richmond residents. Any development in this district shall enhance the overall village area and shall be compatible with the surrounding mix of residential, non-residential, and municipal uses. Any development proposal shall fit into the vision for Richmond as described in the Richmond Town Plan. **Proposed development would result in higher residential density standards.**
11. Section 3.10.2 notes that planned unit developments are an allowed use with conditional use review.
12. Section 3.10.2 goes over the density requirements for VD district
 1. Each residential dwelling unit shall require 1/24 acre of developable land located on the same lot as the unit subject to the rounding rule below. This equals a residential density of approximately 24 units per acre. Developable land excludes those lands that are outlined in section 2.5.2. The maximum number of units that may be permitted shall be calculated by multiplying the residential density by the total developable acreage of the lot. When this calculation results in a number of units with a fractional component, the fraction will be rounded according to conventional rounding rules as follows, where X is a whole number: X.0 – X.49 units shall be rounded DOWN to X units. X.50 – X.99 units shall be rounded UP to X+1 units.

- i. Examples: 24 units/acre x 0.22 developable acres = 5.28 units rounds DOWN to 5 units. 24 units/acre x 0.16 developable acres = 3.84 units rounds UP to 4 units. **Per this calculation applicants are allowed 6 residential units. With the addition of 4 new units proposed development would not exceed 6 residential units**
 - ii. If the number of permissible units is less than one (1) it shall be rounded UP to 1 unit. Example: 24 units/acre x 0.02 developable acres = 0.48 units rounds UP to 1 unit.
 2. Residential dwelling units shall be restricted to the second story/floor and above of any building and shall not be allowed on the street/ground level. These units may be approved as part of a mixed-use Planned Unit Development **Site plan and narrative indicate that residential units shall be located on the second floor of the building. Mixed use office space will be located on the ground floor.**
13. Section 3.10.4 Dimensional Requirement for Lots in the VD District notes that No Zoning Permit may be issued for Land Development in the VD District unless the lot proposed for such Land Development meets the following dimensional requirements:
 1. a) Lot Area- No lot shall be less than one-eighth(1/8) or 0.125 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. **The lot is .27 acres and meets the minimum area requirements.**
 2. Lot Dimension - 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. **Lot meets dimensional requirements**
 3. c) Lot Frontage- A lot must have 50 feet of continuous frontage on a public or private road, or have access to a public or private road by a permanent easement or right-of-way approved by the DRB as regulated by Sections 4.2 and 4.3. **Lot has frontage on a public road**
 4. d) Lot Coverage- The total ground area covered by all structures, parking areas, walkways, driveways and areas covered by impervious materials shall not exceed eighty percent (80%) of the total ground area of the lot. **Lot coverage is 79% of lot area. Lot meets coverage requirements**
14. 3.10.5 Dimensional Limitations for Structures on Lots in the VD District
 1. a) Height- shall be as in Section 4.12 of these regulations. **Building height will not exceed 35 feet**
 2. b) Setback- All structures shall have zero (0) feet setbacks, except for a five (5) feet setback for all structures on district boundaries. All development is required to install and maintain a sidewalk to the public works standards on any and all public road frontage. Placement of the sidewalk and curb cuts or accesses to the property are subject to approval of the Highway Foreman. **Applicants will be seeking a partial waiver of the setback requirements as part of the project boards a separate zoning district. No approval of highway Forman indicated**
15. 3.10.6 Other Requirements Applicable to Lots in the VD District- No Zoning Permit may be issued for Land Development in the VD District unless the Land Development meets the following requirements:
 1. a) Parking Requirements
 - i) In this district, the residential parking requirement shall be based on the number of bedrooms per dwelling unit. The spaces required shall only serve to calculate overall supply, and shall not be assigned to specific dwellings.

Application notes that there are six two-bedroom apartments requiring 12 parking spaces. Parking noted on site plan. Applicants are seeking a waiver for the parking requirements for the mixed-use space as the business hours will be staggered and there are additional parking space located nearby

- ii. All other parking supply requirements shall follow the requirements as set forth in section **Applicants indicate that likely tenants will be retail or professional clients which require between 2.5 and 3.5 parking spaces per 1000 square feet notes that the 1800 square feet would require 4.5 to 6.3 spaces. Requesting a parking wavier a standards laid out in section 6.1**
 - iii. Exempted Lots - BR0052, BR0048, BR0038, BR0030, BR0026, BR0039, EM0010 are exempt from standard parking requirements. However, they are required to provide a descriptive plan for where they intend to have tenants and patrons park, whether that be providing a copy of a private parking agreement between landowners or use of public parking. Use of public parking requires Selectboard and road foreman approval in the form of a public parking permit.
2. b) Loading - Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1 **No loading indicated**
 3. c) Signs - Signs shall be regulated as provided in Section 5.7. **No sign indicated**
 4. d) Traffic Impact - The purpose of this requirement is to foster the general welfare of the public through the minimization of traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents.
 - i. 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. **Applicants noted that traffic impacts would be modest. Applicants noted that the 6 apartments will generate 4 vehicle trip ends of traffic. ITE rate for the commercial space could range from 1.1 to 1.23 per 1000 square feet. This would be between 3-4 VTE in the afternoon rush-hour. Project is of too small a scale for full traffic report**
 - 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: a. 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; b. Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like; c. 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 **Applicant suggest traffic impacts will be minimal and are not requesting a change to site plan to allow for additional vehicle traffic**

- iii. Access - Access shall be regulated as provided in Sections 4.1 through 4.4
 - iv. Compatibility- 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. The goal of this requirement is to ensure public ability to review the visual rendering, and the opportunity to 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 facade, 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. The following shall be considered when reviewing the application:
 1. ● 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, is 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. **Applicants submitted two mock ups of the proposed exterior of the building. One with a contemporary façade. The other was a traditional faked. Colors of materials noted on diagrams**
 - v. Residential Use - Residential dwelling units shall be restricted to the second story/floor or higher of any building, and shall only be approved and permitted via Planned Unit Development. **Applicants noted that residential units will be restricted to second floor. First floor will contain preexisting funeral home and new mixed use office space.**
 - vi. Additional Possible Conditions - The following site standards also may be required as a condition of Development Review Board approval
 1. ● Greater setback or screening requirements along the perimeter of the property **Plans submitted does show screening of parking are that appears to be sufficient to screen lot from view**
 2. ● Adequate pedestrian circulation
 3. ● Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, driveways, parking, sidewalks, landscaping, and other conditions or standards impose
16. Section 4.1 Compliance with Public Works Specifications 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. **Project does not appear to conflict with public works standards**

17. 4.2 Required Frontage on, or Access to, Roads or Public Waters In accordance with the Act [§4412(3)], Land Development may be permitted on lots which do not have frontage either on a public road or public waters in conformance with Section 4.3, provided that access through a permanent easement or right-of-way has been approved by the DRB.
Lot has frontage and a preexisting access to public roads
18. 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.
Property has one curb cut. Applicants have not indicated that they are seeking a second curb cut for the same property
19. Section 4.5 Multiple Use of Lots notes that 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 as specified in Section 5.12. **Project proposes multiple uses and will be part of a PUD and subject to Section 5.12**
20. Section 4.10.1 notes that the town of Richmond exterior lighting policy is designed to reduce the use of inappropriate and poorly designed or installed exterior lighting which causes unsafe and unpleasant viewing conditions. On the other hand, it is also recognized that some exterior lighting is appropriate and necessary. All Richmond property owners or Applicants are encouraged to utilize the following general guidelines when designing and installing or replacing existing exterior lighting fixtures: • use the minimum light level needed for the task • avoid competitive lighting, in which one source of lighting is increased in illumination to “outshine” a neighboring source • light areas evenly and uniformly for better visibility • consider the color of the light and limit the use of lighting that provides unnatural color. • Lighting should not shine onto adjacent properties or above the horizontal plane, at the elevation of the light fixture. **Site plan notes the location of 5 poll mounted site lights. Applicants indicate that lighting will be dark skies compliant. Technical specifications note that the lights will be low glare Lights are designed to provide uniform coverage and minimize impacts on neighboring properties**
21. 4.10.2 General Requirements - It shall be a requirement for any municipal approval in all zoning districts, to mitigate Undue Adverse Effects and conserve energy, that the following requirements are met:
- i. a) Site Plan. Submit a Site Plan proposal that includes all proposed exterior light fixtures: **Location of lighting noted on site plan**
 1. 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, and; **Detail sheet for lights provides necessary technical information for**
 2. ii. Analyses and iso-illuminance diagrams showing that the proposed installation conforms to the lighting standards in this Section **Proposed lighting would exceeded minimum standard of .2 foot candles**

- ii. b) Illumination. Whenever building elevations are submitted, show exterior fixtures and the portions of the walls to be illuminated. **Walls will not be illuminated**
- iii. c) Sensors. Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting. **Lighting has dimmers built in**
- iv. d) Underground. Electrical service to exterior lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles. **Not noted**
- 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. **Height shall be 20 ft**

22. Section 4.10.3 Parking Lot & Security Lighting

- 1. a) Parking Lots - 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. **No lighting plan submitted yet. Site plans show the location of 5 poll mounted lights.**
 - i. i. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by (IESNA).
 - ii. ii. Alternatives: If a proposal contains a particular “period” or architectural style, an alternative (other than required by this section) primary or supplemental lighting design or fixture may be approved if the following apply:
 - 1. 1. One, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150 watt incandescent bulb), when such fixtures are not “cut-off” fixtures as defined by the IESNA, and;
 - 2. 2. Two, the mounting heights of such fixtures shall not exceed fifteen (15) ft. Richmond Zoning Regulations 35 Effective May 23, 2022 b) 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.
 - a. 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.
 - 3. c) Security and Parking Area lighting standards in the various districts are as shown in the following table:

23. Section 4.11 deals with the Height of Buildings and Structures

- 1. 4.11.1 notes that the height of a building shall not exceed 35 feet. In buildings with steeply pitched roofs in which there is no occupancy above 35 feet, the building height may not exceed 45 feet. **Building will be 33ft tall.**
- 2. 4.11.2 notes that structures on the roof of a building such as spires, chimneys, cupolas, rooftop solar collectors, domes and belfries may extend up to 45 feet from the average finished grade. Rooftop antennae may extend to 47 feet. [24 V.S.A. §4412 (6 and 8A)] **No Proposed spire, chimney, or cupola proposed**

3. 4.11.3 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 window not noted
 4. 4.11.4 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. **Building will have a section of roof that is below 32 feet.**
 5. 4.11.5 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. **No letter noted**
24. 4.12 Performance Standards All uses in all districts, including nonconforming uses, shall meet the following performance standards at all times:
1. a) No vibration resulting from the activities or use of a lot shall be measurable at the lot lines. **None Indicated**
 2. b) No odors resulting from the activities or use of a lot shall be discernible at the lot lines.
 3. c) Smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart. **Non industrial use so no smoke should be generated**
 4. 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. **Mixed use commercial and funeral home should not generate dust**
 5. e) No noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines. **No gasses indicated**
 6. 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 **Embalming process will no longer occur on site for the funeral home use**
 7. g) No use shall cause, create, or result in an undue adverse impact on municipal facilities and services. **Applicant indicate that additional units and mixed use space will not strain the existing water and sewer service. New tenants will also provide additional tax revenues to the town**
 8. h) No heat shall be discernible at the lot lines. **No heat should be discernable at the lot line**
25. Development is subject to subdivision review per section 5.4 of the zoning regulations as it is a PUD **Applicants need to request a waiver from being required to submit a subdivision plat for approval**

26. Section 5.5.2 deal with application requirements for Site Plan Review. Applications require the following

1. a) Name and address of owner(s) of the parcel. **Property owner is listed. Owners are Jameson Partners LLC**
2. b) Names and addresses of all abutters, including those across contiguous Road(s) or Highway(s). **Abutters list provided**
3. c) Unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. In all events, the site plan shall be drawn to scale, and submitted with written supporting data, showing the following: **Site plan provided**
 - i. Existing features: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, Roads or Highways, surveyed boundaries, dimensions, total lot size; **Structures are noted utility easements, rights of way not noted. Roads and highways noted. Abutting properties noted**
 - ii. Proposed Land Development: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas. **Land development noted. Sidewalk noted. Landscaping is present. Building plans show mixed use space and existing funeral home. Lighting is shown. Waste storage not noted for mixed use space/ apartments.**
4. d) Information as to the time period or phasing for completion of the project. **Applicants note that once permits are issued construction should take 8 months**
5. e) The DRB may also require the following submittals:
 - i. Security as provided in Section 8.2.5.
 - ii. Formal traffic study if a substantial alteration in public traffic flow is anticipated or a largescale parking area is planned. This may include analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control. **Applicants note that the scale of the project is not large enough to warrant a formal traffic study.**

27. 5.5.3 Conditions of Approval for Site Plan Review - The DRB may impose 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:

1. a) Traffic - 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. **None indicated**
 - 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. **Only one curb cut**
 - iii. Pedestrians - Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas. **Sidewalk noted on diagram**

- iv. 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. **No roads driveway indicated**
 - v. v. Parking - Parking must be located to the rear of buildings, or at the side well-screened from view. **Parking is located to the rear of the building and is screened by landscaping shown on the site plan**
 - vi. vi. Trails - Trails for non-motorized transportation. **NA**
 - vii. vii. Lighting - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences. **Poll mounted site light indicated on site plan**
2. b) Landscaping and Screening - Conditions and safeguards with respect to landscaping and screening, including, but not limited to:
- i. i. Provision for landscaping that will preserve the character of the existing neighborhood. This may include curbside shade trees. **Landscaping indicated**
 - ii. 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. **Neighboring residences not noted on site plan. However landscaping does surround the parking lot**
 - iii. iii. Requirements that vegetation be indigenous to the area, site-impervious, large enough to do well, and planted intervals in keeping with other neighborhood foliage. **Types and amount of plants not noted, Landscaping plan not provided**
 - iv. iv. Retention of currently existing site vegetation. **No significant vegetation exists on the site**
 - v. v. Interim fencing being required while vegetation is growing to appropriate size. **No interim fencing not noted**
 - vi. vi. Provision for the care and maintenance of plantings, including removal of dead or diseased trees or shrubs. **No Plan indicated at this time**
 - vii. 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. **No minimum landscaping cost noted.**
 - viii. viii. Front Yards. In the case of non-residential uses, the required front yard shall be suitably landscaped and maintained in good appearance. **Property does not have a front yard**
 - ix. 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. **NA**
 - x. 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. xi. Exterior Lighting. Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations.
 - xii. 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. **Applicants note that lighting will be dark skies compliant and will**
3. c) Renewable Energy Resources - Conditions and safeguards for the protection and the utilization of renewable energy resources. **No plans for natural resources noted**
 4. d) Signs – Size, location, and design. **No sign indicated**
28. 5.5.2 Application Requirements for Site Plan Review –
1. a) Name and address of owner(s) of the parcel. **Name and address noted on site plan**
 2. b) Names and addresses of all abutters, including those across contiguous Road(s) or Highway(s). **Abutters list provided**
 3. c) Unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. In all events, the site plan shall be drawn to scale, and submitted with written supporting data, showing the following: **Site plan provided**
 - i. i. Existing features: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, Roads or Highways, surveyed boundaries, dimensions, total lot size; **Utilities not noted on site plan**
 - ii. ii. Proposed Land Development: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas. **Curb cuts noted, Driveway noted, Parking noted, Grading not noted, landscaping and planting noted, setbacks not noted, waste storage and sewer not noted in the site plan**
 4. d) Information as to the time period or phasing for completion of the project. **Project is proposed as a single phase project with an estimated construction time line of 6-8 months**
 5. e) The DRB may also require the following submittals:
 - i. i. Security as provided in Section 8.2.5.
 - ii. ii. Formal traffic study if a substantial alteration in public traffic flow is anticipated or a largescale parking area is planned. This may include analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control. **Proposed parking lot would contain 12 spaces**
29. Section 5.6 Conditional Use Review A use requiring conditional use approval by the DRB shall comply with the following general standards and specific standards, and all other applicable standards and requirements of these Zoning Regulations.

1. 5.6.1 General Standards - A proposed use shall not result in an undue adverse effect upon:
 - i. a) The capacity of existing or planned community facilities; **None notes**
 - ii. b) The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan; **Village downtown allows for mixed use development. This project would fall into this category.**
 - iii. c) Traffic on roads and highways in the vicinity;
 - iv. d) Bylaws and ordinances then in effect; and,
 - v. e) The utilization of renewable energy sources.
2. 5.6.2 Specific Standards - Conditional uses shall comply with the following specific standards:
 - i. a) Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated **NA**
 - ii. b) There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business. **NA**
 - iii. c) Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety.
 - iv. d) A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
 - v. e) The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met. **Project is expected to take 6-8 months to complete once through the permitting process**
 - vi. f) In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures. **Project would be in conformance with similar use in the surrounding district. Scale appears to fit the location**
 - vii. g) No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel. **The mortuary process is being moved of site. Associated chemicals will not be stored onsite**
 - viii. h) The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities. i) Existing water supplies and the quality of ground and surface water resources shall not be adversely affected. **Applicants noted that project should not have an impact on state or community owned and operate facilities**
 - ix. j) The proposed Land Development shall not have an undue adverse effect on an Historic Site or rare or irreplaceable natural areas. Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project. **Applicants noted that building is historic and proposes two designs one more contemporary and another with a more historic facade. Project is not located near natural areas**
 - x. K) Any other standards, such as natural landscape and “character of the neighborhood” standards, as indicated for specific districts shall also be

applied. The DRB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Zoning Regulations and 24 V.S.A. Chapter 117.

30. 5.12 Planned Unit Development (PUD) and Residential PUD Purpose – In accordance with the Act (§4417), Planned Unit Developments (PUDs) are authorized within designated zoning districts in order to encourage flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities and to preserve the natural and scenic qualities of the open lands of the Town of Richmond. For purposes of these Zoning Regulations, Residential PUDs shall be considered a type of Planned Unit Development. The modification of the dimensional requirements governing lot area, lot dimension, lot frontage and lot coverage and the dimensional limitations for structures governing front, side and rear yard setback requirements of these Zoning Regulations may be permitted subject to the conditions set forth in this section, simultaneously with the approval of a subdivision plat under the Richmond Subdivision Regulations.

Proposed project meets the criteria for a PUD.

1. 5.12.2 General Conditions - All PUD and Residential PUD applications shall meet the following conditions:
 - i. a) A PUD may be permitted in the JC and VD Districts. A PUD or Residential PUD may be permitted in the R/C, G, V/C, or I/C Districts. A Residential PUD may be permitted in the A/R and HDR Districts. The PUD provision may be used for any sized parcel, but is required for developments of nine or more lots, or ones in which multiple ownership of buildings, or multiple principal structures on a single lot are proposed. For the purpose of determining the number of lots, all lots shall be counted if they have been approved for subdivision by the DRB or Administrative Officer within a continuous period of sixty months preceding the date of filing the PUD subdivision application. **Proposed PUD is an allowed use the VD district**
 - ii. b) A Residential PUD shall include only residential units. The dwelling units may be, at the discretion of the DRB, of varied types including single, two-family and multi-family dwellings. Home occupations, child care homes and group homes shall also be permitted. **Project is a mixed use space and is not a residential PUD**
 - iii. c) A PUD may include any permitted or conditional uses in the District in which it is located. Multiple principal structures and/or uses on a lot, or multiple ownership of a single structure may be permitted. **Proposed development is a mix of residential commercial and mortuary uses**
 - iv. d) The DRB may impose conditions to assure that a Residential PUD does not place an unreasonable burden on the ability of the Town of Richmond to provide municipal or governmental services. **Applicants note that the project should not impact the towns ability to provide service. Noted that the additional rental units should offset cost of delivering services the tax revues generated by the improvements.**
 - v. f) 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. **Site plan notes residential units will be located on the second floor of the building. Applicants noted that per the formula 24 units per acre and with acreage of .27 they are allowed 6 residential units. 4 new units combined with existing 2 units combines for 6 units**

- vi. g) The PUD or Residential PUD is consistent with the Town Plan. **PUD is an allowed use in this district**
 - vii. i) The PUD or Residential PUD shall meet local and state regulations for sewage disposal and the protection of water quality.
2. 5.12.4 Application Procedures –
- i. c) The Applicant shall submit one set of site plan maps and supporting data to the Administrative Officer for referral to the DRB, which, in addition to the application requirements for conditional use or subdivision review, shall include the following information:
 1. i. Name and address of the owners of record of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address, and interest of the Applicant in the subject property. **Necessary information noted on site plans**
 2. ii. Survey of the property showing all existing, proposed or potential lot boundaries, and all existing or proposed easements, rights of way and deed restrictions. **NA**
 3. iii. Site resource map, at the same scale as the site plan, showing contours, indicating soils suitable for on-site sewage disposal, wetlands, Areas of Special Flood Hazard, bodies of water, slopes of 20% grade or greater, ridge lines, agricultural and forest land, critical wildlife habitat, and identified natural or historic features. **Development locating in a downtown area**
 4. iv. Site plan showing the locations of proposed structures and their use; Road(s) or Highway(s), driveways, traffic circulation, parking, and pedestrian ways; landscaping, including site grading, landscape design, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land that may be set aside for common lands and/or public use. **Site plan notes the above**
 5. v. A statement setting forth the nature of all proposed modifications, changes, or supplements of these Zoning Regulations and the proposed standards and criteria which the Applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open

spaces. **Applicants narrative provides an overview of the goals of the project**

6. vi. Construction sequence and time schedule for completion of each phase of buildings, Roads or Highways and parking, landscaping and amenities. **Applicants note that construction will be completed in one phase**
7. vii. Proposed restrictive covenants for those developments that shall provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities owned or maintained in common. **Applicants note that only one a single building will be connected to utilities. The proposal does not include new road construction. Property will be owned by a single entity no covenants proposed. Regulations for displays will be worked into lease agreements**
8. viii. A Master Development Plan for any portion of the parcel or lot not proposed for Land Development in the PUD or Residential PUD as of the application date. The Master Development Plan shall conceptually show future roads, future building areas, future open areas, and future uses on such remaining land **Applicants note that nothing will be kept for further development**

31. 6. SPECIAL ZONING REGULATIONS

1. 6.1.6 Other Parking Standards and Applicability –

- i. a) Location - 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. **Parking lot is located to the rear of the building and contains 12 spaces**
- ii. b) Surfacing - 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: **Parking will paved**
 1. 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.
- iii. c) Drainage - 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. **Storm**

water plan note noted. Buffer strips of hedges proposed around parking area

- iv. d) Parking for Persons With Disabilities - 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. **Handicap space not noted on diagram**
- v. e) Off-Site Parking - State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 5.5. Richmond Zoning Regulations 60 Effective May 23, 2022
- vi. f) Setbacks - 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. **No setback requirements for parking VD has no setbacks unless its 5 feet from the boundary of another zoning district**
- vii. g) Screening - 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 to the rear of the building and is screened from the front by the building**
- viii. h) Landscaping - All parking lots shall be landscaped as approved by the DRB. **Landscaping is noted on site plan and application materials**
- ix. i) Pedestrian access - 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. **Pedestrian paths not marked. However lot design would provide enough protection for pedestrian traffic**
- x. j) Bicycle access - 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. **Lot only has 12 spaces Bike rack not required**
- xi. k) Striping - Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB. **Striping shown on site plan**
- xii. l) Traffic Control Signs - 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. **Signs not shown**

- xiii. m) Lighting - 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. **Light will have 5 poll mounted lights**
- xiv. n) Joint Parking Facilities - 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. **Applicants note the availability of joint parking**
- xv. o) Fire Lanes - 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 not noted**
- xvi. p) Waivers - 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:
 - 1. i. The proposed uses have staggered business hours with minimal overlap in business hours.
 - 2. 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.
 - 3. iii. The Applicant demonstrates that the demand for parking is reduced because the type of business proposed substantially relies on pedestrian traffic.
 - 4. 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.
 - 5. v. The use of mass transit, or other alternate transportation reduces parking demand.
 - 6. vi. Joint parking facilities with abutting businesses are sufficient to meet parking demand. Richmond Zoning Regulations 61 Effective May 23, 2022
 - 7. 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 are requesting a waiver from some of the parking requirements. Applicants note that the commercial space should have between 5 to 6 spaces. However, the applicants note that with the staggered business hours and sufficient offsite parking and joint parking**

they should be exempt from having to provide the additional parking spaces

2. 6.2 Driveway Requirements 6.2.1 Standards - The following standards for driveways and their intersections with public Roads or Highways shall apply:
- i. 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. **One driveway noted**
 - ii. 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. **Driveway width not noted**
 - iii. c) The DRB may require installation of acceleration and/or deceleration lanes on the adjacent public Road or Highway if it deems necessary.
 - iv. 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.
 - v. 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.
 - vi. 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. 6.2.2 Access to Abutting Properties - The DRB may require reservation of land on any lot for provision of access to abutting properties whenever such access is deemed necessary to reduce curb cuts onto an arterial or collector Roads or Highways, to provide additional access for emergency or other purposes, or to improve general access and circulation in the area. 6.3 Pedestrian and Bike Ways During conditional use review or site plan review, the Applicant may be required to accommodate planned expansions of existing municipal pedestrian paths and bike ways by negotiating an easement for such expansion. **Driveway grade does not exceed 12%**

Draft Motion:

The application be approved with the following conditions

- 1. That the requirement to file a subdivision plat be waived for this project**
- 2. That the parking waivers requested by the applicants be granted**
- 3. Before filing for a zoning permit applicants provide documentation showing that landscaping will use all native species**