



Planning & Zoning Office Town of Richmond P.O. Box 285 Richmond, VT 05477 (802) 434-2430 phone koborne@richmondvt.gov www.richmondvt.gov

DATE:

August 31, 2021

TO:

Cheryl and Brian Dowd

From:

Keith Oborne, Zoning Administrator

RE:

Application Sub 2021-05

Please find enclosed a copy of the Richmond Development Review Board's Decision for the above referenced application.

If you do no not agree with this Decision, an appeal must be filed within 30 days of the date of this Decision to the Vermont Superior Court – Environmental Division, as per 24 V.S.A. section 4471.

This decision shall be recorded in the Town of Richmond Land Records, as per 24 V.S.A. section 4464 (b)(3).

In order to receive any future permits associated with this approval, please submit a final Subdivision Plat within 180 days of this approval.

Application # SUB 2021-05 Parcel ID HI2540 Page 1 of 3



Development Review Board Final Subdivision Decision Dowd Subdivision July 28, 2021

IN RE: Dowd Subdivision-Application Final Subdivision 2021-05. Final Subdivision Review for a 2-lot subdivision (creation of 1 new lot) at 2540 Hinesburg Road, Parcel ID HI2540, in the Agricultural/Residential (A/R1A) Zoning District.

SUBMITTALS:

- Pre and Final Subdivision Applications
- Narrative
- Subdivision Plat
- Draft Warranty Deed and Conveyance-Updated
- KAS Site Plan Final 1
- KAS Site Plan Final 2
- List of abutters
- Wastewater 1
- Wastewater 2
- Vermont Wetlands General Permit 3-9025
- Wastewater System and Potable Water Supply Permit WW-4-5571
- Master Development Plan Map and Description

FINDINGS OF FACT:

Based upon the application, testimony, submission materials and other evidence the DRB makes the following findings:

- 1. Applicant proposes subdivision of a 207 acre parcel into 2 new lots of 1.1 and 205.9 acres respectively.
- 2. Lot located at 2540 Hinesburg Road, Town of Richmond Vermont
- 3. Preliminary Approval Conditions from June 9, 2021 below.
- 4. Preliminary Decision sent to applicant by certified mail on June 28, 2021
- 5. Noticing accomplished on May 20, 2021 with announcement posted in three (3) locations in the Town of Richmond as well as placed on the Town's website.
- 6. Abutters Noticed on May 26, 2021. See list in project file.
- 7. Agenda for final review placed in the August 4, 2021 addition of Seven Days Legal page.
- 8. Agenda posted on the Richmond Front Porch Forum August 2.
- 9. Lot coverage, setback requirements and building height will be reviewed when the applicant applies for zoning permits on the proposed lot.

DECISION:

The Richmond Development Review Board approves Application SUB 2021-05, Dowd Subdivision as conditioned under Findings of Fact above.

In accordance with the ACT (§4464), all decisions of the DRB shall be issued within 45 days after the date of the hearing adjournment. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day, provided, however, that for a "deemed approval" to be effective, the SUBDIVIDER must seek court affirmation of the applicability of this remedy by direct appeal of the DRB's decision or lack Richmond Subdivision Regulations Effective Date: April 27, 2009 thereof to the Environmental Court.

Any other applicable zoning regulations not expressly waived in this decision must be complied with.

This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits, including wastewater permits.

The application as approved shall be in conformance with the decision, referenced items, the findings of facts, and conditions. The applicants and interested parties are hereby notified that if they disagree with this decision, they have the right, under 24 V.S.A. 4471, to appeal to the Vermont Superior Court – Environmental Division.

The appeal must be filed within thirty days of the date of this decision, and be in accordance with the governing rules of procedure and rules of the Vermont Superior Court - Environmental Division. Title 24 Vermont Statutes Annotated, Section 4471 provides that "An interested person who has participated in a municipal regulatory proceeding authorized under this title may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

DRB VOTING ON THIS MATTER (circle one for each member):

David Sunshine, Chair in FAVOR AGAINST ABSTAINING RECUSED ABSENT

Mathew Dyer, Vice-Chair in FAVOR AGAINST ABSTAINING RECUSED ABSENT

Padraic Monks, Member in FAVOR AGAINST ABSTAINING RECUSED ABSENT

Roger Pedersen, Member in FAVOR AGAINST ABSTAINING RECUSED ABSENT

David Schnackenberg, Member in FAVOR AGAINST ABSTAINING RECUSED ABSENT

ABSENT

David Sunshine

Richmond Development Review Board Chair





Planning & Zoning Office Town of Richmond P.O. Box 285 Richmond, VT 05477 (802) 434-2430 koborne@richmondvt.gov www.richmondvt.gov

APPLICATION:

Dowd Subdivision 2021-05 Final Stage

APPLICANT:

Cheryl and Brian Dowd

REQUESTED ACTION:

Final Subdivision Review

LOCATION:

2540 Hinesburg Road

EXISTING ZONING:

Agricultural / Residential District-AR-1A Special Flood Hazard Overlay-SFHO

Act 250 STATUS:

Not Applicable

PARCEL HISTORY:

Subdivision 1980 (Lands of O'Brien and Frantz)

Current Single family dwelling on Parent Lot

Current Use - Silviculture and Sugaring

PROJECT DESCRIPTION: Applicant proposes subdivision of a 207 acre parcel into 2 new lots of 1.1 and 205.9 acres respectively.

LIST OF SUBMISSIONS:

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STAFF COMMENTS AND STATEMENTS OF FACTS

Wastewater

Soil testing and engineering for a wastewater mound systems have been submitted. The system is to potentially service both lots with a common sewage easement. The plan has a wastewater easement for Lot 2 on Lot 1 to utilize appropriate soils for the proposed mound systems and to meet required setbacks. Lot 2 will have a force main associated with affluent delivery to the designed wastewater system (see narrative and WW-1 and WW-2 for additional information).

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PRELIMINARY APPROVAL CONDITIONS FROM JUNE 9, 2021

SUB 2021-05

Dowd Subdivision

7:07-7:25

Preliminary Subdivision Review for a 2-lot subdivision (creation of 1 new lot) at 2540 Hinesburg Road, Parcel ID HI2540, in the Agricultural/Residential (A/RIA) Zoning District. Sketch Plan Review August

Motion to approve preliminary subdivision

Introduced by Matt Dyer, seconded by Padraic Monks

Approved: 5-0 with the following conditions:

- 1. The following Deed issues require clarity:
 - Proportional Shares concerning road maintenance for Lots 1 and 2 COMPLETE
 - Proportional Shares concerning wastewater expansion for Lots 1 and 2 COMPLETE
- 2. Separate plan page with statement of intended use for remaining lands included with Final Subdivision submittal. COMPLETE
- 3. Placement of Large Animal Habitat on plat COMPLETE
- 4. Submittal of ANR Wetlands Permit #2018-302 SUBMITTED
- 5. Submittal of Wastewater permit #WW-4-5571 SUBMITTED
- 6. Request for combined (Prelim. and Final) subdivision review denied

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FINAL SUBDIVISION APPLICATION





Please review the Richmond Zoning & Subdivision Regulations and provide all the information requested in this application. For information contact the Zoning Administrative Officer at 802-434-2430. Other federal, state and local permits or approvals may additionally be required, it is the duty of the applicant to obtain all relevant and applicable approvals. To inquire about State permits contact the State Permit Specialist at 802-477-2241.

Application Date: 5/3/21 Physical Address of Prop	perty: 2540 Hinesburg Road
Total acreage of Subdivision: 207 Subdivi	sion Name: Dowd 2-Lot Subdivision
Number of lots: New 1 Existing 1	Total lots 2
Advisor Name (if applicable): Willis Design Assoc., Ir	nc. Property Owner Name: Cheryl Dowd & Brian Dowd
Advisor Mailing Address: PO Box 1001	Owner Mailing Address: 2713 Hinesburg Road
Jericho, VT 05465	Richmond, VT 05477
Phone: (802) 858-9228	Phone: (802) 434-3678
Email: willisdesignvt@gmail.com	Email: kdwd40@yahoo.com

The final subdivision plat shall be consistent in all respects to the layout as approved by the DRB for Preliminary Subdivision. The final plat shall be drawn to a scale of not more than two-hundred (200) feet to the Inch, and shall show:

- > SUBDIVISION name or identifying title, the name of the municipality, the name and address of the owner of record of the property, and of the SUBDIVIDER (if different), the name, registration number and seal of the registered land surveyor, the boundaries of the SUBDIVISION and its general location in relation to existing roads or other landmarks, scale, date, magnetic north, with true north declination and legend;
- > Road names and lines, pedestrian ways, recreational trails, LOTS, reservations, easements and areas to be dedicated to public use, it any;
- > The location, bearing length of every road line, LOT line and boundary line. All locations should be tied to known reference points such as road intersections:
- > The length of all straight lines, the deflection angles, radii, length of curves, tangent distances and bearings for each road;
- > All public open space for which offers of dedication are made by the SUBDIVIDER, and those spaces for which title is reserved by the SUBDIVIDER;
- ➤ LOTS within the SUBDIVISION numbered sequentially (any reserved land shall have the highest number). Below each LOT number, with the LOT boundaries, the following shall be listed: the acreage, new parcel ID number, and building envelope to contain all proposed primary structures.
- > The location of any zoning overlay district(s) applicable to the proposed SUBDIVISION;
- Location of well shields on all LOTS:
- Location of all improvements referred to in ARTICLE VI, landscaping, utility poles, and rough grading and other devices for draining the area within the SUBDIVISION;
- Locations of proposed MONUMENTS at all right-of-way intersections and at all points of curvature (P.C) and points of tangency (PT) on both sides of any road lines, and at any other critical points in the road lines as will enable a land surveyor to correctly stake out any LOT in the SUBDIVISION;
- > Names of all SUBDIVISIONS immediately adjacent and the names of ADJOINING PROPERTY OWNERS; and
- > SUBDIVISION location map.

Application crested August 2019

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State of Vermont Department of Environmental Conservation

Agency of Natural Resources Drinking Water and Groundwater Protection Division

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit Wastewater System and Potable Water Supply Rules, Effective April 12, 2019

Permittee(s):

Cheryl L. Dowd

Permit Number: WW-4-5571

2713 Hinesburg Road

Richmond, VT 05477

Brian B. Dowd 2713 Hinesburg Road Richmond, VT 05477

This permit affects the following properties in the Town of Richmond, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
None	H12713a	519-163-10450	207.00	Book:209 Page(s):542-544

This application, consisting of a two lot residential subdivision; Lot 1 (205.90 acres) with an existing two (2) bedroom single family residence utilizing an existing on-site wastewater disposal system and an existing on-site shallow water supply and Lot 2 (1.10 acres) with a proposed three (3) bedroom single family residence utilizing a proposed off-site wastewater disposal system and an on-site drilled well water supply located at 2540 Hinesburg Road in the Town of Richmond, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions. Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

1. GENERAL

- 1.1 The permittee is responsible to record this permit in the Town of Richmond Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Town of Richmond Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 The wastewater system to serve Lot 2 is located on Lot 1. The land deeds that establish and transfer ownership of these lots shall contain permanent legal access which grants future owner(s) of Lot 2 the right to enter upon Lot 1 for the construction, repair, maintenance, and other such reasonable purposes as may arise regarding the wastewater system. Failure to properly execute the permanent legal access renders this permit null and void for the purpose of constructing the leachfield. It is recommended that a copy of the executed easement be sent to the Drinking Water and Groundwater Protection Division.
- 1.5 By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.6 This permit does not relieve the landowner from obtaining all other approvals and permits from other State Agencies or Departments, or local officials prior to construction.



Wastewater System and Potable Water Supply Permit WW-4-5571

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2. SUBDIVISION AND CONSTRUCTION

2.1 Subdivision and construction shall be completed as shown on the plans and/or documents prepared by Willis Design Associates, Inc. (Justin Willis, Licensed Designer) and Button Professional Land Surveyors, PC (Christopher A. Haggerty, Licensed Land Surveyor) with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision
Details, 2 Lot Subdivision	1	10/3/20	N/A
Site Plan, 2 Lot Subdivision	1	10/3/20	N/A
Plat of 2-Lot Subdivision	I	11/17/2020	N/A

- 2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.
- 2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

3. INSPECTIONS

3.1 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) on a Secretary-approved form that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests"

or which satisfies the requirements of §1-311 of the referenced rules.

3.2 Prior to the use of the potable water supply on Lot 2, the permittee shall test the water for Arsenic, Escherichia coli (E. coli), Fluoride, Lead, Manganese, Nitrate as N, Nitrite as N, Total Coliform Bacteria, Uranium, Adjusted Gross Alpha Particle Activity, Chloride, Sodium, Iron, Odor and pH. All water quality tests shall be conducted at a laboratory certified by the Vermont Department of Health (a list of which can be found on the VDH website). Results of the water tests shall be submitted to the Vermont Department of Health prior to use.

4. **DESIGN FLOW**

4.1 Lot use and design flows (gpd) shall correspond to the following:

Lot	Building	Building Use / Design Flow Basis	Wastewater	Water
1	Existing	2-Bedroom Single Family Residence	280	280
2	Proposed	3-Bedroom Single Family Residence	420	420

5. WASTEWATER SYSTEM

- 5.1 Lot 1 is approved with an existing wastewater system. No changes shall be made to the existing wastewater system unless otherwise exempt without prior approval from the Drinking Water and Groundwater Protection Division.
- 5.2 A future replacement wastewater system for Lot 1 is identified on the stamped plan(s). There shall be no construction or other activities that will affect the suitability of this area for the design and construction of a wastewater system.

Wastewater System and Potable Water Supply Permit WW-4-5571

Page 3 of 3

- 5.3 Prior to connection to the replacement wastewater system for Lot 1, the landowner shall file an application with the Drinking Water and Groundwater Protection Division pursuant to the Wastewater System and Potable Water Supply Rules.
- 5.4 Prior to construction or site work on Lot 2, a designer shall flag the proposed leachfield, and the owner shall maintain the flags until commencement of construction of the system.
- 5.5 Should a wastewater system fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.
- 5.6 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

6. POTABLE WATER SUPPLY

- 6.1 Lot 1 is authorized to utilize the existing on-site, shallow water supply system provided the potable water supply is operated at all times in a manner that keeps the supply free from contamination. No changes shall be made to the existing water system, and no other means of obtaining potable water shall be allowed, without prior review and approval by the Drinking Water and Groundwater Protection Division unless otherwise exempt. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 6.2 Prior to construction or site work on Lot 2, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.
- 6.3 Should a potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

Peter Walke, Commissioner
Department of Environmental Conservation

Dated June 9, 2021

By

Allison Lowry

Environmental Analyst V

Essex Junction Regional Office

Drinking Water and Groundwater Protection Division

cç: Willis Design Associates, Inc.

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