

**Town of Richmond
Development Review Board
Staff Report
May 7, 2020**

Town of Richmond- Application 2020-039 for Conditional Use & Site Plan Review to change the use to an Outdoor Recreational Facility, and a variance from the front setback from 55' to 35' from the centerline of East Main St for a parking lot at 1129 East Main St, Parcel ID 1129, in the Agricultural/Residential (A/R) Zoning District.

SUBMITTALS:

- A. Site Plan & Conditional Use Application – dated 4/17/2020
- B. Narrative description by Peter Halverson, Andrews Forest Committee, dated 4/10/2020
- C. ACF Parking Design version 1.2, dated 3/18/2020
- D. Plat of 5-lot Subdivision, prepared by Button Surveyors, updated 5/2/2013, with highlighted parking location
- E. National Assoc. of City Transportation Officials, Turn Radii Guide, dated 2/3/2020
- F. Wetland Classification Report, 2018-521, dated 1/29/2018
- G. Richmond Town Forest Orthophoto Map, created by the Vermont Land Trust, undated
- H. ACF Phase 1 Trail Concept 1 of 2, dated 9/9/2019
- I. ACF Phase 1 Trail concept 2 of 2, dated 9/9/2019
- J. Emailed cost estimate from Peter Gosselin to Wright Preston, dated 9/25/2018
- K. DRB Preliminary/Final Subdivision App 2013-006, approved 3/22/2013

PROCEDURAL INFORMATION:

As per the Notice Requirements, a Notice for Public Hearing appeared in the Burlington Free Press on April 28, 2020 and was posted at 4 locations in Town and on the municipal website. The Referral Notice was sent to the Applicant and a copy of the Notice was sent to all adjoining landowners on April 24, 2020.

BACKGROUND INFORMATION:

The Town of Richmond acquired the parcel, consisting of approximately 428 acres on March 27, 2018. The parcel was Lot 1 of the 5-Lot Subdivision of the Andrews Farm that was approved by the DRB on March 22, 2013 (Submittals D & K). The decision required that prior to any Land Development for any building or structure, the applicant must return for Final Subdivision approval. The Applicant is not proposing any subdivision, but is requesting to formally change the use from agriculture to Outdoor Recreational Facility. The Applicant is also requesting a variance from the front yard setback.

DESCRIPTION OF PROJECT:

1. The Applicant, Andrews Community Forest Committee (ACF), has been working since the Town of Richmond acquired the 428 acre parcel on an in-depth Forest Management Plan with the County Forester (Submittal B).
2. Condition 5 from the 2013 DRB Decision for Application 2013-006 (Submittal K), required DRB approval prior to any Land Development, including driveways, on any of the 5-Lots involved in that decision.
3. Land Development is defined in the Richmond Zoning Regulations (RZR) as *the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation,*

or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

4. The Applicant is seeking approval to officially change the use from agricultural/forest to Outdoor Recreation Facility.
5. Per Section 3.1.2m) an Outdoor Recreation Facility or Park is an allowed use with Conditional Use Approval from the DRB in the Agricultural/Residential (A/R) Zoning District.
6. Recreation Facility is defined in the RZR's as a place designed and equipped for the conduct of sports and leisure-time activities.
7. The Applicant states that the ACF currently supports recreation activities such as hiking, biking, snowmobiling via a pass-thru VAST trail, hunting, snowshoeing, and bird watching on the existing farm and logging roads. (Submittal B & G)
8. The Applicant submitted a Trail Concept for Phase 1. (Submittal H & I) The ACF Committee's intent is to implement a wide network of trails that will be developed in phases that could be developed with the constraints of existing ecological areas, logging traces, and deer wintering zones. (Submittal B) There are no structures/ buildings proposed at this time.
Staff Discussion- the DRB should determine if they wish to see future trails proposed on the parcel or just Land Development and of what type. Would a shed need review? Would a building or restroom facilities?
9. The Applicant states in Submittal B that they do not foresee any undue adverse effect on the community as stated in the General and Specific Standards for Conditional Use Review.
Staff Discussion- the DRB should review the Standards for Conditional Use Approval.
10. The Applicant is proposing an expansion of the parking area as you enter the parcel from East Main St. This expansion would create 1800 sq./ft. of new parking. This would allow for the parking of a school bus and an additional three parking spaces for a total of 5 parking spaces for cars and 1 bus. (Submittal B & C).
11. The Applicant is also requesting a variance from the front setback from 55' from the centerline of East Main St. to 35' for the expansion of the parking area to allow parking for buses. (Submittal B)
Staff Discussion- the DRB should review the five (5) criteria in Section 8.4.5 that must be met in order for a variance to be granted, particularly c- that the unnecessary hardship has not been created by the applicant. The parcel is 428 acres, what are the Applicant's reasons for not constructing the parking in conformance with the regulations.
12. Submittals B, C & F document the challenges at the entrance area before the gate. There are multiple ledge outcroppings and Class III wetlands. Class III wetlands are not regulated by the State or the RZR's. The Applicant will be constructing drainage swales to control water flows to East Main St. (Submittals B & C)
Staff Discussion- the Applicant has not indicated if any landscaping will be planted. Per Section 5.5 the DRB may require landscaping and screening.
13. The Applicant has provided a cost estimate, Submittal J, and states that the work has been budgeted by the Town for 2020 and tentatively planned for a summer 2020 construction.
14. This application is subject to review under the following sections of the Richmond Zoning Regulations:
 - a. Section 3.1 Agricultural/Residential Zoning District
 - b. Section 5.5 Site Plan Review
 - c. Section 5.6 Conditional Use Review
 - d. Section 6.1 Parking and Loading
 - e. Section 8.4.5 Variances

PROPOSED STANDARD CONDITIONS:

1. The applicant will apply for a Building and Zoning Permit for the work approved under this approval. This approval shall expire 24-months from the date of the approval unless a zoning permit has been obtained and is determined to remain in effect.
2. The project shall be developed in conformance with the above referenced site plans, and submittal documents.
3. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
4. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits, including wastewater permits.

