

Application # 2020-039
Parcel ID EM1129
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RICHMOND, VT TOWN CLERK'S OFFICE
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JUNE 18 A.D. 2020
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Book 254 Page 423-426 of Land Records
Attest: Maria A. A. A. Town Clerk

**Town of Richmond
Development Review Board
Final Decision
June 10, 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
- L. Email from Pete Halverson to Josh Arneson & VTrans, 060220

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.

The DRB continued the hearing to June 10th meeting. The Notice of Public Hearing and Agenda were posted at 4 locations in Town, on the municipal website and Front Porch Forum on May 20, 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.

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FINDINGS OF FACT:

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 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.
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.
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 definition of a structure specifically states that *the term Structure does not include parking areas and driveways.* Section 6.1.6f) Other Parking Standards and Applicability Setbacks states *that all parking spaces shall meet the setback standards for the District in which it is located except parking in driveways in the A/R district for single-family residential uses.*
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. The Applicant will be constructing drainage swales to control water flows to East Main St. (Submittals B & C)
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. The Applicant has applied for an Access Permit from VTrans but as of June 10 the approval has not been received. Submittal L

15. 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)
16. The DRB regrettably does not find that all five variance criteria in Section 8.4.5 are met.
17. The parking lot for a non-residential use shall meet the 55' front setbacks in the Agricultural/Residential Zoning District
18. 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

DECISION for Application 2020-039:

The Richmond Development Review Board **denies** the request for a variance from the front yard setback for a parking area at Parcel ID #EM1129, located at 1129 East Main Street, Richmond, located within the Agricultural/Residential Zoning District.

1. The DRB was not able to find that the applicant satisfied all five criteria as required and as set out in the Richmond Zoning Regulations under Section 8.4.5, and thus must deny the request for a variance.

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

David Sunshine, Chair	in FAVOR	<u>AGAINST</u>	ABSTAINING	RECUSED	ABSENT
Matt Dyer, Vice-Chair	in FAVOR	AGAINST	ABSTAINING	<u>RECUSED</u>	ABSENT
Roger Pedersen, Member	in FAVOR	<u>AGAINST</u>	ABSTAINING	RECUSED	ABSENT
Gabriel Firman, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	<u>ABSENT</u>
Padraic Monks, Member	in FAVOR	<u>AGAINST</u>	ABSTAINING	RECUSED	ABSENT

The Richmond Development Review Board **approves** the change in use to Outdoor Recreation Facility at Parcel ID# EM01129, located at 1129 East Main Street, Richmond, located within the Agricultural/Residential Zoning District with the following conditions:

1. The Applicant shall not need to return to the DRB for all future Land Development including trails, but only when the application is determined by the Zoning Administrator to require DRB review and approval.
2. The applicant will apply for a Building and Zoning Permit for the change in use 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.
3. The project shall be developed in conformance with the above referenced site plans, and submittal documents.
4. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
5. 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 <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	ABSENT
Matt Dyer, Vice-Chair	in <u>FAVOR</u>	AGAINST	ABSTAINING	<u>RECUSED</u>	ABSENT
Roger Pedersen, Member	in <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	ABSENT
Gabriel Firman, Member	in <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	<u>ABSENT</u>
Padraic Monks, Member	in <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	ABSENT

The above votes occurred at a DRB meeting on 10th day of June, 2020.



DATED this 18TH DAY OF JUNE 2020

David Sunshine
Richmond Development Review Board, Chair

