



Planning & Zoning Office
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Town of Richmond Development Review Board Final Decision

RE: SUB2023-13- The Applicant (Hillview Heights LLC) is seeking final subdivision approval for a 7-lot subdivision located at 2427 Hillview Road. The subdivision would create 6 new residential lots with one existing residential lot. The existing residential lot is currently used for agricultural purposes.

PARCEL HISTORY:

1. Sketch Plan Application 1/14/21
2. Zoning Permit for driveway 2021-083 Approved 11/2/21
3. Notice of Intent to Build a Farm Structure 12/20/21
4. Notice of Intent to Build a Farm Structure 5/5/22
5. Zoning Permit for well 2022-53 approved 7/11/22
6. Zoning Permit for a sign 2022-62 approved 7/28/22
7. Notice of Intent to Build a Farm Structure 7/29/22
8. Notice of Intent to Build a Farm Structure 8/29/22
9. Notice of Appeal APE2022-02 9/28/22
10. Notice of Intent to Build a Farm Structure 11/17/22
11. Preliminary Subdivision Application Approved 5/23/23
12. Notice of Intent to Build a Farm Structure 9/23/23

PROCEDURAL INFORMATION:

1. Application submitted on 9/18/2023
2. Agenda placed in Seven Days 9/22/2023
3. Notice placed on town website and at three locations in town on 9/22/2023
4. Abutters notified on 9/22/2023
5. Notice sent to Applicant 9/22/2023

FINDINGS OF FACT:

1. The Applicant (Hillview Heights LLC) is seeking final subdivision approval for a 7-lot subdivision located at 2427 Hillview Road. The subdivision would create 6 new residential lots with one existing residential lot. The existing residential lot is currently used for agricultural purposes.
2. The project is located inside of the Agricultural Residential zoning district and is subject to Section 3.1 of the Richmond Zoning Regulations.
3. The Applicants narrative notes that they are proposing a 7 lot subdivision with 6 new single family residential lots.
4. Section 3.1.3 notes the following dimensional standards:
 - a. No lot shall be less than one (1) acre.
 - b. Each lot must contain a point from which a circle with a radius of fifty (50) feet can be inscribed within the boundary of the lot.

- c. No lot having frontage on a public or private road shall have less than one hundred (100) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB.
 - d. The total amount of ground on a lot that can be covered by any structure or impervious material shall not exceed 30%.
5. Lots size and coverage is as follows:
 - a. Lot 1-1.89 Acres 5% Coverage
 - b. Lot 2-8.66 Acres 2% Coverage
 - c. Lot 3-4.60 Acres 4.5% Coverage
 - d. Lot 4-4.15 Acres 3.5% Coverage
 - e. Lot 5-2.06 Acres 4.5% Coverage
 - f. Lot 6-3.35 Acres 4.5% Coverage
 - g. Lot 7-60.78 Acres 1.5% Coverage
6. Single family residences are an allowed use per Section 3.1.1 of the Richmond Zoning Regulations.
7. Section 4.1 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.
8. The Applicants narrative notes that all curb cuts have been designed to the B 71 standards. The private road serving lots 4-7 have been designed to exceed all public works specifications.
9. Section 4.2 notes that lots that do not have frontage on a public road will be subject to Section 4.3 of the Richmond Zoning Regulations.
10. Section 4.3.3 notes that the right of way easements shall be at least 60 feet if serving more than 4 lots.
- ~~11. The Applicants plan set notes a 60 foot right of way for the road serving lots 4-7.~~
12. 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.
13. The Applicants site plan and narrative notes one curb cut per lot.
14. Lots 1 and 2 will be served by a shared driveway.
15. Lot 3 will have its own driveway located on a preexisting access road.
16. Lots 4-7 will be served by a proposed private road Hillview Heights way. The State E911 coordinator notes that the proposed road name of Hillview Heights Way would comply with E911 standards.
17. Section 6.1.6 notes that parking areas associated with single or two family dwellings are exempt from review by the Zoning Administrator and do not require site plan review.
18. The Applicants site plan and narrative notes that each lot will have a minimum of 2 off street parking spaces.
19. Section 6.2.1 notes the following standards for driveways:
 - 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.
 - 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.
 - c. The DRB may require installation of acceleration and/or deceleration lanes on the adjacent public Road or Highway if it deems necessary.
 - 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.
 - 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.

- 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.
20. Lot 1 and 2 will have a shared driveway. Both driveways will have a width of 12 feet.
21. Lot 3 will be served by an existing access that will be improved to serve the lot. The width of this driveway will be 12 feet.
22. Lots 4-7 will be served by a private road. The road will be 24 feet in width.
23. The Applicants narrative and site plan indicates that the grade of all driveways will not exceed 12%.
24. The Applicants site plan notes Class 2 wetlands.
25. Section 6.9.2 notes that no land development shall occur within a Class I or II wetland, or wetland buffer, unless approved or exempted by the Vermont Wetlands Program.
26. The Applicants have obtained a state wetland permit from the Department of Environmental Conservation.
27. 6.9.3. Wetland Buffers: All Class I and II wetlands shall be surrounded by a buffer of the following widths:
 - a. a) 100 feet for a Class I wetland
 - b. b) 50 feet for a Class II wetland
28. The applicants plan set notes a 50-foot buffer.
29. 6.9.4. Applications for development within Class I or II wetlands, and wetland buffers shall provide the following:
 - a. A wetlands delineation and assessment of the wetland prepared by a professional wetlands ecologist in accordance with the Vermont Wetlands Rules put forth by the Agency of Natural Resources.
 - b. A site plan indicating the location of the proposed land development in relation to the wetland and the wetland buffer.
 - c. A permit approving such development issued by the state Wetlands Program.
 - d. An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.
30. The Applicants have provided a Wetland Permit and included it in the application packet.
31. Section 6.9.7 notes that new on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.
32. The Applicants site plan notes that the septic system will be located outside of the wetland buffer.
33. Section 400 covers regulations for final subdivisions.
34. Section 420.2 notes that the Applicants must supply the following information.
 - a. Subdivision name or identifying title, tax map number and the name of the town.
 - b. The names of all roads.
 - c. The location and bearing of all lines.
 - d. The length of all lines for each road.
 - e. Lots within the subdivision shall be numbered sequentially.
 - f. The location of any zoning overlay districts.
 - g. The location of the well shield on all lots.
 - h. The location of the easements on all lots.
 - i. The location of all proposed improvements noted in Article VI.
 - j. The subdivision location map.
35. The name of the subdivision is noted on the plan set.
36. The Applicants have proposed the road name of Hillview Heights Way.
37. The lots are numbered sequentially.
38. The Applicants site plans shows well shields on all lots.
39. Section 420.3 notes that the finals subdivision plat shall include the following information:
 - a. The location and envelope area wastewater disposal systems.
 - b. Location of potable water sources.

- c. Designs of any bridges or culverts.
 - d. Typical cross sections and proposed grading of roadways.
 - e. Contours of finish grades at five (5) foot intervals.
 - f. A letter from an engineer noting that all proposed infrastructure is in compliance with town regulations.
40. The Applicants site plan notes the envelopes for the wastewater disposal systems.
 41. The Applicants site plan notes the location of potable water sources.
 42. The Applicants plan set contains the grading plan and road design for the private road.
 43. Contours of finished grade are shown at 1 foot intervals.
 44. The Applicants have provided a cover letter from the engineer noting compliance with town regulations.
 45. Section 600.1 of the Richmond Subdivision Regulations notes that the subdivider shall construct all roads to meet the Town of Richmond Public Works Specifications standards and specifications for public infrastructure.
 46. The Applicants narrative notes that roads will be built to Richmond public works specifications.
 47. Section 600.4 of the Richmond Subdivision Regulations notes that the access points to public or private rights-of-way shall be consolidated to minimize multiple curb cuts.
 48. The Applicants plan set notes that lots 1 and 2 will have a shared driveway and curb cut. Lot 3 will have its own curb cut and will utilize a preexisting access road. Lots 4-7 will have a shared curb cut and private road.
 49. Section 600.6 of the Richmond Subdivision Regulations notes that dead end roads shall terminate in a circular turnaround with an outside radius of not less than sixty feet approved by the DRB or in a hammerhead approved by the Selectboard.
 50. The Applicants proposed a hammerhead turnaround for the road serving lots 4,5,6 and 7.
 - ~~51. Section 600.8 of the Richmond Subdivision Regulations notes Emergency and service vehicles must have access to all lots and buildings.~~
 52. The Applicants plan set notes that each driveway will be at or below the 12% grade requirement.
 53. Section 600.9 of the Richmond Subdivision Regulations notes that sight distances at all intersections should be consistent with anticipated traffic speeds, terrain, alignments and climatic extremes.
 54. The Applicants plan set shows that they intend to install an advanced warning sign 250 feet from the entrance from lots 1 and 2 to comply with site distancing standards.
 55. Section 600.10 of the Richmond Subdivision Regulations notes that all roads shall be adequately shaped and drained, with adequate ditches or other storm water systems.
 56. The applicants plan set shows the road design and shape. It also shows the plan set for the storm water system.
 57. Section 600.11 of the Richmond Subdivision Regulations notes that road names shall be approved by the Selectboard prior to the submittal of the final subdivision plat application.
 58. The Applicants have proposed the road name Hillview Heights Way for the road serving Lots 4,5,6 and 7.
 59. Section 610.1 of the Richmond Subdivision Regulations notes that for any portion of the parcel or lot not proposed for land-development in the subdivision as of the application date, a master development plan is required. The master development plan shall conceptually show future roads, future stormwater infrastructure, future building areas, future open areas, and future uses on such remaining land, including those that the subdivider expects to offer to the town of Richmond.
 60. Each lot has the number of acres noted as well as the anticipated uses. It is important to note that this master plan only has to be conceptual.
 61. Section 650.1 of the Richmond Subdivision Regulations notes that the subdivider shall provide a design for a drainage system which will remove any water and storm run-off which may traverse the site. The drainage system may include pipes or open drainage ways, and shall be located in road rights-of-way or in unobstructed easements not less than twenty (20) feet in width. The design of the drainage system shall utilize natural waterways and drainage ways to the extent possible. The drainage system shall identify all waterways into which water exiting the site will flow.

62. The Applicants have provided a data sheet with storm water plans for the property. The Applicants Storm water runoff summary notes that the stormwater eventually filters into the Huntington River.
63. Section 650.2 of the Richmond Subdivision Regulations notes that drainage facilities shall accommodate all existing surface water and run-off, plus run-off anticipated from the proposed development.
64. The Applicants plan set shows state stormwater permit approval for the designed storm water system.
65. Section 650.4 of the Richmond Subdivision Regulations notes that the drainage system and all easements shall be designed to accommodate water from a twenty-five (25) year storm.
66. The Applicants have provided data on the discharge volumes of the storm water systems. The data shows that the system has been designed for a 25 year storm event.
67. Section 650.6 of the Richmond Subdivision Regulations notes that the subdivider shall not use stumps, wood, roots or other fibrous materials or refuse as fill, except in areas stipulated for no development. The DRB shall require the subdivider to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within road sections or on the site of structures.
68. The applicants have not indicated that they plan to use stumps or woody debris as fill on this project.
69. Section 660 of the Richmond Subdivision Regulations notes all land development shall be located to prevent contamination of any water supply or water resource by run-off or leachate from wastewater disposal systems. The subdivider shall provide the Town of Richmond with a copy of any required state or federal permits, including a Wastewater System and Potable Water Supply Permit, before any zoning permit for land development will be granted.
70. The Applicants plan set notes the technical specifications for the wastewater systems in the subdivision. Each lot is serviced by its own wastewater and well. The applicants have also received their wastewater and storm water permits from the state.
71. Section 670 of the Richmond Subdivision Regulations notes that the final subdivision plat shall show all utility systems, existing and proposed. The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for proposed subdivision and for areas adjacent to the subdivision.
72. Section 670.2 of the Richmond Subdivision Regulations notes that all utility systems, including but not limited to electric, gas, telephone and cable television, shall be located underground throughout the subdivision.
73. The Applicants site plans indicated that all utilities for all lots will be located underground. Lot 3's above ground utilities will no longer be used. Lot 3 will be serviced by new underground utilities.
74. Section 670.3 of the Richmond Subdivision Regulations notes that all easements shall be of sufficient width to serve the proposed subdivision, existing development, and planned development outside of the subdivision. The final subdivision plat shall show all easements.
75. The Applicants narrative notes the proposed easements.
76. The Applicants have provided a Declaration of Covenants and Conditions for the subdivision.

CONCLUSIONS:

1. The project is in compliance with Section 3.1 of the Richmond Zoning Regulations
2. The project is in compliance with Section 4 of the Richmond Zoning Regulations, specifically Sections 4.1,4.2,4.3 and 4.4.
3. The project is in compliance with Section 6 of the Richmond Zoning Regulations specifically 6.1, 6.2, and 6.9.
4. The project is in compliance with Section 400 of the Richmond Zoning Regulations
5. The project is in compliance with Section 600 of the Richmond Zoning Regulations
6. The master development plan noted in Section 610 of the Richmond Subdivision Regulations only has to be conceptual. Any further subdivision of a lot would require a new subdivision application.
7. The project is in compliance with Section 700 of the Richmond Zoning Regulations
8. The project will not be subject to phasing.

DECISIONS: The Development Review Board approves SUB2023-13 with the following conditions:

1. Prior to applying for a zoning permit the Applicants shall provide a copy of the maintenance agreement to mow enough land to ensure that the sight distance noted in the site plan on sheet EX-3 is properly maintained.
2. The approval will expire within 24 months of the approval date if a zoning permit is not obtained as is noted in Section 8.2.5 Subsection e. of the Richmond Zoning Regulations.
3. The approval will expire within 180 days of the approval date unless the final plat mylar is recorded with the Richmond Town Clerk.

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

The above votes occurred at a DRB meeting on the 13th day of September 2023.

David M Sunshine CHAIR DATED 11/15/2023
 David Sunshine
 Richmond Development Review Board Chair