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Town of Richmond Development Review Board Staff Notes 8/14/2024

RE: SUB2023-16- Peaceable Kingdom LLC, is seeking to amend their approved Residential Planned Unit Development located on Peaceable Street. The applicants are seeking to add 3 new lots to this planned unit development. Due to ACT 47 the minimum density for lots served by municipal water and sewer has been increased to 5 units per acre.

EXISTING ZONING: Agricultural Residential District

PARCEL HISTORY:

1. Access Permit 2018-085, Approved 8/22/18
2. Final Subdivision Review 2018-129, Approved 3/14/2019
3. Subdivision Amendment 2019-118, Approved 11/20/19
4. Final Subdivision Approval 2019-128, Approved 12/19/19
5. Subdivision Amendment 2020-018, Approved 4/8/2020
6. Access Permit 2020-024, Approved 4/15/2020
7. Zoning Permit 2020-35, Approved 5/13/2020
8. Final Subdivision Amendment SUB2023-03, 5/23/23

LIST OF SUBMISSIONS:

- A. Final Subdivision Application
- B. Narrative
- C. Site Plan

PROCEDURAL INFORMATION:

1. Application Received 7/26/24
2. Notice Sent to Applicant 7/26/24
3. Abutters Letters Sent 7/26/24
4. Notice Sent to Seven Days and Posted in Three Locations 7/26/24

STAFF COMMENTS (**In Bold**):

1. Peaceable Kingdom LLC, is seeking to amend their approved Residential Planned Unit Development located on Peaceable Street. The applicants are seeking to add 3 new lots to this planned unit development. Due to ACT 47 the minimum density for lots served by municipal water and sewer has been increased to 5 units per acre.
2. The proposed development is located in the Agricultural Residential Zoning District.
3. The Agricultural Residential Zoning district is governed by Section 3.1 of the Zoning Regulations.
4. The project calls for 3 new building lots.

5. All lots will be accessed off of Peaceable Street
6. Peaceable Kingdom is a Residential Planned Unit Development (PUD).
7. The Applicants project is not subject to the dimensional standards for the Agricultural residential district as noted in Section 3.1.4 as Section 5.12 notes that Residential Planned Unit Developments allow for modifications of the dimensional requirements of the underlying district to allow for denser development patterns as is noted in Section 5.12.2.e.
8. Lot dimensions are as follows (Square Feet):
 - a. Lot 1- 11,326
 - b. Lot 2- 4,683
 - c. Lot 3- 6,946
 - d. Lot 4- 7,432
 - e. Lot 5- 11,985
 - f. Lot 6-21,829
 - g. Lot 7 – 9,600
 - h. Lot 8-115,115
9. Section 3.1.2 notes that a Residential Planned Unit Development is an allowed use with Conditional Use approval.
10. Residential Planned Unit Developments require Site Plan review under Section 5.5 and Conditional Use Review under Section 5.6 and are regulated by Section 5.12.
11. The Applicants need to provide all of the information noted in section 5.5.2 a-e. (**The Applicants site plan is missing the name of the owner on lots 2,5,6, and 7. The Driveway for lot 7 is not noted on the Site Plan. No landscaping is shown on the plan set. The Applicant’s narrative indicates that they plan to build 1 to 2 homes a year however there is no building envelope for lots 2,4,5, and 7. Section 5.5.2.c.ii notes that the site plan should show all proposed structures. In addition, the applicant has not provided pedestrian walkways. Pedestrian walkways of some sort need to be provided and marked.**)
12. The Applicants project is subject to the conditions of approval noted in Section 5.5.3. a-b.
13. The Applicants have to provide the information noted in Section 5.5.3.a (**There are no plans for pedestrian circulation. The Applicants narrative notes that they do not feel there is enough pedestrian traffic to warrant sidewalks. Pedestrian pathways of some sort are required per Section 5.5.3.a.iii. In addition, there is no proposed lighting plan for traffic or pedestrian safety as noted in Section 5.5.3.a.vii.**)
14. The Applicants have to provide the information noted in Section 5.5.3.b (**The applicants do not have a landscaping plan. The Applicants narrative notes that they would like the landscaping to be left to the individual property owners. Landscaping is a requirement for any Conditional Use. Since Residential Planned Unit Developments require Conditional Use Review the Applicants should provide a landscaping plan for the project, and it should follow the formula noted in Section 5.5.3.b.vii. In addition, the applicants have not provided a site restoration plan for the project as is noted in Section 5.5.3.b.xii.**)
15. Section 5.6.2 Subsection d. notes a state wastewater and potable water permit shall be obtained prior to the use commencing (**The applicants lots are all served by town water and sewer.**)
16. Section 5.6.2 Subsection e. notes that the development is proposed over a reasonable time period (**The Applicants noted a 1 to 2 year time frame to develop the project.**)
17. Section 5.12.3 notes that the Board can impose the following additional standards

- a. Greater setbacks and screening for structure parking area and other developments of the Richmond Zoning Regulations.
 - b. Adequate pedestrian circulation
 - c. Improvements to roads
 - d. Restricting points of access
 - e. Require an applicant to demonstrate they know how to fix and maintain roads
18. The Applicants plan set notes common land that complies with the standards noted in Section 5.12.5.
 19. The Applicants are not proposing any new infrastructure that would be deeded to the town as noted in Section 5.12.6.
 20. The Application must follow the Review Process as outlined in Section 5.12.7 a-e **(Letter C of 5.12.7 notes that the board will impose any conditions it deems necessary to its approval. These can include limiting future development and conserving portions of property. These conditions would be called Critical Permit Conditions and would be subject to the Hildebrand/ Stowe Club Highlands test. The subdivision contains a total of 5.72 acres. Act 47 amends Sec. 2. 24 V.S.A. § 4412 . 12 to note that any area served by municipal water and sewer must allow 5 units per acre. Therefore, the Applicant is allowed a total of 28 units of housing. The Applicant has proposed a max of 11 units however these new units would be contingent on the acquisition of more property per the applicant’s narrative. The Board will have to consider what Critical Permit Conditions are necessary to approve this project.)**
 21. Section 6.1.2 notes that single family dwellings require 1 parking space per dwelling unit.
 22. Section 5.12 notes that Planned Unit Developments are Subdivisions.
 23. Article 4 Section 420 of the Richmond Subdivisions Regulations lays out the criteria for Final Subdivision approval.
 24. Section 420.2 notes that the final subdivision plat shall be consistent in all respects to the layout as approved by the DRB for the 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: all the information noted in 1-13 **(The applicants have provided the information in this section.)**
 25. Section 420.3 notes that along with the final subdivision plat, the subdivider shall submit to the town a set of materials that constitute a final subdivision plan, which shall include the following information:
 - i. Location and envelope area of wastewater disposal system(s) including primary and any required replacement areas, and a letter from the wastewater disposal system designer stating that all such systems will be designed and constructed in conformance with all applicable state regulations and standards. **(The project is served by town water and sewer.)**
 - ii. Location of an envelope area of all existing and proposed sources of potable water and wastewater system(s). **(The project is served by town water and sewer.)**
 - iii. Location and design of all of the considerations and improvements referred to in Article V (Planning Standards) and Article VI (Required Improvements and Design Standards).
 - iv. Identification and methods of protection of natural features or site elements (i.e., streams, ponds, wetlands, flood plain, forest stands,

- established large animal habitat, rock outcroppings, etc.) (**The Applicants plan set notes class 2 wetlands and a wetland buffer.**)
- v. Typical cross sections and proposed grading of roadways. (**Plans for expanding the Peaceable Kingdom road were not included with the application.**)
 - vi. Designs of any bridges or culverts which may be required on the subdivision;
 - vii. A signed statement reciting: a) the location, type and length of any proposed road or roads. All roads shall be designed to the specifications in Section 600 of these Subdivision Regulations (**The Applicants have not supplied this statement and are requesting a waiver to not be required to pave Peaceable Street as is allowed per Section 1 of the Richmond Public Work specifications.**)
 - viii. The nature and extent of any recreational features, open spaces, parks, or playgrounds to be provided, if any, and whether or not and under what conditions they are intended to be dedicated to the Town. (**The Applicants note a common area on their site plan that is open to the residence of the development.**)
 - ix. Contours of finish grades at five (5) foot intervals if finished grade varies from existing grade by five (5) feet or more, except that contours at two (2) foot intervals shall be shown in areas where wastewater disposal systems are to be located.
 - x. At the discretion of the DRB, letters from the Chittenden East School District Superintendent, the Richmond Police Chief, the head of Richmond Rescue, and the Richmond Fire Chief indicating their assessment of the impact of the proposed subdivision on the provision of school, police, rescue or fire protection services, or letters from others on relevant issues.
 - xi. A letter from a professional engineer retained by the subdivider stating that all proposed public and private infrastructure is in compliance with these subdivision regulations and other standards established by the Town of Richmond such as zoning regulations, public works specifications or other standards. (**A letter from a professional engineer has not been provided.**)
 - xii. Any other documents required by the DRB as a result of sketch plan, preliminary subdivision, or final subdivision review and these Subdivision Regulations. The DRB may vote to waive any of these application requirements in accordance with Section 704, if it finds that the information waived is not necessary to determine whether the final subdivision plan is in conformance with the standards and requirements of these subdivision regulations and the zoning regulations.
26. Section 600.4 notes that access points shall be consolidated to limit the number of curb cuts. (**Only one curb cut noted is noted on the plan set**)
27. Section 600.6 notes that dead end roads shall terminate in a circular turnaround with an outside radius of not less than 60 feet approved by the DRB or a hammerhead turnaround approved by the Selectboard (**The Applicants cover letter does not note a turnaround or hammerhead. The Applicants will either need to provide plans for a circular turnaround or a hammerhead turn around. A hammerhead turnaround will also need to be approved by the selectboard**)

28. Section 600.14 notes that the DRB may require sidewalks and bike racks in the subdivision (**The Applicants site plans do not note any sidewalks or bike racks. The Applicants narrative notes that they do not want to be required to install sidewalks.**)
29. Section 610 notes that the applicant shall provide a conceptual master plan showing all proposed development. (**The Applicants have a Master Development Plan section in their narrative. However, they have not supplied a plan set that shows the full extent of the plans as described in the narrative.**)
30. Section 640 notes that The DRB may require the permanent planting of new trees and shrubs in subdivisions. (**The Applicants narrative notes that they are not proposing any landscaping and would like to leave the instillation of any landscaping to the discretion of the homeowner.**)
31. Section 650.1 notes that the applicants will provide a design for a drainage system which will remove any water and storm runoff which traverse the site (**The Applicants plan set notes that they have not yet received approval for the storm water plan. The Applicants narrative notes that they are requesting to be exempt from needing to have a storm water plan in place prior to their applications approval. They requested that the board consider a condition that would restrict any further home construction until the storm water system is in place. The Board will need to decide whether or not to continue the application until this information is received.)**
32. Section 650.4 notes that the drainage system and all easements shall be designed to accommodate a 25 year 24 hour storm event (**The Applicants have not provided a stormwater plan for this project. The Board should consider continuing this application until the storm water plan is in place. The Applicants should submit plans that show what standard the storm water system would be built to)**
33. Section 650.5 notes that the smallest practical area of land shall be bare at any one time during development. (**The Applicants have not presented and erosion control plan.**)
34. Section 670.1 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. (**The Applicants have presented a site plan that shows various utilities.**)
35. Section 670.2 notes that all utilities should be underground. (**The applicants Plan set notes underground electrical lines.**)

Items for DRB Consideration

1. **Should the applicant be required to show proposed building locations for all lots?**
2. **What if any Critical Permit Conditions should be put on the application?**
3. **Whether the Applicants should be required to provide sidewalks?**
4. **Whether or not the applicant should be required to provide landscaping?**
5. **Whether the Applicants should be required to pave the road of Peaceable Kingdom?**
6. **Whether or not the Applicant should be required to provide lighting on the private road?**
7. **What is the boards preferred design to this dead end road?**
8. **Whether to continue the application?**
9. **Whether the Applicants should provide the name of the owners of lots 2,4,5, and 7 on their plat?**

- 10. Whether the Applicant should provide parking for lots 2,4,5, and 7 on their plan set?**
- 11. Whether the Applicant is required to provide lighting for traffic and pedestrian safety?**

Recommendations to the DRB

I recommend that the application be continued until the applicant has supplied the following information.

- 1. A storm water plan that is in compliance with Richmond's, Zoning, Subdivision and Public Work Regulations.**
- 2. A landscaping plan as is noted in Section 5.5.3.b.**
- 3. A design for the end of the dead-end road Peaceable Street.**
- 4. Erosion control plan for the development of the lots.**
- 5. A Master Development Plan as noted in Section 610 of the Richmond Subdivision Regulations.**