



TOWN OF RICHMOND

RICHMOND TOWN CENTER
203 Bridge Street, P.O. Box 285
Richmond, Vermont 05477



MEMORANDUM

TO: Daniel Peet – “Sadlar Meadow Subdivision” Owner
Michael Weisel – Richmond Town Engineer

FROM: Richmond Development Review Board (DRB)

DATE: January 9, 2013

RE: Clarification of Condition #10 in Peet Final Subdivision Decision (application #12-135)

On October 22, 2012, the DRB issued a decision approving the Final Subdivision for the Daniel Peet “Sadlar Meadow Subdivision” (application #12-135). Condition #10 in that decision states, “No zoning and construction permits shall be issued until the entire road is installed and the road is approved for travel by the Richmond Road Engineer.”

In November, Town Engineer Michael Weisel requested that the DRB provide guidance about the term “approved for travel” within Condition #10, as it is not clear what the term means. On December 12, 2012, the DRB discussed the issue during a meeting which was attended by Daniel Peet and developer Jeff Godbout.

As a result of Weisel’s request and the discussion during the December 12th meeting, the DRB issues the following clarification: no certificate of occupancy shall be issued for any principal structure on any parcel (Lots 1 through 11) until the entire Sadlar Meadow Road is completely installed in conformance with the site plans submitted with the final subdivision application. The DRB requires that the road sub-base must be installed prior to the issuance of any zoning permits.

If you have any questions about this clarification or wish to discuss this matter further with the DRB, please contact Cathleen Gent, Town Planner/Staff to the DRB, to arrange for time during the next DRB meeting.

CC: File for application #12-135

Richmond Development Review Board
Decision October 22, 2012 for
Daniel Peet
1783 Jericho Road
Richmond, VT 05477

IN RE: Daniel Peet – Application #12-135 for Final Subdivision Review for the "Sadlar Meadow" 13-lot residential subdivision (original lot to be used for agricultural purposes and 12 new residential lots) located at 1925 Jericho Road (parcel JR1925) within the High Density Residential zoning district.

Parcel JR1925 is a large parcel located on western side of Jericho Road between Richmond and Jericho, approximately 2 miles from the intersection of US Route 2 and Jericho Road.

The Richmond Development Review Board (DRB) held the public hearing for application #12-135 during two meetings, on September 12, 2012 and October 10, 2012. On September 12, 2012, the following individuals testified before the DRB: Daniel Peet; Peter Heil (O'Leary-Burke Civil Associates, Inc.); Carmel Ewing (271 Joan Avenue); Brad Worthen (1050 Southview Drive); Debbi Burton (real estate professional). On October 10th, the following individuals testified before the DRB: Daniel Peet, Peter Heil, and Paul O'Leary (O'Leary-Burke Civil Associates). The DRB closed the public hearing on October 10, 2012. The DRB considered the following:

Submittal Materials:

1. Letter to Cathleen Gent from Peter F. Heil, O'Leary-Burke Civil Associates, PLC, 1 Corporate Drive, Suite #1, Essex Junction, VT, dated August 6, 2012. The 8-page letter included the following information:
 - a. Cover letter (8 pages) – Including a review of the following:
 - Richmond Subdivision Regulations: Section 420 – Final Subdivision
 - Richmond Zoning Regulations: Section 2.52 – Non-Developable Portions; Section 5.12 – Planned Unit Development (PUD) and Residential PUD
 - Richmond Subdivision Regulations: Article V – Planning Standards
 - Richmond Subdivision Regulations: Article VI – Required Improvements and Design Standards
 - Other – ITE Trip Generation Rates
 - Deeds and associated documents
 - b. Attachment 1 (3 pages): Gent Review of Peet Farm 13-Lot Subdivision – Final Subdivision Application (based on meeting with Danny Peet), dated June 1, 2012
 - c. Attachment 2 (1 page): Memo from Meg Armstrong, PE; regarding Peet Subdivision; dated August 3, 2012
 - d. Attachment 3 (2 pages): Transmittal Sheet from Peter Heil, O'Leary-Burke Civil Associates, PLC, to Mike Weisel, dated June 19, 2012
 - e. Attachment 4 (1 page): Memo from Mike Weisel to Cathleen Gent; regarding Peet Subdivision, dated May 22, 2012
 - f. Attachment 5 (1 page): Memo from Alan Quackenbush, Wetlands Program Manager, to David Burke; regarding Peet Subdivision, dated January 11, 2012
 - g. Attachment 6 (1 page): ITE Trip Generation Rates – 8th Edition; for 7 single family and 8 apartment dwelling units, dated June 5, 2012
 - h. Attachment 7 (2 pages): Highway Access Permit application for 13-lot subdivision; dated July 27, 2012
 - i. Attachment 8 (10 pages): Letter from Peter Heil, O'Leary-Burke Civil Associates, PLC, to Cathleen Gent; regarding Peet Subdivision, 1925 Jericho Road; dated April 5, 2012

- j. Attachment 9 (2 pages): Town of Richmond: Subdivision Application – Final Plan Checklist; signed 8/6/2012
 - k. Attachment 10 (2 pages): Abutters List for parcel code: JR1925
 - l. Attachment 11 (5 pages): Richmond Development Review Board decision regarding Application #11-013 for Preliminary Subdivision Review for the "Peet Farm" subdivision, dated April 15, 2012
 - m. Attachment 12 (4 pages): Letter from Brendan O'Shea, Vermont Agency of Agriculture, Food & Markets, to O'Leary-Burke Civil Associates; regarding Peet Farm-Richmond, dated July 28, 2009.
 - n. Attachment 13 (1 page): Letter from Dean R. Denis, PE, Vermont Electric Cooperative, to Peter Heil, O'Leary-Burke Civil Associates, regarding ability to serve development, dated March 28, 2012
 - o. Attachment 14 (19 pages): Memo from Karl Marchessault, O'Leary-Burke Civil Associates, regarding Peet Farm – Stormwater; to Town of Richmond; dated March 30, 2012
 - p. Attachment 15 (26 pages): Letter from Edward Fitzpatrick, Bergeron Paradis Fitzpatrick; to Daniel Peet; regarding town legal documents for Sadlar Meadow; dated April 5, 2012
 - Declaration of Protective Covenants, Liens, Easements, and Restrictions
 - Easement Deed to Homeowners Association
 - Easement Deed to Town of Richmond
 - Roadway Deed to Homeowners Association
 - Certificate of Incorporation for Sadlar Meadow Homeowners Association, Inc.
 - Sadlar Meadow Homeowners Association's Bylaws
2. Sadlar Meadow – 13 Lot Subdivision (noted as Final) Project Plan Sheets, Job# 1109, File 1109-53, prepared by O'Leary-Burke Civil Associates, PLC, 1 Corporate Drive, Suite #1, Essex Junction, VT
- a. Plan Sheet #1 – Master Development Plan, last revised June 20, 2012
 - b. Plan Sheet #2 - Project Plan, last revised June 20, 2012
 - c. Plan Sheet #3 – Site Plan, last revised June 20, 2012
 - d. Plan Sheet #4 – Plan + Profile – Entrance: STA. 10+00 – 23+00, last revised June 20, 2012
 - e. Plan Sheet #5 – Plan + Profile – Project: STA. 10+00–16+51.30/ Entrance: STA. 23+00–26+17.86, last revised June 20, 2012
 - f. Plan Sheet #6 – Road + Water: Details + Specifications, last revised June 20, 2012
 - g. Plan Sheet #7 – Sewage Disposal: 30 scale – Lots 1-5, 10-11, last revised June 20, 2012
 - h. Plan Sheet #8 – Sewage Disposal: 30 scale – Lots 6-9, last revised June 20, 2012
 - i. Plan Sheet #9 – Water, Storm + Erosion Control: Details + Specifications, last revised June 20, 2012
 - j. Plan Sheet #10 – Storm + Erosion Control: Details + Specifications, last revised June 20, 2012
 - k. Plan Sheet #PL1 – Boundary Plat, last revised August 6, 2012
 - l. Plan Sheet #PL2 – Subdivision Plat, last revised August 6, 2012
3. Town of Richmond Highway Access Permit #12-131 to serve 13-lot private road subdivision, approved by the Richmond Selectboard on September 4, 2012.
 4. Town of Richmond Development Review Board Staff Report – dated September 6, 2012 (5 pages)
 5. Plan Sheet #1 - Master Development - Plan Sadlar Meadow: 13 Lot Subdivision, prepared by O'Leary-Burke Civil Associates, PLC, revised September 19, 2012, revised per final town hearing comments.
 6. Plan Sheet #2 – Project Plan - Sadlar Meadow: 13 Lot Subdivision, prepared by O'Leary-Burke Civil Associates, PLC, revised September 19, 2012, revised per final town hearing comments, submitted on October 5, 2012.
 7. Plan Sheet #3 – Site Plan - Sadlar Meadow: 13 Lot Subdivision, prepared by O'Leary-Burke Civil Associates, PLC, revised September 19, 2012, revised per final town hearing comments, submitted on October 5, 2012.
 8. Plan Sheet #PL1 – Boundary Plat, prepared by O'Leary-Burke Civil Associates, PLC, no revision date, submitted on October 5, 2012.

9. Plan Sheet #PL2 – Subdivision Plat, prepared by O'Leary-Burke Civil Associates, PLC, no revision date, submitted on October 5, 2012.
10. Letter to Cathleen Gent, Town Planner, from Peter F. Heil, O'Leary-Burke Civil Associates, PLC, 1 Corporate Drive, Suite #1, Essex Junction, VT, dated October 4, 2012. The 3-page letter included the following information:
 - a. Email from Peter Heil, Subject FW: 1109: Peet Farm, regarding research of town regulations, undated (2 pages).
 - b. Letter to Danny Peet from Alan Buck, Chief of Police, regarding Sadlar Meadow Subdivision, received by the Town of Richmond on September 25, 2012 (1 page).
 - c. Letter to Danny Peet from Michael Chiarella, Richmond Rescue, Inc., regarding Sadlar Meadow Subdivision, dated September 19, 2012 (1 page).
 - d. Letter to Richmond DRB from Thomas Levesque, Fire Chief, regarding Sadlar Meadow Subdivision, dated October 4, 2012.
 - e. Unapproved Meeting Minutes for September 12, 2012, Richmond Development Review Board (5 pages).
11. Draft Declaration of Protective Covenants, Liens, Easements, and Restrictions for Sadlar Meadow, received October 5, 2012 (14 pages)
12. Draft By-Laws of Sadlar Meadow Homeowners Association, Inc., received October 5, 2012 (5 pages)
13. Draft Warranty Deed of Easement, for Town of Richmond, received October 5, 2012 (3 pages)
14. Draft Warranty Deed of Easement, for Sadlar Meadow Home Owners' Association, received October 5, 2012 (3 pages)
15. Draft Warranty Deed, for Sadlar Meadow Homeowners' Association, Inc., received October 5, 2012 (2 pages)
16. Project Review Sheet, Vermont Department of Environmental Conservation, for 1925 Jericho Road Subdivision – Sadlar Meadow, ANR PIN# EJ12-1029, dated 10/5/2012.
17. Town Planner/Staff to the DRB Note Regarding Selectboard Actions to Date and Comments Regarding Additional materials Submitted on October 5, 2012, dated October 10, 2012 (2 pages)
18. Richmond Selectboard Meeting Minutes for October 1, 2012 (6 pages)

Findings of Fact:

1. Application #12-135 involves a request for Final Subdivision Review approval for the "Sadlar Meadow" 13-lot residential subdivision. Located at 1925 Jericho Road (parcel JR1925), the remaining lands shall be dedicated permanently for agricultural purposes and 12 new residential lots will be created. The parcel is owned by Daniel Peet.
2. Per Application #11-013, the DRB issued a preliminary subdivision approval for this project on April 15, 2011.
3. Parcel JR1925 is located within the High Density Residential Zoning District. Richmond Zoning Regulations, Section 3.2.1, regulates uses and dimensional requirements for the High Density Residential zoning district with respect to:
 - a. Allowable uses – The proposed residential uses for Lots 1 through 11 are allowable uses.
* On Lots 1 through 4, two-family dwellings are proposed and allowed in that zoning district. On Lots 5 through 11, single family dwellings are proposed and allowed.
 - b. Lot Area and Lot Dimensions – Lots 1 through 11 meet the requirements for the minimum lot area, which is 1 acre for any lot not served by municipal water and sewer systems. Each lot also meets the standard for lot dimensions.
 - c. Lot Frontage – Lots 1 through 11 meet the lot frontage requirements.
 - d. Dimensional limitations – The application materials, including the site plans and the plats, establish building envelopes which correspond to the setback requirements for the High Density Residential Zoning District. The DRB finds that the setbacks for Lots 1 through 11 (within the building envelope) are met.
 - e. Traffic Impact – The application materials included a table showing the ITE trip generation rates for Lots 1 through 11. The table showed that the PM trip ends for 15 dwelling units (seven single family and four two-family dwellings) equals a total of 12 trips. This meets the standard for the zoning district.

- f. All other dimensional requirements per Section 3.2 will be evaluated by the Richmond Zoning Administrative Officer during the review of zoning and construction permit applications for Lots 1 through 11.
4. The applicant requested that Lot 12 be approved as a "deferred lot." The Richmond Zoning Regulations and the Richmond Subdivision Regulations do not have a definition or any standards for a "deferred lot." For this application, the DRB was not given sufficient information to ascertain whether Lot 12 meets all the relevant zoning and subdivision standards to approve Lot 12 for development. The DRB finds that Lot 12 meets the minimum lot size, per Richmond Zoning Regulations, Section 3.2.1. All standards will be reviewed at the time that the applicant or owner wishes to proceed with development of Lot 12.
5. Lot 13 is to be preserved for farming use only. According to a letter issued by Brendan B. O'Shea with the Agency of Agriculture, Food, and Markets on July 28, 2009, Lot 13 contains a total of 49.3 primary agricultural soils, 14.6 acres of primary agricultural soils that will be impacted, and 41.1 acres of mitigation necessary because of statutory multipliers. The total mitigation equals 70.8 acres. The applicant testified that the application for Act 250 approval will be submitted separately from the town application process.
6. Per the Richmond Zoning Regulations, Section 2.5, each lot must comply with special guidelines for floodplain, water source protection, steep slopes, and shoreline protection areas. In addition, each lot must contain at least one contiguous 10,000 square foot area of land that is capable of supporting land development. The application materials include a letter from Peter Heil (dated August 6, 2012, page 2), which states that each lot in the proposed subdivision meets the minimum requirements for this section. The DRB finds that Lots 1 through 11 meet this requirement. No determination has been made that Lot 12 meets the requirements of Section 2.5.
7. Per the Richmond Zoning Regulations, Section 5.6, Conditional Use Review, applies because the project is a Residential Planned Unit Development (PUD) and because the applicant requested a waiver from the Richmond Zoning Regulations, Section 4.4, pertaining to curb cuts.
 - a. The application materials include a letter from Peter Heil (dated April 5, 2012, pages 8 and 9), which discusses the applicable conditional use criteria which apply to the general project. The DRB finds that the project meets the requirements.
 - b. During the public hearing, the applicant requested that the DRB grant a waiver and allow more than one curb cut on Lots 1 through 4. The DRB finds that such a waiver will allow improved traffic circulation within each of those lots to accommodate the two-family dwellings.
8. This project is reviewed under the Richmond Zoning Regulations, Section 5.12, Residential PUD, because there are more than nine lots being created. The application materials include a letter from Peter Heil (dated August 6, 2012, page 10), which discusses the PUD standards in relation to the Sadlar Meadow application. The DRB finds that the project meets the requirements of Section 5.12., with specific conditions including the following: 1) the mature wood lines are maintained; 2) any steep slopes are re-graded in keeping with the slope restoration detail on plan sheet #10; 3) the construction complies with the specifications as established in the plans submitted with the application.
9. Richmond Zoning Regulations, Section 6.2, specifies the driveway requirements. The site plans for application #12-135 show the driveway locations for Lots 1 through 11 and the access location for Lot 12. Plan Sheet #6 shows the individual driveway details for lots 1 through 11, with a drawing for individual driveway widths of 12 feet minimum, which meets the standards for residential uses, per Section 6.2. The proposed driveway for Lots 1 through 11 will be evaluated in keeping with Section 6.2 by the Richmond Zoning Administrative Officer during the review of the zoning and construction permit applications. The driveway for Lot 12 will be evaluated by the DRB as part of any future land development application.
10. Richmond Subdivision Regulations, Article IV, Final Subdivision, Section 410 and Section 420 pertain to the final subdivision application and submission requirements. The DRB finds that the application and submission requirements are met, per Article IV.
11. The Richmond Subdivision Regulations, Section 420.2 specify that the final subdivision plat shall be consistent in all respects to the layout as approved by the DRB for the preliminary subdivision. Application #11-013 specified the lot sizes for the proposed thirteen lots and the location of two recreation trails to be deeded to the Town of Richmond. The final subdivision plat in application

#12-135 varied from the preliminary subdivision plat as discussed in a. and b. below. The DRB finds that these changes are not material to Application #12-135.

- a. Lot 13 (retained lot) is 70.48 acres, which differs from the 76.71 acres specified for the preliminary subdivision; Lot 1 = 1.19 acres; Lot 2 = 1.17 acres; Lot 3 = 1.38 acres (differs from the 1.41 acres in the preliminary subdivision); Lot 4 = 1.05 acres (differs from the 1.09 acres in the preliminary subdivision); Lot 5 = 1.05 acres; Lot 6 = 1.23 acres; Lot 7 = 2.24 acres (differs from the 2.11 acres in the preliminary subdivision); Lot 8 = 1.01 acres; Lot 9 = 1.01 acres; Lot 10 = 1.00 acres; Lot 11 = 1.01 acres; Lot 12 = 5.88 acres (differs from the 5.85 acres in the preliminary subdivision). The applicant testified that the differences in lot sizes are due to a revised location of the road and to refinements made during the surveying process for the final plat.
 - b. A proposed easement to the Town of Richmond for a trail was shown between Lot 3 and 4. That easement was removed, due to the safety concerns related to steep slopes and other factors.
12. The application materials include a letter from Peter Heil (dated August 6, 2012, pages 4-5) which discusses the Richmond Subdivision Regulations, Article V, General Planning Standards. The DRB finds the following: 1) application #12-135 meets Article V, Planning Standards, for Lots 1 through 11; 2) a review of the General Planning Standards is not applicable to Lot 13, since no development will occur on that lot, and is not applicable to Lot 12, since that is a "deferred lot" which will be reviewed again by the DRB prior to development. The DRB takes special note of the following standards regarding this application:
- a. General Planning Standard (1) – Lots 1 through 11 contain some amount of slopes, in particular, Lots 1 through 4. Richmond Zoning Regulations, Section 2.5.2, specifies that slopes greater than 35% are not capable of supporting any land development. Plan Sheet #3 shows that the largest slope exists on Lot 3, which will have a finished maximum grade of 1 on 3, or 33%. Therefore, none of the lots (1 through 11) contain steep slopes. Richmond Zoning Regulations, Section 6.11, Steep Slopes, requires that any proposed construction on land with a slope over 20% shall be required to submit engineering plans for adequate erosion control and safe construction methods. Plan sheet #10 shows erosion control specifications and landscaping specifications to ensure adequate erosion control for the slopes.
 - b. General Planning Standard (2) – A memo from Alan Quackenbush, Vermont Department of Environmental Conservation, specified that the access road has been revised to leave a 50-foot buffer zone along the wetland's edge and that all other wetlands are further north and not in close proximity to the project. The application refers to the wetlands as Class 3 wetlands.
 - c. General Planning Standard (3) – The subdivision improvements will conform erosion and sediment control devices, including stormwater facilities, both during and after construction as specified in Plan Sheets 2, 3, 4, and 10. In addition, Town Engineer Michael Weisel reviewed those plans and made recommendations for minor changes, which were incorporated by the applicant.
 - d. General Planning Standard (11) – There are no established large animal habitats located on Lots 1 through 11.
13. The DRB finds that the Richmond Subdivision Regulations, Article VI, Required Improvements and Designed Standards are met. The DRB specifically notes the following:
- a. Roads and Other Facilities (600) Road – Sadlar Meadow Road will serve Lots 1 through 11 and will remain a private road.
 - b. Construction (600.1) – This section requires that all roads must be constructed to meet the Town of Richmond Public Works Specifications. The DRB has determined that the road is not required to meet those specifications for the following reasons:
 - i. The first 350 feet of the road will be paved, including a portion with a 9% grade;
 - ii. Sadlar Meadow Road will remain a private road;
 - iii. The road meets the Vermont Agency of Transportation A76 standards.
 - c. Construction (600.1) – A review of plans for construction was completed by Richmond Town Engineer Michael Weisel and temporary Town Engineer Meg Armstrong. Based on

- recommended changes by Weisel, the engineering plans were revised prior to submission of application #12-135.
- d. Curb Cuts (600.4) – The DRB considered two sets of curb cuts for application #12-135:
 - i. On September 4, 2012, the Richmond Selectboard approved a highway access permit for Sadlar Meadow Road off Jericho Road. The highway access permit provides access for Lots 1 through 11 and Lot 13.
 - ii. Access for Lot 12 is proposed to be located on a 60-foot town right-of-way (parcel K on the plat), which currently services three driveways. The development of Lot 12 is predicated upon having vehicular access through the right-of-way on Lot K. Because Lot 12 will be the fourth driveway using that right-of-way, a portion of the right-of-way (for the first driveway) may have to be improved to meet applicable town road standards and driveway standards, depending on the number of driveways which access Lot K..
 - e. Roads and Other Facilities (600.8) – Letters from the Richmond Fire Chief, Police Chief, and Richmond Rescue's Director of Operations indicate that the emergency services can be provided to Lots 1 through 11.
 - f. Road Names (600.11) – On October 1, 2012, the Richmond Selectboard approved "Sadlar Meadow Road" as the name for the private road.
 - g. Section 620 – Pedestrian and Bicycle Access – The plans for the proposed subdivision includes a proposed 10-foot pedestrian easement to the Town of Richmond containing a five-foot cinder path between Lots 3 and 4, which then goes through Lot 13 to an existing right-of-way off Joan Avenue. The applicant proposes that a recreation path be constructed in that location. The Richmond Selectboard has not accepted such easement at this time.
 - h. Section 640 – Trees, Shrubs and Landscaping – Plan Sheets 2 and 3 show a cedar hedge between the boundaries of Lot 7 and Lot 8 with parcels JN0271 and JN0273.
 - i. Section 650 – Drainage and Fill – the drainage and fill will consist primarily of a stormwater draining system and grass channel. The HydroCAD model shows that the system is built for a 25-year storm event. Erosion and sediment device locations and details are shown on plan sheets 2,3,4, 5, and 10.
 - j. Section 660 – Water Supply and Wastewater Disposal Systems – The application materials include drawings and information to indicate that the water supply and wastewater disposal systems have been designed and that such systems shall comply with State of Vermont regulations and standards.
 - k. Section 670 – Utilities – The application indicates that all new utilities will be underground for this proposed subdivision.
 - l. Section 680 – Phasing – The application indicates that no phasing is proposed for this project. The DRB finds that no phasing is required.
14. Article VII of the Richmond Subdivision Regulations pertain to general requirements for legal data, continuing maintenance agreements, associations of owners, waivers, conditions, and other aspects.
- a. Section 701 through Section 704 – The applicant provided the following documents encompassing legal data, continuing maintenance requirements, easements, and association of owners:
 - i. Draft Declaration of Protective Covenants, Liens, Easements, and Restrictions for Sadlar Meadow
 - ii. Draft By-Laws of Sadlar Meadow Homeowners Association, Inc.
 - iii. Draft Warranty Deed of Easement, for Town of Richmond
 - iv. Draft Warranty Deed of Easement, for Sadlar Meadow Home Owners' Association
 - v. Draft Warranty Deed, for Sadlar Meadow Homeowners' Association, Inc.
 - b. Section 704 – Waivers – The applicant requested a waiver from the Public Works Specifications. As discussed in Finding of Fact #13.b., the DRB finds that there is sufficient justification for that waiver.
 - c. Section 708.1 – Security – the DRB has determined that security is not required.
15. Conditions per Preliminary Subdivision Review – In its approval of preliminary subdivision application #11-013, the DRB set a number of conditions which were to be completed prior to the

final subdivision review. Certain of those conditions were not met and the DRB makes the following findings of fact regarding those conditions:

- a. Condition 2.f. – A landscaping plan was not presented with the final subdivision application showing adequate screening between Lot 13 (original lot) along the southeast corner adjacent to Parcel JR1651. The applicant testified that he spoke with the property owner who said such screening is not necessary. The DRB finds that the screening is not necessary between Lot 13 and Parcel JR1651.
- b. Condition 2.l – Written approval has not been obtained from the Agency of Natural Resources District Office for the use of the on-site mitigation plan to address the impact to the 14.6 acres of primary agricultural soils. The applicant testified that he intends to submit the Act 250 application after local permitting is completed and the on-site mitigation plan will be addressed at that time. The DRB finds that such approval is not necessary to obtain prior to issuing its decision regarding application #12-135.
- c. Condition 2.n – The Richmond Selectboard has not accepted the proposed road as a town highway because the applicant decided to construct the road as a private road. The DRB finds that this condition no longer applies.

Board Decisions:

Per the Daniel Peet "Sadlar Meadow 13-Lot Subdivision" application #12-135 for Parcel JR1925, the Richmond Development Review Board approves the application in accordance with the Richmond Subdivision Regulations and the Richmond Zoning Regulations. The conditions specified below must be met.

1. Final Subdivision Review [Richmond Subdivision Regulations, Article 4 through Article 7]
- * 2. Conditional Use Review [Richmond Zoning Regulations, Section 4.4] for two curb cuts each on Lots 1 through 4, as shown on the submitted plan sheets.
3. Planned Unit Development/Planned Residential Development [Richmond Zoning Subdivision, Section 5.12]
4. The DRB also approves the following:
 - a. Waiver from meeting the Richmond Public Works Specifications, so long as the project is developed in keeping with the submitted application materials.
 - b. Approves Lot 12 as a lot, per Finding of Fact #4, however, it is not approved as a building lot.
 - c. Approves Lot 13 for permanent agricultural use only, per Finding of Fact #5.

Conditions:

The following conditions shall apply to the Daniel Peet "Sadlar Meadow 13-Lot Subdivision" application #12-135 for Parcel JR1925:

1. The project shall be developed in conformance with the above referenced survey plat, plans, and submittal documents.
2. The Applicant shall submit this DRB decision to the Richmond Town Clerk for recording in the Richmond Land Records. This decision must be submitted within 30 days of the date when the DRB decision is issued.
3. The survey plat shall be revised and re-submitted with the following modifications:
 - a. Revise date to reflect the set of changes as described in b. through g. below;
 - b. Add new E911 numbers for Lots 1 through 12 (after consultation with the Town Planner/Staff to the DRB)
 - c. Update the adjoining property information with current property owners for all parcels adjacent to Parcel JR1925, including but not limited to Lot U (1653 Jericho Road) and Lot J (MR0252).
 - d. Revise to include the following wording on the recorded plat: "Approved for recording in the Town of Richmond Land Records by decision of the Richmond Development Review Board on October 22, 2012 with permit number #12-135 and signed _____."
 - e. Add a note on Lot 12 indicating that Lot 12 is not an approved building lot.
 - f. Add a note on Lot 13 indicating that Lot 13 is approved for agricultural purposes only.
 - g. Submit revised survey plat to Town Planner/Staff to the DRB for final review of these changes. Upon a satisfactory review, the final plat will be signed by the DRB.

- h. The final plat survey must be recorded in the Richmond Land Records within 180 days of this decision.
4. Within 180 days of this decision, all boundary monuments and/or pins for Lots 1 through 12 and field markers for building envelopes for Lots 1 through 11 must be set in place.
5. No changes, modifications, or revisions shall be made to this final subdivision approval, unless the final subdivision is first resubmitted to the DRB and the DRB has approved the modifications, except as provided in Section 800.1 (or equivalent).
6. The following conditions apply to Lot 12:
 - a. Prior to commencing with any development, the applicant or owner of Lot 12 must come before the DRB to receive approval for any such development with respect to all applicable subdivision and zoning standards in effect at the time of application.
 - b. Prior to any development on Lot 12, the owner is responsible for installing any infrastructure to comply with the road and driveway standards which apply to the four driveways on the access right-of-way. Such infrastructure may apply only to the closest driveway to Mary Drive.
7. The following conditions apply to Lots 1 through 11: 1) the mature wood lines are maintained; 2) any steep slopes are re-graded in keeping with the slope restoration detail on plan sheet #10; 3) the construction complies with the specifications as established in the plans submitted with the application.
8. The applicant must present a formal offer to the Richmond Selectboard for the easement and construction of the recreation trail between Lots 8 and 9 and through Lot 13.
9. The applicant shall provide that the new road agreement is signed and recorded in the Richmond Land Records prior to the granting of any deed of conveyance.
10. No zoning and construction permits shall be issued until the entire road is installed and the road is approved for travel by the Richmond Town Engineer.
11. As part of the Zoning and Construction permit applications for Lots 1 through 11, the following shall be provided:
 - a. Copies of Act 250 and any associated Agency of Agriculture, Foods & Markets approval for the subdivision, including the permanent agricultural use of Lot 13.
 - b. Written details to demonstrate that the dimensional requirements are met, per Section 3.2.
 - c. Detailed driveway plans to demonstrate that Section 6.2 of the Richmond Zoning Regulations are met.
 - d. Evidence that the landscaping hedge has been installed along Lot 7 and Lot 8.
 - e. Approved annual Sadlar Meadow Road maintenance plan.
 - f. Evidence that documents, per Finding of Fact 14.a. have been executed and recorded.
 - g. State of Vermont Wastewater and Potable Water Supply permits.
12. Any other applicable zoning or subdivision regulations not expressly waived in this decision must be complied with, specifically receiving Final Subdivision approval from the DRB.
13. This decision shall not relieve the Applicant from any obligations to obtain all other applicable required federal, state and local permits.

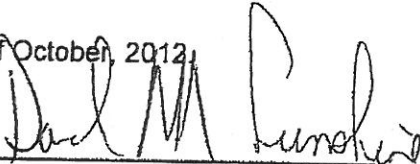
The applicants and interested parties are hereby notified that if they disagree with this decision, they have the right, under 24 V.S.A. 4471, to appeal to the Environmental Court. The appeal must be filed within thirty days of the date of this decision, and be in accordance with the governing rules of procedure and rules of the Vermont Environmental Court. 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. An appeal from a decision of the appropriate municipal panel... shall be taken in such manner as the supreme court may by rule provide for appeals from state agencies governed by sections 801 through 816 of Title 3 [Vermont Statutes Annotated]..." See 24 V.S.A. 4465(b) for the definition of "interested person."

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

David Sunshine, Chair	in <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	ABSENT
Brian Wemeke, Vice-Chair	in <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	ABSENT
Stephen Ackerman, Member	in <u>FAVOR</u>	AGAINST	ABSTAINING	RECUSED	<u>ABSENT</u>
Fred Fortune, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	<u>ABSENT</u>
[one vacancy]	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT

The above votes occurred at a DRB meeting on the 19th of October, 2012.

DATED this 22nd day of October, 2012.



David M. Sunshine, Chair for the
Richmond Development Review Board