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Town of Richmond Development Review Board Final Decision, 1/8/2025

RE: SP2025-01- The Town of Richmond is seeking Site Plan Review to amend the site plan for the preexisting outdoor recreation facility located at Browns Court. The Applicants are looking to make the following changes to the site: improving the parking area, adding a new storage shed, adding a bocce court, improving the existing baseball field, adding pickleball courts, and landscaping changes.

LOCATION: 58 Browns Court

EXISTING ZONING: High Density Residential

PARCEL HISTORY:

1. Zoning Permit 07-03, Approved 4/10/2007
2. Site Plan Review 2020-016, Approved 3/19/2020
3. Zoning Permit 2020-021, Approved 4/1/2020

LIST OF SUBMISSIONS:

- A. Cover Letter
- B. Site Plan Review Application
- C. Trip Generator Report
- D. Rec Field Design
- E. Boundary Survey
- F. Abutters List
- G. Parking Sign
- H. Court Sign Dimensions

PROCEDURAL INFORMATION:

1. Application received 12/19/2024
2. Warning and agenda sent to Seven Days 12/20/2024
3. Hearing notice sent to applicant 12/20/2024
4. Abutters letter sent 12/20/2024

FINDINGS OF FACT:

1. The Applicants are proposing an expansion of an existing Outdoor Recreation Facility or Park. The Applicants are seeking to add the following improvements:
 - a. Storage shed
 - b. Bocce court
 - c. Improvements to the existing ballfield

- d. Pickleball court
- e. Updated parking area
2. The Applicants are also proposing landscaping to screen the proposed pickleball courts.
3. The project is located in the High-Density Residential district and is subject to Section 3.2 of the Richmond Zoning Regulations.
4. Section 3.2.5.c notes that no zoning permit may be issued for uses that generate more than 10 vehicle trip ends for the first 40,000 square feet of land development area.
5. The Applicants traffic report notes that they are allowed 106 PM trip ends. The report notes that the expansion of the use will only generate 38 PM trip ends and will comply with Section 3.2.5.c.
6. This project is subject to the regulations applying to all lots noted in Section 4 of the Richmond Zoning Regulations.
7. The project is required to comply with the Richmond Public Work Specifications noted in Section 4.1 of the Richmond Zoning Regulations.
8. Section 1.3 of the Richmond Public Work Specifications notes that " A property owner must apply for an access permit (or amendment) for any new access on to a road or street, such as for a new road or driveway (or for any new uses that increase the ADT for the driveway)".
9. The Applicant's project is subject to the noise restriction noted in Section 4.9 of the Richmond Zoning Regulations.
10. Section 4.9.1 notes that noises in the High Density Residential District shall not exceed an average of 70 decibel per hour on average or an instantaneous noise of 80 decibels from 7:00 am- 11:00PM.
11. The Applicants indicated in their narrative that the decibel range for pickleball court varies but is on average 70 decibels an hour.
12. A Recreation Facility or Park, as defined in Section 7 of the zoning regulations is a Conditional Use per Section 3.2.2 m. of the Richmond Zoning Regulations.
13. An outdoor recreation facility or park is a conditional use and is subject to Conditional Use Review as noted in Section 5.6.
14. Conditional Use Review is Subject to the Site Plan Review Regulations noted in Section 5.5.3.
15. Amendments to site plans are regulated by Section 5.5.5.
16. Section 5.5.5. notes that any changes to landscaping or pedestrian circulation patterns require site plan approval by the Development Review Board.
17. Section 5.5.2 notes the requirements for a site plan
 - a. Names of the owner of the parcel
 - b. Names of all the abutters
 - c. Professionally prepared site plan unless a waiver from this requirement is requested by the applicant. Shows the following:
 - i. Existing Features
 - ii. Proposed land development
 - d. Phasing plan for the project
18. The Applicants indicates that they plan on working during the Summer and Fall of 2025.
19. The Applicants have provided an abutters list.
20. The Board may impose conditions on any of the items noted in Section 5.5.3a.i.-vii.
21. Section 5.5.3.b i-xi notes the various requirements for landscaping.
22. The Applicants noted that the new gravel parking area will be screened by the existing screen of trees. In addition, the pickleball court will be screened by 99 Emerald Green

Arborvitae. The Applicants indicated that they plan to spend \$100 per tree. There is an existing tree line that screens the property.

23. Changes to Parking are regulated by Section 6.1.2 of the Richmond Zoning Regulations.
24. Section 6.1.2.a notes that all parking spaces shall have a minimum width of 9 ft and a length of 18 feet.
25. The Applicants' site plan does not clearly note the width of the parking spaces.
26. The length of all the parking spaces are 18'.6" as noted in sheet C1.01 of the applicants plan set.
27. Section 6.1.2 notes that parking areas with a 90-degree angle need a minimum two-way aisle width of 24 feet.
28. Sheet C1.01 notes that the two-way isle width is 26 feet.
29. Section 6.1.2.c notes the minimum required parking spaces for a particular use.
30. The parking table noted in Section 6.1.2.c notes that Recreation Facilities require 2 spaces plus .25 spaces per 1000 SFGHA.
31. The Applicants plan set notes that they are required to have a minimum of 14 parking spaces.
32. The Applicants are proposing 30 parking spaces which meets the minimum requirement noted above.
33. Section 6.1.6.b notes that all parking areas shall be hard surfaced, asphalt or paved, unless the applicants request a waiver from the DRB.
34. The Applicants have requested a waiver from the surfacing requirements and are requesting a gravel parking area.
35. Section 6.1.6.6.c. notes that "all parking areas and associated roadways shall be designed and constructed with detention devices, such as, but not limited to overland grassed and/or stone lined swales, detention basins, and settling ponds, in order to assure that the post development peak flow stormwater volumes from such parking areas and roadways do not exceed the predevelopment quantities based on the run-off from a twenty-five year, twenty-four hour storm event".
36. The Applicants have requested a waiver from the drainage requirement.
37. The Applicants have indicated that there will be designated parking spaces for persons with disabilities as required by Section 6.1.6.6.d.
38. The parking meets the setback requirements noted in Section 3.2.4 as required by Section 6.1.6.6.f.
39. The Parking area is already screened by existing vegetation as required by Section 6.1.6.6.g.
40. Section 6.1.6.6.h notes that the DRB has to approve the landscaping for the parking area.
41. The Applicants have not provide additional landscaping for the parking area.
42. Section 6.1.6.6.i note that all parking areas shall have plans for pedestrian paths to minimize the hazard to pedestrians.
43. The Applicants requested a waiver from this requirement.
44. The Applicants have provided a bicycle rack per sheet C1.01 in compliance with Section 6.1.6.6.j.
45. The Applicants are requesting a waiver from the striping requirement noted in Section 6.1.6.6.k.
46. Section 6.1.6.6.o notes that fire lanes need to be approved by the Richmond Fire Chief and shall be clearly marked.
47. The driveway to the parking area must comply with the driveway regulations noted in Section 6.2 of the Richmond Zoning Regulations.

48. Section 6.2 notes that the commercial driveways have a minimum required width of 20 feet for its length.
49. The Applicants Sheet C1.01 notes that the driveway width is 16 feet
50. The Applicants are also proposing new signage for Browns Court.
51. All Signage is subject to the Sign Regulations noted in Section 5.7 of the Richmond Zoning Regulations.
52. Section 5.7.2 notes the Regulations for all signs.
53. The Applicants have proposed one free standing sign at the entrance to Browns Court That meets the Requirements noted in Section 5.7.2.
54. Signs located in the High Density Residential district are regulated by Section 5.7.3.
55. The Applicants have applied for one free standing sign as permitted by Section 5.7.3.a.
56. The Applicants also want to attach two signs to the pickleball court noting the hours of operation and court rules.
57. These signs will be 2 square.feet.
58. Section 5.7.1.e notes that signs directing the public on recreational land are allowed provided they do not exceed 2 square feet.

CONCLUSION:

1. The project is in compliance with sections 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12.
2. The Board waives the 20-foot-wide commercial driveway requirements per Section 6.2.1.b. The commercial driveway only has to be 18 feet wide.
3. The Board approves the site plan requirement waivers noted in Section 5.5.2.c.
4. The Board approves the waiver request as noted in Section 6.1.6.b.
5. The Board has approved the waiver request for Section 6.1.6.6.c.
6. The Board has approved the waiver request noted in Section 6.1.6.6.i.
7. The Board has approved the waiver request noted in Section 6.1.6.6.k.

DECISION: The Development Review Board approves SP2025-01 with the following conditions:

1. The Town of Richmond or its designee will be responsible for maintaining all the facilities and grounds at 58 Browns Court in perpetuity.
2. All landscaping will be maintained by the Town of Richmond or its designee in perpetuity.
3. The number and type of trees shall be as noted in the cover letter and application letter dated 1/3/2025.

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	FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Matthew Dyer, Vice-Chair	FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Padraic Monks, Member	FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Roger Pedersen, Member	FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Matt Parisi, Member	FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT

The above votes occurred at a DRB meeting on the 8th day of January 2024.

David M. Sunshine

DATED 1/17/2025

David Sunshine
Richmond Development Review Board Chair

