

**RICHMOND DEVELOPMENT REVIEW BOARD
REGULAR MEETING
APPROVED MINUTES FOR OCTOBER 10, 2012 MEETING**

Members Present: David Sunshine, Chair; Brian Werneke, Vice-Chair; Stephen Ackerman

Members Absent: Fred Fortune, one vacancy

Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; Peter Heil (O'Leary-Burke Engineers); Tim Vachereau (VT Gas Systems, Inc.); Marc Hughes; Paul O'Leary (O'Leary-Burke Engineers); Danny Peet; Bob Marquis

Sunshine called the meeting to order at 7:02 p.m.

Sunshine welcomed the public. He noted that there is a vacancy on the DRB and invited members of the public to apply through Town Administrator Geoff Urbanik.

Public Hearings

1. Vermont Gas Systems, Inc. - Application #12-156 for Conditional Use Review per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District), to install new underground natural gas line service within the Special Flood Hazard Area for the following parcel: 80 Church Street (CS0080) owned by Blake and Maureta Mackay in the High Density Residential zoning district.

Sunshine swore in Tim Vachereau, construction manager for Vermont Gas Systems. Vachereau explained that the application before the DRB is for individual gas service for one property (80 Church Street) in the FEMA Special Flood hazard Area. He said that the service will be provided via underground pipelines to the dwelling. He said there is nothing different from the previous applications that have been approved in terms of the installation hook-up.

Sunshine opened the hearing to the public. No comments were offered.

Motion made by Ackerman, seconded by Werneke, to close the public hearing and to approve application #12-156. Voting: 3 in favor; 0 opposed; 0 abstentions.

Because the representatives for application #12-155 had not arrived, the DRB proceeded with application #12-025.

2. Chittenden County Fish & Game Club (hearing continued) - Application #12-025 motion to appeal and motion for stay regarding the February 21, 2012 Notice of Zoning Violation by the Zoning Administrative Officer related to the increased use of the shooting range at an outdoor recreation facility located at 1397 Wes White Hill Road (WW1397) in the Agricultural Residential zoning district.

Sunshine said that, from discussions with representatives who have participated in the negotiations, he understands that the efforts to negotiate are continuing. He stated that the DRB has received a written stipulation to continue the DRB public hearing for the application until December 12th. The written request was signed by John Collins (for the Chittenden County Fish & Game Club), by Mark Sperry (for the Town of Richmond), and by Daniel O'Rourke (for the neighbors).

Motion made by Werneke, seconded by Ackerman, to continue the public hearing for application #12-025 until December 12, 2012. Voting: 3 in favor; 0 opposed.

3. Marc Hughes & Stephanie Douglas-Hughes – Application #12-155 for Conditional Use Review per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District) to repair two porches, roofs, and related components and to replace windows in single family residence at 251 Bridge Street (BR0251) in the Residential/Commercial zoning district.

Sunshine swore in Marc Hughes, who said that, based on advice from their contractor, he and his wife decided to fix two porch roofs which were leaking and to replace four windows (two above each porch)

1 with higher efficiency windows which are smaller and located further above the roof. They also
2 installed a rubber roof material to make the roof safer for removing snow.

3
4 DRB liaison Werneke discussed the site visit completed last week. Werneke said that he spoke with
5 Hughes about ensuring that the post foundation supports under the porches will be designed to
6 comply with the flood proofing standards. Werneke suggested that Hughes contact Erik Sandblom, an
7 engineer with considerable experience with designing flood-resistant foundations involving concrete
8 and anchoring. Hughes added that the porch decks are not being replaced, just the foundation posts,
9 and clarified that all of the elements, including the windows, roofs, and roof surface, have been
10 installed, with the exception of the foundation posts.

11
12 Sunshine opened the hearing to the public. No comments were offered.

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14 Motion by Werneke, seconded by Ackerman, to close the public hearing and to approve application
15 #12-155. Voting: 3 in favor; 0 opposed; 0 abstentions.

16
17 4. MEETING MINUTES – September 12, 2012

18 While waiting for the next applicant to arrive, the DRB reviewed the minutes from September 12, 2012.

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20 Motion by Ackerman, seconded by Werneke, to approve the minutes with amendments. Voting: 3 in
21 favor; 0 opposed; 0 abstentions.

22
23
24 5. Daniel Peet (hearing continued) - Application #12-135 for Final Subdivision Review for the “Sadler
25 Meadow” 13-lot residential subdivision (original lot to be used for agricultural purposes and 12 new
26 residential lots) located at 1925 Jericho Road (parcel JR1925) within the High Density Residential
27 zoning district.

28
29 Sunshine swore in Danny Peet (applicant), Paul O’Leary (consultant), and Peter Heil (consultant).

30
31 Gent distributed a document containing staff notes regarding the Selectboard actions and comments
32 with respect to recent materials submitted by the applicant. Heil also distributed a master plan (the
33 same version as was distributed during the September 12th public hearing).

34
35 O’Leary reviewed the October 4, 2012 letter from Heil. He said that Lot 12 will gain access through Lot
36 13 to an existing right-of-way. He added that there are no plans to develop Lot 12, but it needs to be a
37 separate lot at this time because of state permitting requirements. He said that Peet is comfortable
38 with the stipulation that, for any development of Lot 12 to occur, the applicant must come back to the
39 DRB. At that time, they will deal with the slope, access, and other applicable site conditions. With
40 respect to the private road design, O’Leary said that the road foreman and town engineer
41 recommended approval. The justification for not following the Public Works Specifications is based on
42 a supplement to those standards in 2000, which stated that the town roads shall be subject to VT A76
43 standards. O’Leary stated that the proposed Peet road easily surpasses those standards, which
44 require paving only when the grade is more than 7%. The Peet road will be paved for the first 300 or
45 so feet, where the grade exceeds 7%. He added that the DRB has an option via conditional use
46 approval to allow for two driveways per lot for lots 1 through 4 and asked the DRB to make such
47 approval.

48
49 O’Leary then discussed other materials that are included in the additional application submittals,
50 including draft covenant language, letters from the police, rescue and fire regarding service, and a
51 revised site plan and plat showing the building envelope for Lot 7 adjusted to be outside the
52 stormwater easement area.

53
54 The DRB discussed the staff notes from Gent with the applicant and consultants. Peet said that there
55 is a 60 foot right of way deeded to the town (shown as parcel K on the plat) to serve three existing
56 driveways. He acknowledged that Lot 12 would be the fourth driveway using the right-of-way, thus
57 requiring that the portion of the right-of-way through the first driveway would have to be improved to
58 meet applicable town road standards. With respect to Gent’s question about the building envelope on

1 Lot 12, Peet said that there is flat land on which development can occur in addition to the steeper
2 slopes. O'Leary acknowledged that the revision date on the plat should have been updated. Because
3 the project attorney was not present, the discussion of the legal documents was limited to discussing
4 Lot 12, specifically whether Lot 12 is part of Sadlar Meadow Homeowners Association. That may be
5 the case because those owners may share in some of the cost associated with the open space. Peet
6 will talk with the attorney about that question. He indicated that he does not want Lot 12 to be part of
7 the association.

8
9 Sunshine asked about how the water lines enter the two-family structures. O'Leary said the pump is in
10 the well and that one water line enters the building. The two lines split off at the pressure tank and both
11 owners are responsible for the pressure tank. O'Leary offered to provide a diagram showing that if that
12 would be helpful.

13
14 Sunshine opened the hearing to the public. No comments were offered.

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16 Motion by Werneke, seconded by Ackerman, to close the public hearing and go into deliberative
17 session for application #12-135. Voting: 3 in favor; 0 opposed; 0 abstentions.

18 Sunshine noted that the decision will be issued within 45 days.

- 19
20 6. Other Business: Informal discussion regarding potential applications for 83 Bradford Terrace (BT0083)
21 and 88 Rogers Lane (RG0088)

22
23 Bob Marquis joined the DRB for an informal discussion regarding another potential application that
24 might come to the DRB, namely for 54 East Main (EM0054). Marquis explained that he has been
25 considering the purchase of that property, which would be used as housing for his daughter for a time,
26 and would then be torn down and rebuilt, including the foundation. The problem is that the structure
27 does not comply with the side setbacks. Due to the narrow dimensions of the lot, there is no way that
28 the new structure will conform with the side setbacks, while providing a driveway. Sunshine suggested
29 that a variance might be a possible approach since the applicant did not create the problem from
30 which relief is being sought. The DRB discussed the process for proceeding, which would be for the
31 property owner to apply for a zoning permit, have it denied, and then make an appeal to the DRB. The
32 DRB members said they will work with Marquis and Sunshine added that there are no guarantees that
33 the DRB will approve any application.

34
35 The DRB next informally discussed 88 Rogers Lane, which is owned by Jeffrey Hutchins. Gent
36 provided a summary of the situation, namely that Hutchins is considering adding a nursery for his
37 landscaping business. The DRB reviewed the current and proposed zoning and concluded that
38 Hutchins must apply for conditional use review to the DRB for either a nursery or an
39 agricultural/silviculture use.

40
41 The DRB then informally discussed a re-subdivision of lots 7 and 8, which were merged as one (83
42 Bradford Terrace) in 2008. The DRB concluded that this is a re-subdivision, not a subdivision
43 amendment. As a result, the applicant must go through the subdivision process (preliminary and final
44 subdivision).

- 45
46 7. DELIBERATIVE SESSION

47 At 8:19 PM, motion by Werneke, seconded by Ackerman, to enter deliberative session. So voted.

48
49 At 8:54 PM, motion by Werneke, seconded by Ackerman, to come out of deliberative session. So
50 voted.

- 51
52 8. DRB ACTIONS

53 No formal DRB actions were taken.

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55 9. ADJOURNMENT

56 At 8:55 PM, Ackerman made a motion, seconded by Werneke, to adjourn the meeting. So voted.

57
58 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB