

**RICHMOND DEVELOPMENT REVIEW BOARD
REGULAR MEETING
APPROVED MINUTES FOR JULY 11, 2012 MEETING**

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

Members Absent: Lori Cohen

Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Aron Meinhardt, taping for MMCTV Comcast 15; Larry Copp; Marie Thomas; *See attached list*

Sunshine called the meeting to order at 7:07 p.m.

Sunshine welcomed the public. He requested that, if someone wishes to have interested party status, each person should speak during the hearing. Sunshine also requested that everyone sign in.

Public Hearings

1, Vermont Gas Systems, Inc. - Application #12-090 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 parcels: 208 Bridge Street (BR0208); 226 Bridge Street (BR0226); 251 Bridge Street (BR0251); 47 Church Street (CS0047); 40 Esplanade Street (ES0040); 62 Esplanade Street (ES0062); 65 Esplanade Street (ES0065); 84 Esplanade Street (ES0084); 99 Esplanade Street (ES0099); 149 Esplanade Street (ES0149); 123 Railroad Street (RR0123) in the Village Commercial, Residential Commercial, and High Density Residential zoning districts.

Sunshine swore in Tim Vachereau from Vermont Gas Systems, Inc., who provided an overview about the project. Vermont Gas Systems, inc. is proposing to install new individual underground natural gas service to eleven parcels in Richmond village, which are within the FEMA Special Flood Hazard Area (SFHA). Vermont Gas Systems, Inc. has bundled the applications on behalf of each property owner and presented a single application to the DRB. In terms of special provisions for the installations in the FEMA SFHA, Vachereau said that the measures for the installations will be like any other underground natural gas installation. As illustration, he distributed photos of a meter with a safety bracket attached to a foundation. Vachereau noted that an installation diagram was included in the application packet. Vachereau showed actual devises to the DRB, including an excess flow valve and a support bracket which gets mounted to the foundation wall.

Sunshine said that he went on the site visit and looked at a two of the eleven sites. He noted that the location of the new installation is generally where the current oil tank is located. Fortune asked about doing an installation for a mobile home with no foundation. Vachereau responded that Vermont Gas Systems, Inc. does not serve mobile homes, as they tend to not be able to accommodate natural gas. He noted that none of the 11 parcels included with this application involve mobile homes and that the buildings are all residential, not commercial, for this application.

Vachereau said that Vermont Gas Systems, Inc. has identified about 50 parcels within the FEMA SFHA with a potential for natural gas services. He said that Vermont Gas Systems would come back periodically to the DRB as applications come through for those parcels. The DRB discussed the potential for a general permit that could apply to those future applications. Sunshine said that might not be possible, due to state statutes. Vachereau said the approval process is about three months.

Sunshine opened the hearing to the public. Mary Collins asked if there were any erosion around the pipe lines with respect to Tropical Storm Irene. Vachereau said there were no such problems. He added that there are automatic shut off valves at the property and a manual valve at street intersections to shut off the gas. In response to a question from the DRB, Vachereau said the main distribution line has already been installed below the Winooski River in the Conant Farm area. Toby Buxton asked about the latest date (before winter) when digging can be done for the installations. Vachereau said they will dig until mid December. Buxton said it would be best to get the applications through the town approval process as soon as possible.

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Motion by Werneke, seconded by Fortune, to close the public hearing and to approve application #12-090. Voting: 4 in favor; 0 opposed.

- 2. Boardwalk LLC – Application #12-096 for conditional use review per Richmond Zoning Regulations, Section 4.9 (Nonconforming Uses) to increase an existing nonconforming single family residence by 25% (square footage), located at 340 River Road (parcel R10340) in the Commercial zoning district.

Sunshine swore in Kathryn Brown. She said she is representing Boardwalk LLC and is requesting to replace an existing mobile home with a new mobile home with two bedrooms. She noted that the mobile home is a non-conforming use since it is residential in the Commercial district. Boardwalk LLC wants to increase the square footage to 950 square feet and that the number of bedrooms will not increase (will remain at two). Brown added that the DRB had approved a similar application in 2009, however, the owner did not apply for a zoning permit and the DRB approval has expired. All the information for the application is the same as the one submitted in 2009. Brown said that, based on a staff report by Gent, the square footage dimensions for the first floor in the application were not the same as the Richmond listers’ card information. Brown said, for purposes of this application, the owner will use the listers’ footprint and that the total square footage for the home is the same on both the application and the listers’ card at 760 square feet. Therefore, based on the 25% increase, the new mobile home may be up to 950 square feet. Brown said that building footprint will be larger because there is no second floor with the new mobile home and the A frame portion of the house will not be rebuilt. DRB project liaison Fortune said that the owner, Jeff Hutchins, plans to elevate the structure by at least two feet. With additional fill to raise the structure, it will likely be about four feet higher than the current elevation. Gent noted that the structure is not in the current FEMA Flood Insurance Rate Map, but it is in the proposed new map, which may be released soon. Brown said that the parcel will be cleaned up and new shrubs put in place.

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

Motion by Werneke, seconded by Fortune, to close the public hearing and approve application #12-096. Voting: 4 in favor; 0 opposed; 0 abstentions.

- 3. Lawrence Copp, Patricia Weaver, Jonathan Downer, Patricia Downer – Application #12-097 for preliminary subdivision approval for a three-lot subdivision, located at 1950 Hillview Road (HV1950), consisting of one existing lot and two new lots in the Agricultural Residential zoning district.

Sunshine swore in Lawrence Copp and Justin Willis (consultant). Copp provided an overview of the project, namely that the owners are proposing a 3-lot subdivision. They are applying under the Richmond Rural Road standards, with a request for a waiver to reduce the width along the FEMA Special Flood Hazard Area and a waiver request for planting new shade trees. They are also asking for a waiver from preparing a boundary survey of the full parcel since the line between Richmond and Huntington has been in dispute for about 100 years. Copp said that the new parcels will use the Blueberry Farm Road, which is a gated and private road. The owners have no intention of asking the town to take over the road as a public road. Each new lot will have on-site septic and water. Copp added that all the standards for wastewater and potable water have been investigated, but they have not applied for wastewater permits yet. Copp said they understand that a written road maintenance agreement, including easements for access and utility easements, will be necessary and that the owners are prepared to provide that at the next level of DRB review. Copp said that the narrowest width of the road would be 16 feet in two areas where the road goes through the floodplain.

Copp noted that, in addition to Justin Willis, the other consultants for the project include O’Leary Burke engineers, Button Professional Land Surveyors, and Kathy O’Brien, who delineated the wetland. He emphasized that the owners do not want to negatively affect the floodplain and wetland with this project. Copp noted that the building envelopes for Lot 1 and Lot 2 are within a mapped deer wintering area. He added that he believes the area was a deer wintering area but now, with the land consisting of a mature pine forest in decline, it is no longer a deer wintering area. Copp presented the DRB with

1 photos showing lot #2 and #3, with areas where tree over-topping is occurring. He noted that, during
2 the past two years, they have lost hundreds of trees. DRB project liaison Werneke said that, based on
3 the site visit, it is evident that the trees are going away. It is not a good shelter area now for deer. Copp
4 said that there is no process for dealing with deer wintering areas in the current subdivision regulations
5 and that dogs running loose can be a problem. The owners are willing to have covenants in place to
6 not let dogs run loose and chase deer. On Lot #3, it is a completely open space and they are trying to
7 stay within the part of the parcel where there will be plenty of room for deer.
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9 Werneke noted that there will be six house sites using the road, including the farm parcel. He said that
10 the original parcel (#1) is eligible to be subdivided again in the future.
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12 Gent presented a letter from Thomas Levesque, Richmond Fire Chief, at the request of the owners.
13 The letter states that the Fire Department does not have any issues to discuss at this time regarding
14 the project.
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16 Sunshine opened the public hearing to the public.
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18 Toby Buxton said that one of the property lines for Lot #3 is in question with his property at 1908
19 Hillview Road. He said that he and Copp have been addressing this issue since 2007 and that it is not
20 resolved. He added that this property line discrepancy affects multiple property owners, including
21 Bennett and Morrison. Willis said that Chris Haggerty of Button Land Surveyors has been hired to set
22 the pin and that Haggerty has completed the measurements but not the final mylar.
23

24 Buxton discussed the increase in traffic that will be created on Hillview Road as a result of this
25 subdivision. He noted that there is currently a lot of traffic on Hillview Road. Sunshine said there is no
26 specific evidence about the level of traffic on Hillview. Werneke added that, if neighbors are
27 concerned, a traffic study could show how many homes and the level of traffic that is being generated.
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29 Buxton asked about the impact on wetlands. Willis said that there is no proposal to build in a wetland
30 beyond what already exists, in other words, the owners are staying out of the wetlands. The state has
31 not been asked to render an opinion about the wetlands and the road, but Cathy O'Brien is a former
32 state employee. Werneke added that the existing road will be altered as little as possible in the
33 wetlands and floodplain areas.
34

35 Sunshine said that this application involves preliminary subdivision approval. If the neighbors have
36 objections, they should bring evidence to the final subdivision hearing that might contradict the
37 information in the application. Buxton said the next step with respect to the survey discrepancy is for
38 two surveyors to get together. He requested a full size plat and Sunshine suggested that he visit the
39 Planning and Zoning Office to obtain that.
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41 Ackerman asked for clarification regarding the driveway for Lot #1, noting that there might be a better
42 driveway location. Copp said that the driveway location was based on the topography, stone wall,
43 wildlife area, wetlands, and the contours.
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45 Tom Russell from 1800 Hillview Road spoke next. He asked about the location of a wastewater
46 system in close proximity to his well. Willis said that, due to Act 145 which was enacted in 2010, some
47 people did lose the ability to build on parts of their properties. The law does require notification to
48 property owners, if a neighbor encroaches with respect to the well isolation area. Willis said that
49 Russell will be notified as the result of Copp getting a wastewater permit and that any notified party
50 can appeal the wastewater permit. If wastewater becomes an issue on an adjoining property, that
51 becomes an enforcement issue. Russell said he will do research since the septic system is infringing
52 on his property. Sunshine again asked neighbors to bring evidence of any issue to the DRB. Willis
53 pointed out that the town does not have any authority regarding the location of a well. He encouraged
54 Russell to be involved in the state process.
55

56 Marie Thomas of 2024 Hillview Road spoke next. She said she supports the waiver from the road
57 standards to minimize the work that is done in the wetland system. She said that the entire hillside is a
58 big bowl with water flowing downhill. She encouraged owners to plant trees, not cut them down. She

1 said she is concerned about hydrology and the amount of water that will be generated by cutting down
2 additional trees associated with the new subdivision. She suggested that a retention pond or a study of
3 the hydrology of the area might be needed. She said that the Monihans (who have moved away) did a
4 "keeping track" study and that she tried to get a copy, but Gent said none was on file in the Planning
5 and Zoning Office. Thomas again suggested that the area is a basin involving multiple parcels. She
6 noted that currently certain property owners – Reap and Ryan -- generate a lot of traffic on Hillview
7 Road. She said it is difficult to assess the traffic volume with the new subdivision without knowing who
8 will live there and whether they will have a home occupation. She said that there is obviously much
9 more traffic during blueberry season, with the blueberry farm. She added that she would like to seem
10 more police enforcement on Hillview Road.

11
12 She next discussed the distance from the streams with the building envelopes and suggested that the
13 DRB consider a vegetative buffer to prevent erosion. She said the stream does not have the ability to
14 deal with excess water and that she has seen increased flooding along the back yard as more logging
15 has taken place.

16
17 Peter Thomas of 2024 Hillview Road discussed the stream that originates on Lot 1, forms a boundary
18 between Lot 2 and Lot 1, then crosses into Lot 3 and transverses the farm. He said he thinks the map
19 is incomplete because the stream also crosses his land in the grassed wetland area. Thomas said the
20 stream does not have the ability to deal with excess water and that he has seen increased flooding
21 across his back yard recently as more logging has taken place. Thomas added that he would be in
22 favor of a variance for the road.

23
24 Fran Thomas, 1635 Hillview Road, said she is concerned about the large lot (Lot #1) in terms of the
25 wildlife and future development. She suggested that conservation easements might be a good idea.
26 She said she is not necessarily in favor of waivers from the road standards, since Lot #1 has potential
27 development. Sunshine said that the DRB would decide at that time whether the road would have to
28 meet new more restrictive standards. Thomas also posed the question at what point is a master plan
29 needed.

30
31 Devin Collins said that the economic impact of the proposed subdivision on the farm has not been
32 taken into consideration. He pointed to the loss of land and additional traffic, saying he thinks the farm
33 will eventually fail.

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35 Buxton asked if the current fence is going to stay. Sunshine replied that it is shown on the plan. Buxton
36 added that the fence has generated stray voltage on his land. Buxton also said that he is concerned
37 about the cost of hiring a surveyor to determine the boundary line. He noted that his water supply is
38 right next to the brook and that he is concerned that he will have to build a new well if his is
39 compromised by Lot #3.

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41 Marie Thomas said that she did not agree that the three-lot subdivision will cause an economic impact
42 and said she would like to see vehicular speed limits in place. She asked if a hydrology study could be
43 done by the applicant for the project.

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45 Willis said that all the concerns will be addressed and that all the water generated by the subdivision
46 must stay on the parcel. Because the area of disturbance exceeds one acre, additional review will be
47 done by the state.

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49 The DRB discussed the process for making a decision and Werneke noted that the DRB will set
50 conditions to deal with any issues or potential issues.

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52 Marie Thomas replied that she has no objections to the development, but wants to register concerns
53 that there is no negative impact on the watershed, prior to construction.

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55 Willis said there are two new lots and three house sites and he does not see any long term plans for
56 development on Lot #1.
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1 Motion by Werneke, seconded by Fortune, to close the hearing for application #12-097. Voting: 4 in
2 favor; 0 opposed; 0 abstentions.

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5 4. MEETING MINUTES – JUNE 13, 2012

6 Motion by Werneke, seconded by Ackerman, to approve the minutes without amendment. Voting:4 in
7 favor; 0 opposed; 0 abstentions.

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10 5. DELIBERATIVE SESSION

11 At 8:44 PM, motion by Ackerman, seconded by Werneke, to enter deliberative session. So voted.

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13 At 9:36 PM, motion by Ackerman, seconded by Fortune, to come out of deliberative session. So
14 voted.

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17 6. DRB ACTIONS

18 The DRB did not take any formal actions.

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21 7. ADJOURNMENT

22 At 9:37 PM, Ackerman made a motion, seconded by Fortune, to adjourn the meeting. So voted.

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