

**RICHMOND DEVELOPMENT REVIEW BOARD
REGULAR MEETING
APPROVED MINUTES FOR AUGUST 8, 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; Ruth Miller, taping for MMCTV Comcast 15; Sheel Anand; *See attached sign-in sheet.*

Sunshine called the meeting to order at 7:02 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. 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 noted that the DRB has received a written request for a stipulated motion to continue the public hearing for the application. 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 Ackerman, seconded by Werneke, to continue the public hearing for application #12-025 until October 10, 2012. Voting: 4 in favor; 0 opposed.

2. Town of Richmond (hearing continued) - Application #12-011 for conditional use review for proposed and as-built improvements within the FEMA Special Flood Hazard Area, per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District) at 203 Bridge Street (BR0203); 286 Bridge Street (BR0286); 430 Bridge Street (BR0430); 431 Bridge Street (BR0431); and the Bridge Street Bridge. BR0203 is within the Residential Commercial zoning district and the other parcels are within the Agricultural/Residential zoning district.

Sunshine swore in Richmond Town Administrator Geoff Urbanik. Sunshine noted that Fortune would like to participate in hearing the application. Fortune stated that he has reviewed the application materials and the video of the first portion of the public hearing for the application. Urbanik indicated he had no objection to Fortune's participation. The DRB agreed unanimously that Fortune hear the application.

Urbanik provided a brief overview about the particular project which has been in limbo for a number of months, causing the hearing to be continued repeatedly. He said there was a major delay while the town waited to hear from FEMA regarding what portion of the replacement playground surface the agency would cover. Originally, the town planned on a poured rubber surface product, at the cost of \$75,000. However, after learning that FEMA will not cover that expense, the town is now proposing the use of an engineered wood mulch for the playground surface which, like the poured rubber surface, is ADA-compliant. Urbanik stated that the wood mulch is prone to washing away in a flood. He added that FEMA will provide \$5,000 and the remaining cost will be covered in the playground maintenance budget. In response to a question from Sunshine, Urbanik explained that the mulch looks like a shredded bark mulch which will support a wheelchair with little resistance. He added that the mulch will not blow away, as the pieces knit together in a type of bond. Urbanik summarized the pros and cons, specifying that the mulch will meet the ADA requirements but will float away in a flood, but not in a heavy rain storm. He said it is the most cost-effective option. In response to a question by Ackerman, Urbanik stated that the town has been out of compliance with the ADA requirements and we have not met the deadline to remediate the problem by March 2012.

1 The DRB asked about whether there is any net increase in fill for the project. Urbanik replied that
2 about 140 yards of material will be removed and the same volume will be brought in. The new surface
3 will be at-grade.
4

5 Sunshine opened the hearing to the public. No comments were offered.
6

7 Motion by Ackerman, seconded by Werneke, to close the public hearing and go into deliberative
8 session regarding application #12-011. Voting: 4 in favor; 0 opposed; 0 abstentions.
9

- 10
11 3. Sheel Gardner Anand –Application #12-112 for conditional use review, per the Richmond Zoning
12 Regulations, to allow a portion of a single family house for use as a artist/craft studio, per Section 3.1.2
13 (Agricultural Residential Zoning District), and to place a 4-foot diameter, 40-foot long culvert and
14 associated driveway within the FEMA Special Flood Hazard Area, per Section 6.8 (Flood Hazard
15 Overlay District). The application for the proposed culvert is an amendment to application #11-034, in
16 which the DRB approved a bridge within the FEMA Special Flood Hazard Area. Application #12-112
17 pertains to parcel located at 3012 Huntington Road (parcel HU3012) in the Agricultural Residential
18 zoning district.
19

20 Gent distributed two new driveway design drawings, prepared by Grover Engineering. One drawing
21 showed a 20-foot long culvert and the second drawing showed a 30-foot long culvert.
22

23 Sunshine swore in Sheel Anand, who provided an overview of the two components of the application.
24 He discussed first the culvert and associated driveway within the FEMA Special Flood Hazard Area.
25 Anand stated that there are no changes to the grades or the width of the driveway. He noted that the
26 DRB had approved the construction of a bridge and that his proposal for a culvert instead of a bridge is
27 an improvement. He then briefly discussed the two new driveway design drawings, stating that, due to
28 cost savings, he is looking at a culvert width between those two sizes. He added that the 30-foot
29 culvert would involve a higher use of rip rap and the 20-foot culvert would use more boulders along the
30 sides. He said he may use a combination of rip rap and boulders, but could not pinpoint the exact
31 details for the DRB during the hearing.
32

33 Anand then said that he talked with Dennis Gile, the assistant fire chief, about using a culvert rather
34 than a bridge and Gile was positive about the idea.
35

36 In response to a question from Fortune, Anand stated that the 40 foot culvert, as shown in the original
37 driveway design submitted with application #12-112, was the theoretical maximum that Chris Brunelle,
38 the state stream alterations engineer, approved. Anand added that he does not want the culvert to be
39 as wide as 40 feet. Part of the decision about the use of rip rap or boulders will be based on cost.
40 Anand pointed out that, with the culvert design, there will be less movement of soil (in terms of cubic
41 yards), going from 450 cubic yards to 295 cubic yards. Fortune responded that the width of the
42 driveway over the culvert will be affected by whether boulders or culverts are used and that the width
43 can be reduced in the case of using boulders.
44

45 In response to a question by Ackerman, Anand stated that there are no changes in the culvert design
46 itself, no matter the width of the culver. The culvert will be counter sunk and will be positioned in the
47 same way in the stream. Ackerman said that he did the site visit and there is plenty of room for the
48 culvert. He added that the height of the driveway will be 3-4 feet above the stream.
49

50 Sunshine opened the public hearing to the public. Steve Atwood spoke on behalf of his relative Wesley
51 Atwood, who could not attend the hearing due to health problems. Atwood said that Wesley is
52 concerned about a culvert versus a bridge because he has observed, over the years, a large volume
53 of water coming down that stream. Anand replied that Chris Brunelle has established the parameters
54 for allowing the culvert based on the size of the watershed, which is less than a half a mile. Atwood
55 replied that Wesley Atwood said that the water level has risen on occasion. He noted that beavers
56 have plugged culverts in other locations along the road. Alison Anand stated that she has lived across
57 the road for many years and that there was a beaver pond that caused problems in the past. Atwood
58 again stated that the stream has overrun the banks on previous occasions. Sunshine said that, if

1 Atwood wants to present evidence regarding whether the culvert can handle the same volume of water
2 as the bridge, the DRB could take that under advisement.
3

4 Atwood left the meeting at this time.
5

6 Sheel Anand went on to discuss the artist/craft component of the DRB application. He brought two
7 examples of his paintings to show the DRB the type of work that will be done in the studio. Anand said
8 that he creates one original, then reproduces and sells prints of that piece. He plans to sell his art by
9 appointment at his home studio and will continue to sell his work from a studio in Burlington. Anand
10 said the artist/craft studio will meet the zoning regulations requirements for that use. He stated that he
11 currently has a permit for a home occupation and that an approval for the artist/craft studio will provide
12 more flexibility for his business. Anand said that he may place a sign in the future for his business. If
13 he does so, any permitting can be done by the zoning officer. Following a question by Alison Anand,
14 Gent clarified that a zoning permit is needed for any sign greater than 12 square feet. Fortune brought
15 up a question about the minimum setback of 25 feet for the wastewater and suggested that Anand
16 confirm that is the correct distance with Anand's consultant, Justin Willis. Sunshine brought up the
17 question about the type of surface for the parking area. Anand said he is thinking of a grass surface
18 over pavers, much like a courtyard. Gent discussed the fact that a highway access permit was
19 previously received for the driveway and that an amended permit might be needed for the new
20 artist/craft studio. Anand requested waivers from the DRB from the requirement from parking
21 requirements for a hard surface and for striping for the parking spaces.
22

23 Motion by Werneke, seconded by Ackerman, to close the hearing and enter deliberative session for
24 application #12-112. Voting: 4 in favor; 0 opposed; 0 abstentions.
25

26 After the hearing concluded, Sheel Anand requested that the decision be issued as soon as possible.
27 Sunshine and Werneke explain the review and decision-making process with Anand.
28

29 4. MEETING MINUTES – July 11, 2012

30 Motion by Werneke, seconded by Ackerman, to approve the minutes with minor amendments. Voting:
31 4 in favor; 0 opposed; 0 abstentions.
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33

34 5. DELIBERATIVE SESSION

35 At 8:10 PM, motion by Ackerman, seconded by Werneke, to enter deliberative session. So voted.
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37 At 9:12 PM, motion by Ackerman, seconded by Werneke, to come out of deliberative session. So
38 voted.
39
40

41 6. DRB ACTIONS

42 Motion by Werneke, seconded by Fortune, to approve application #12-097 (Copp, Weaver, Downer).
43 Voting: 4 in favor; 0 opposed; 0 abstentions.
44

45 Motion by Fortune, seconded by Werneke, to approve application #12-011 (Town of Richmond), with
46 the exception of the rain garden (BR0203) and the bio-retention pond (BR0203), which are denied.
47 Voting: 4 in favor; 0 opposed; 0 abstentions.
48

49 Motion by Fortune, seconded by Werneke, to approve application #12-112 (Sheel Anand). Voting: 4 in
50 favor; 0 opposed; 0 abstentions.
51

52 7. ADJOURNMENT

53 At 9:20 PM, Fortune made a motion, seconded by Ackerman, to adjourn the meeting. So voted.
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56

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