

**RICHMOND DEVELOPMENT REVIEW BOARD
REGULAR MEETING
APPROVED MINUTES FOR FEBRUARY 13, 2013 MEETING**

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

Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Jim Hering, taping for MMCTV
 Comcast 15; *also see attached sign-in sheet.*

Sunshine called the meeting to order at 7:05 p.m.

Sunshine welcomed the public and requested that everyone sign in. He also encouraged audience members to speak during the proceedings because Vermont law requires that, if someone wants to become an interested party regarding a particular project, that person needs to speak during the hearing.

Sunshine also mentioned that the DRB has a vacancy and encouraged participants at the meeting or members of the public who might be viewing the proceedings on cable television to apply.

PUBLIC HEARINGS

1. Barry V. Washburn Family Trust & Jackie Washburn – Application #13-004 for a site plan review (Richmond Zoning Regulations, Section 5.5) for a proposed change in use from light manufacturing to a personal services business (pet grooming shop) for a portion of Unit 1D located at 71 Huntington Road (parcel HU0071) in the Commercial zoning district.

Sunshine swore in Jackie Washburn (property owner) and Talia Smith (business owner). Washburn said they are seeking approval for a change in use for building 1D from light manufacturing to a personal service business for a pet grooming shop. Washburn added that they are seeking waivers from requirements for paving and striping for the parking and from presenting a new site plan since the original PUD site plan has not changed. She said they plan to use about a third of the space in the building for the pet grooming business. Project liaison Fred Fortune noted the spaces are currently separated and that he saw no obstacles or problems with the project. Washburn said the town has granted additional sewer and water allocations and that Justin Willis is preparing a state wastewater permit application. Smith said that there are about 16 trip ends in a day and clarified that staff will be doing the grooming (it is not a self-service set up for pet owners).

Werneke pointed out that the definition of a personal service business does not cover pet grooming, and would like to see the regulations cleaned up.

In response to a question from Sunshine, Washburn said there will be a sign on the building no larger than 10 square feet. In addition the locator sign near Huntington Road will be updated to include the pet grooming business.

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

Motion made by Werneke, seconded by Fortune, to close the hearing for application #13-004. Voting: 3 in favor; 0 opposed; 0 abstentions.

2. David Potter & Lisetta Weise-Hansen – Application #13-005 for a preliminary subdivision review for the “Potter” 2-lot subdivision (original lot and one new lot) for parcel located at 83 Bradford Terrace (BT0083) in the High Density Residential zoning district. The applicants are also applying for final subdivision review.

Sunshine swore in David Potter (owner) and Peter Heil (engineering consultant). Heil presented a revised site plan showing areas with slopes. He referenced the Gent staff report on the project and provided the following information: 1. The technical review fee has been paid; 2. The owner has applied for an amended highway access permit; 3. There is an existing wastewater permit for a single lot (after the merger was done) for a 6 bedroom house. They will have to amend the wastewater permit for two

1 three bedroom homes. 4. In terms of steep slopes, the plan shows the 20% grades. He said that, where
2 buildings are proposed, the slope is less than 20%. Heil also referred to a new sheet with a sediment
3 control plan, which covers Section 6.11 of the Richmond Zoning Regulations. He noted that work during
4 construction will be in compliance with the erosion control measures. There are not any slopes above
5 35% on either parcel.
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7 Heil said there will be selected clearing for the homes and driveways. He also handed out a new set of
8 deed language which now includes language for the maintenance of the shared driveway and the
9 shared wastewater system. Sunshine advised that the language on page 1, (B), last sentence needs to
10 be more definitive in terms of how the maintenance for the wastewater system will be allocated.
11 Sunshine also noted that the language about the driveway maintenance (page 3) also needs to be
12 clarified about how the sharing will be done, for instance, because the driveway is largely on Lot 7A, the
13 owner of Lot 7B may not want to be responsible for that share of the driveway.
14

15 Sunshine opened the hearing to the public. Brad Worthen spoke. He said he was the former developer
16 and is now an abutter (via two corporation). He said the corporation is supportive of this subdivision.
17 Worthen offered clarifying information, namely that the Bradford Terrace Association has on file and
18 has recorded the maintenance procedures and agreements for the septic and stormwater systems. He
19 described the wastewater system for the two lots and noted that there is plenty of capacity in the
20 wastewater system. O'Leary Burke does an inspection of the system twice a year. In response to a
21 question from the DRB, Worthen said that the association articles will have to be amended again for the
22 new subdivision (lots no longer merged).
23

24 There were no other public comments.

25 Motion made by Fortune, seconded by Werneke, to close the hearing for application #13-005. Voting: 3
26 in favor; 0 opposed; 0 abstentions.
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29 3. Amelia Wagner, Abigail Allard, Catherine Couture, Jennifer Gilligan - Application #13-006 for preliminary
30 subdivision review for the "Andrews Farm" 5-lot subdivision (original lot and four new lots) located at
31 1149 East Main Street (EM1149) in the Agricultural/Residential zoning district. The applicants are also
32 applying for final subdivision review.
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34 Sunshine swore in Amy Wagner, Abigail Allard, John Allard, and Chris Haggerty (consulting surveyor).
35 Sunshine said that he represents the farmers who will benefit from the subdivision and that he is an
36 abutter, which happened when he conserved a portion of his property and corrected a property
37 boundary line with Prelco. There were no objections to Sunshine's participation in the hearing.
38

39 Haggerty presented a revised set of plans and a memo and discussed the revisions which included: a
40 revised Lot 5 boundary, resulting in Lot 5 going from 10.1 acres to 9.06 acres; revised the northerly
41 boundary of Lot 2 to provide a 50 foot buffer with the pond. This resulted in lot acreage adjustments for
42 Lot 2 and Lot 1; added a drilled well, well shield, existing dwelling and driveway to Bordeau/Kennedy
43 parcel; and added revision notes.
44

45 Wagner presented a series of color photos (lot 3 area) to show what they are trying to preserve. She
46 provided some history of the family farm and said that the family began working with the fish and wildlife
47 department some time ago to try to protect the farm. Although that process did not move forward, they
48 came in contact with the Vermont Land Trust and Bob Heiser. The family decided the only way to
49 preserve the farm would be to subdivide and conserve what they could. Last year, the farmhouse parcel
50 was subdivided and the owners of that parcel will restore the home and keep it part of landscape. The
51 Andrews family was in the 1880 census and their father moved to the farm at 6 months of age.
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53 Wagner went on to discuss a USDA grant for farming which they are using. The grant requires that a
54 certain percentage of prime agriculture soil be present. Lots 2 and 3 are being conserved for agriculture
55 for this phase. This will also provide for the preservation of the barn in a scenic corridor. The family
56 also plans to conserve Lot 1 in the future. The purpose of this project is to maintain the landscape for all
57 to enjoy. Wagner also showed a VAST newsletter with a photo of the property taken by George Safford.
58 Wagner referenced language from the Richmond Town Plan which discusses the importance of land

1 preservation. She said she thinks the bylaws also reflect this theme. However, the subdivision
2 ordinance doesn't do a good job of allowing subdivision for any other purpose than development. Their
3 conservation project doesn't really fit into that.

4
5 John Allard said that Lots 4 and 5 may have potential for future development, but the family has no
6 intention of developing them now and asked the DRB to consider a condition that they have to come
7 back for further approval if they do want to develop them. He pointed out that Lot 4 is separated from
8 Lot 3 by a large ravine. Lot 4 does not meet needs for Maple Wood and agricultural soil requirements.
9 Lot 5 is an open meadow separated from Lot 1. Allard said that there are existing farm accesses for
10 Lots 1, 2, and 3 and that, for Lots 4 and 5, they would likely be able to obtain access for a residential
11 use. He asked for a waiver from having to complete a survey for Lot 1 and Lot 3. He noted that Lot 3
12 could be sold as a separate lot because it is separated by US Route 2. He said the Richmond bylaws
13 make it difficult to do this project, but believes the DRB is allowed to grant waivers except for public
14 roads or public infrastructure. He requested that the DRB grant waivers for Articles 4, 5, 6, and 7. He
15 suggested that there could be deed language that requires compliance with the bylaws for lots 1, 3, 4,
16 and 5 for the lots to be developed. He said the family is willing to shoulder the risk of not being able to
17 develop the lots. Allard said he thinks the project is in keeping with the purpose section of the
18 Richmond Subdivision Regulations, specifically items 8, 9, and 10 for preventing pollution, preserving
19 beauty, enhancing natural resources, etc. and fits in beautifully with the town plan.

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21 Sunshine said that the access permits from VTTrans would be needed and is less concerned about the
22 suitability of soils in that particular area. There was a brief discussion about developable areas, slopes
23 and wetlands, and Allard said none are problems. Werneke brought up the potential for subdividing the
24 lots further, based on the lot sizes and the building envelopes. The DRB discussed the proposed R3
25 zoning district.

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27 Sunshine opened the hearing to the public. James Garris asked about the current zoning regulations
28 and Gent confirmed that the minimum lot size is one acre. Barbara Ward discussed Lot 5, noting there
29 is a run off that comes down the middle of that lot and said she doesn't think one could put more than
30 one house on that lot. George Ward discussed an existing easement on Lot 5 so that Ward can access
31 the land above to get lots out. Further discussion with Haggerty took place, with Haggerty stating it has
32 been difficult to find those easement agreements in the land records. Ward said she may have one and
33 Haggerty asked if she could provide that to him. Bob Heiser from Vermont Land Trust said that the
34 land trust has been working with the Andrews for a decade and they have put together funding from
35 many levels, including federal, state, town, and private foundations. He said he hopes the project can
36 go forward. Bruce Hennessey of Maple Wind Farm said they have leased the farm for almost 10 years
37 and that the Andrews Farm is a key element of the farm's business plan and livelihood. The Andrews
38 Farm conservation will also leverage the conservation of their farm in Huntington.

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40 Allard added that the state said they don't need to issue a permit. He said he has received an email
41 from Jeff McMahon stating that and has requested a project review sheet.

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43 Motion made by Werneke, seconded by Fortune, to close the hearing for application #13-006. Voting: 3
44 in favor; 0 opposed; 0 abstentions.

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47 4. MEETING MINUTES – JANUARY 9, 2013

48 Motion by Werneke, seconded by Fortune, to approve the minutes with a minor amendment. Voting: 3
49 in favor; 0 opposed; 0 abstentions.

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52 5. DELIBERATIVE SESSION

53 At 8:26 PM, motion by Werneke, seconded by Fortune, to go into deliberative session. So voted.

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55 At 9:15 PM, motion by, seconded by Werneke, to come out of deliberative session. So voted.
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6. DRB ACTIONS

The DRB took the following actions:

Motion by Werneke, seconded by Fortune, to approve applications #13-004 (Barry V. Washburn Family Trust & Jackie Washburn). Voting: 3 in favor; 0 opposed; 0 abstentions.

Motion by Werneke, seconded by Fortune, to approve application #13-005 (David Potter & Lisetta Weise-Hansen). Voting: 3 in favor; 0 opposed; 0 abstentions.

Motion by Werneke, seconded by Fortune, to approve application #13-006 (Amelia Wagner, Abigail Allard, Catherine Couture, Jennifer Gilligan). Voting: 3 in favor; 0 opposed; 0 abstentions.

7. ADJOURNMENT

The DRB briefly discussed the status of the creamery parcel.

At 9:25 PM, Werneke made a motion, seconded by Fortune, to adjourn the meeting. So voted.

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

