

Richmond Development Review Board
REGULAR Meeting
APPROVED MINUTES FOR October 14, 2020 MEETING

Members Present:	David Sunshine (Chair); Padraic Monks; Roger Pedersen; Matt Dyer (Vice-Chair); Gabriel Firman
Members Absent:	Alison Anand (Alternate)
Others Present:	Suzanne Mantegna (ZA/Staff); Ravi Venkataraman (Town Planner/Staff); MMCTV; Jason Harvey; Tyler Scott; Don Palmer; Kevin Brennan; Roger Kohn; Brad Stetler; George McCain; Adam Wood; Lauck Parke; Jason Harvey; Rodrique Spinette; Molly Lawney; Rowan Lawney

Mr. Sunshine opened the meeting at 7:01 pm.

Mr. Sunshine requested participants sign in or identify themselves since we are via zoom and provided an overview of what an interested party is and stated the procedures for the meeting.

Public Hearings:

168 River Road, LLC- Continued Application 2020-088 for Conditional Use and Site Plan Review for an addition to an existing garage in the Flood Hazard Overlay District at 168 River Rd, Parcel ID RI0168, in the Commercial (C) Zoning District.

Jason Harvey, owner of Paterson Fuels, and Tyler Scott, Scott + Partners, sworn in. Applicant has submitted Elevation Certificate, cost proposal and the certified drawings.

Questions from the board- Mr. Monks asked if the State has commented on items submitted by the applicant. ZA confirms what was submitted and that the State has issued approval. Mr. Sunshine asks if all the issues have been resolved. Mr. Harvey states that the last item requested by the State was the height of the electrical box. He confirmed the height was at least 1' above Base Flood Elevation. Mr. Scott states that the BFE is 14" above the slab of the garage. Mr. Sunshine asks how high the electrical box is. Mr. Harvey replies that it is 3' above the slab.

Mr. Pedersen ask if the issue about the value of the improvement versus the value of the structure was resolved. Would this be a Substantial Improvement? ZA confirms that it would be a Substantial Improvement but the section of the regulations requires the same documents and construction methods for both an addition and a Substantial Improvement. Additionally, the State has approved the documents.

Tyler Scott- insulated flood vents that open under pressure. These are automatic and certified by FEMA and exceed FEMA regulation.

Mr. Monks confirms that the drawings prepared by licensed architect. Yes- Tyler Scott is a licensed architect.

Questions from the public: None.

Mr. Pedersen moves to approve with conditions as laid out in staff report. Mr. Dyer seconded. Passed 5-0-0.

Mr. Sunshine appreciates that Mr. Harvey got the additional documents.

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Donald & Laurel Palmer, Trustees of the Palmer Family Trust- Reopened Application 2020-106 for an appeal and variance request of the Zoning Administrator’s determination that a driveway is a roadway, located at 640 Palmer Lane, Parcel ID PA0640, in the Agricultural/ Residential (A/R) Zoning District.

Don Palmer, Kevin Brennan, Roger Kohn, Brad Stetler, Rodrique Spinette, were sworn in.

Kevin Brennan provided an overview of the questions the DRB posed, the appellant’s responses, and a response to the staff report. Rodrique Spinette provided an overview of the subject property and the adjoining property, and the wetlands on the properties.

Questions from the board- Mr. Sunshine asked if it was common a wetlands determination to be different today from an evaluation made 12 years ago. Mr. Spinette said that such a change was not common, because the wetland ecology of the land do not tend to change, but signs of hydrology do change over time. Mr. Kohn commented that the DRB is looking for clarification on whether the Palmers did due diligence when it subdivided the properties. Mr. Monks asked Mr. Spinette that because the wetland was not mapped into the significant wetland inventory in 2008, whether the wetland was not considered a Class II wetland at that time. Mr. Spinette affirmed. Mr. Monks asked if the classification of the wetlands currently is due to changes in the wetlands rules since 2008. Mr. Spinette affirmed, adding that the changes to the rules occurred in 2010. Mr. Sunshine asked if there were no Class II wetlands on the parcel in 2008. Mr. Spinette said that there were wetlands on the parcel at that time but were not mapped. Mr. Monks clarified by stating that there were wetlands at that time on the property but could not have been identified and classified as Class II wetlands at that time due to the rules in place. Mr. Pedersen asked for the reasons for subdividing the parcel and why access was not contemplated at the time. Mr. Palmer said that his intent was not to build houses, but to divide the properties based on the town line in order to sell the house in Richmond. Mr. Brennan added that Mr. Palmer had access to the property in Hinesburg in 2008.

No more questions from the Board.

Question from public: Ms. Mantegna said that the 2002 subdivision decision recognized that no access to the 42.3 acre parcel was possible within the Town of Hinesburg. Mr. Sunshine asked if the appellant’s request from 2002 affects their current request. Ms. Mantegna affirmed. Mr. Brennan responded that at that time, no wetlands were mapped, and currently, no new access could be created and only the existing access could be improved. Mr. Pedersen asked if there were any subdivisions of the parent parcel prior to 2002. Ms. Mantegna affirmed that there were subdivisions prior to 2002. Mr. Pedersen asked for clarification on the location of previously subdivided portions within Richmond and its access. Mr. Palmer said that access to those lots in Hinesburg and Richmond is provided by Palmer Road. Lauck Parke said that he would like to support the appellant’s request.

Motion by Mr. Dyer to move the item into deliberative session. Mr. Monks seconded. Passed 5-0-0.

Peggy Farr Revocable Trust- Reopened Application 2020-111 for Preliminary Subdivision Review for a 4-lot subdivision (creation of 3 new lots) and a variance request at 180 East Hill

1 Rd, Parcel ID EH0180, in the Agricultural/Residential (A/R) Zoning District. Continued to
2 December 9, 2020.

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4 Motion to continue to December 9th DRB meeting by Mr. Dyer. Seconded by Mr. Pedersen.
5 Passed 5-0-0.

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7 **Falcon Property Management Partners-** Reopened Application 2020-113 for Site Plan
8 Review for the relocation of three mobile home sites within Riverview Commons Mobile Home
9 Park, MHP Zoning District. Parcel ID#FL0068, for sites LW0023, LW0029 and MW0455 to
10 location between MW0217 and MW0267.

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12 George McCain, consultant for the applicant, sworn in.

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14 Mr. Sunshine states that the DRB wanted to make sure that the individual mobile home
15 homeowners that were affected were notified. Mr. McCain confirms that letters were sent to
16 all and provided to ZA.

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18 Questions from the Board: Mr. Sunshine says there was some question of not 100% sure of
19 where the mobile home units will go. Mr. McCain states that they do know where they will go,
20 a site on Meadow Lane as show on Sheet C-1 Site Plan. The have a grading and erosion
21 control plan prepared. Mr. Sunshine asks ZA if the affected homeowners were notified. ZA
22 states that she sent the warning to all affected sites. Mr. Sunshine asks ZA if she has heard
23 anything from the mobile home owners.

24
25 Mr. Pedersen asks if the MH sites are individually owned or are they leased. Mr. McCain
26 replies that he is not sure, both model exist and he is not sure what Falcon does. Mr. Pedersen
27 asks if the leases for only a specific site and if the moving of the sites would be in conformity
28 with the leases that they have. Mr. McCain not sure, he hasn't seen the lease, but he assumes
29 that there is some provision that the site owners must be given a certain period of time before
30 it can happen. Mr. Sunshine states that the leases he has seen are for lot so and so. Mr.
31 Pedersen just wonders if the landowner move them at will. Mr. Sunshine asks if this is the
32 DRB's or the owner's problem. ZA states that the lawyer provided letters and hopes that he
33 has reviewed the leases. Mr. Monks states that maybe in the decision there can be a provision
34 that this approval will not modify a provision of the lease.

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36 Questions from the public: none

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38 Motion to approve with conditions in staff report by Mr. Monks. Mr. Pedersen seconded.
39 Passed 5-0-0.

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41 **Adam Wood & Elyse Parente- Application 2020-128** for after-the-fact Conditional Use
42 Approval for mudroom expansion and covered porch additions to a principal structure within
43 the Flood Hazard Overlay District located at 46 Old Brooklyn Ct, Parcel ID OB0046, in the
44 Agricultural/ Residential Zoning District.

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46 Adam Wood sworn in. Mr. Wood explains that in 2015 submitted an application for an addition
47 to residence at 46 Old Brooklyn Court for a substantial improvement. After approval did get
48 a permit for what was approved but added additional improvements (porch and mudroom
49 expansion) that they did not get a permit for. Looking for approval after-the-fact for the work
50 that was done. Total sq. ft. added 458 sq. ft. (Mudroom 148 sq. ft. Porch 351 sq. ft.). All

1 were constructed to FEMA standards (at least 1' above BFE), concrete footings uplift and no
2 enclosed spaces underneath.

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4 Questions from the Board: Mr. Monks confirms that site plans were not prepared by engineer
5 or architect. Mr. Wood says that is correct but they have been constructed to FEMA
6 standards. Construction of the original structure was designed by engineer and inspected by
7 registered surveyor. Mr. Pedersen confirms that the work has been completed, correct? Mr.
8 Wood replies yes. Mr. Pedersen asks ZA if the comments by the Regional Floodplain
9 Manager on September 30th were answered in the affirmative. ZA explains that there were
10 questions that ZA sent to Applicant and ultimately the State stated that the work as proposed
11 would meet the bylaws.

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13 Questions from the public: none

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15 Mr. Monks moves to enter deliberative session. Mr. Firman seconded. Passed 5-0-0.

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17 Mr. Wood wonders if there are no interested parties can the DRB waive if no one has made a
18 comment, can the 30-day appeal period be waived. Mr. Sunshine thinks that it is per State
19 law that there is 30-day appeal period and they don't have the power to waive. Mr. Wood is
20 fine with that.

21
22 **Other Business:**

23 *Minutes to be approved:*
24 August 12, 2020 motion to approve with no changes by Mr. Pedersen. Seconded by Mr. Dyer.
25 Passed 3-0-2. Mr. Sunshine and Mr. Firman recused.

26
27 September 9, 2020 motion to approve with no changes by Mr. Monks. Seconded by Mr.
28 Pedersen. Passed 4-0-1. Mr. Dyer recused.

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30 Application 2020-128-Move to enter deliberative session at 8:03 pm by Mr. Pedersen,
31 seconded by Mr. Monks. Passed 5-0-0.

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33 Motion to approve Application with the condition that the zoning permit application have
34 plans submitted as required in Section 6.8.16e)3. Passed 5-0-0.

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36 Adjourn at 8:46 pm by Mr. Pedersen. Seconded by Mr. Dyer. Passed 5-0-0.

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38 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB and
39 Ravi Venkataraman, Town Planner