

Richmond Development Review Board
REGULAR Meeting
APPROVED MINUTES FOR SEPTEMBER 11, 2019 MEETING

Members Present:	David Sunshine (Chair); Matt Dyer (Vice-Chair); Padraic Monks; Roger Pedersen
Members Absent:	Gabriel Firman; Alison Anand (DRB alternate)
Others Present:	Suzanne Mantegna (ZA/Staff); Ruth Miller for MMCTV Comcast 15; Josi Kytle; Colin Moffat; Robert Reap; Jonathan Kart; Gary Bressor

David Sunshine opened the meetings at 7:09 pm and requested participants sign in and provided an overview of what an interested party is and stated the procedures for the meeting.

Public Hearings:

Robert & Joy Reap- Application 2019-092 for Preliminary Subdivision Review of Lot 4 (creation of one new lot) located at 65 Willis Farm Rd, Parcel ID WI0065, in the Gateway Commercial Zoning District.

Robert Reap sworn in. Explains that they hope to create one new lot, Lot 5, from Lot 4 part of Willis Farm subdivision that was approved in 2016.

Questions from the Board-

Mr. Sunshine asks if the entrance to Lot 4 is just beyond the swale on Lot 1. Mr. Reap replies yes.

Mr. Sunshine asks if the L, shown on the plat is part of Lot 5. Mr. Reap yes.

Mr. Dyer asks if that is where the existing parking is for the farmhouse. Mr. Reap replies no.

Mr. Sunshine asks if Lot 5 will have on-site water and sewer. Mr. Reap states that there is community sewer on Lot 2. Lot 5 will shared community well with Lot 1/ farmhouse. Proposed well from Site Plan going away.

Mr. Reap states that the electric easement has been revised from the plan submitted, since brought the electric in a different way.

Mr. Pedersen asks which lot had the Dog Spa. Mr. Reap replies Lot 3.

Mr. Sunshine asks about Staff Report comments about lack of landscaping plan. Mr. Reap says when new landowners come for Conditional Use/ Site Plan approval landscaping will be addressed then.

Mr. Pedersen ask if Lot 2 is the lot with the newest building. Mr. Reap replies yes.

Mr. Monks discusses that Lot 5 has 40' frontage and 75' is required. Staff Report says applicant should either modify plan or request waiver. Which option would the applicant pursue? Mr. Reap they will request a waiver with final.

ZA asked about updated water and wastewater permit. Mr. Reap states that he believes they have submitted application to the State for modification of existing WW permit.

ZA asked if DRB reviewed Covenants. Mr. Sunshine and Mr. Pedersen had and they appear fine.

1 No further questions from the Board.

2
3 Questions from the public-
4 None

5
6 Motion to approve, with conditions in Staff Report, Application 2019-092 by Mr. Dyer. Mr. Monks
7 seconded. Passed 4-0.

8
9 Town of Richmond- Application 2019-093 for Conditional Use Approval in the Flood Hazard Overlay
10 District for improvements in the floodway, located at 286 Bridge St (Volunteers Green), Parcel ID
11 BR0286, in the Agricultural/Residential Zoning District.

12
13 Jon Kart sworn in. Explains about how with the rip-rap that was completed in 2018 and the canoe put
14 in when the river is high there are now eddy that forms. Want to try to make the access easier for boat
15 removal, consistent footing and enjoying the riverbank.

16
17 Questions from the Board:

18
19 Mr. Sunshine asks if someone is designing the steps so they don't wash away. Mr. Kart replies yes,
20 they will be similar access areas to Fish & Wildlife steps that have been constructed other places. VYCC
21 has volunteered for the installation.

22
23 Mr. Sunshine has question for the Town about the maintenance. Which department in the Town will
24 maintain the steps? He is concerned that previously approved projects have not been maintained.

25
26 Mr. Kart replies that initially he has volunteered for first couple of years. Longer term the Volunteer's
27 Green committee. This project started with increasing the trees in the buffer to improve the area against
28 erosion. Mr. Kart agrees that not a Town department is tasked to take care of the steps/ Volunteer's
29 Green. Highway Department mows the area.

30
31 Mr. Sunshine is concerned that erosion will occur as the Town has not maintained the Water Tower
32 property. He is concerned that DRB would approve and then not taken care of and steps would become
33 a hazard.

34
35 Mr. Kart says the Selectboard made a fieldtrip to see how the rip rap fared over the winter and spring
36 rains. He states that last year's improvements have not worked as well to protect against erosion as
37 hoped.

38
39 Mr. Pedersen states if there is a substantial amount of flood damage then there may be more damage to
40 the area than if no stairs present.

41
42 Mr. Kart states that VYCC has some commitment to build the steps. Maybe Conservation Reserve
43 Fund if larger repairs are needed.

44
45 Mr. Sunshine reiterates that he doesn't have a problem with the project but worries that it would not be
46 maintained and become a danger.

47
48 Mr. Kart states that immediately upstream from bank there are stones that help to protect the steps.
49 This spring has several heavy rain events. Mr. Kart believes that stairs will last for several years.

50

1 Mr. Pedersen asks if the steps of similar construction are also in areas that ice over. Mr. Kart replies
2 yes, they have been built in VT, NH and ME.

3
4 Mr. Sunshine asks if there has been any thought about temporary structure that is removed in the fall.
5 Mr. Kart replies no, interesting idea.

6
7 Questions from the public:

8 None

9
10 No further questions from the Board or public.

11
12 Motion to deliberative session Application 2019-093 by Mr. Pedersen. Seconded by Mr. Monks and
13 Mr. Dyer. Passed 4-0.

14
15 Colin Moffat asks a question about where is water tower. Mr. Sunshine replies up Jericho Rd. Mr.
16 Moffat asks if all the town is on municipal water. ZA replies no, only within water district.

17
18 Buttermilk, LLC- Application 2019-094 for an amendment to a Conditional Use/Site Plan and PUD
19 approval to correct labeling error of building footprint approved under Application 2016-114, located
20 at 20 Jolina Court, Parcel ID BR0125, in the Village/Commercial Zoning District

21
22 Josi Kytle and Colin Moffat sworn in. Ms. Kytle explains how they need to correct the clerical error
23 of Building 1. Multiple applications had the wrong footprint size listed but the dimensions were as
24 have been built under construction. Additionally, the approved 2017 landscape plan has several
25 changes. The landscape plan has trees where Building 2 will be and need to change to remove trees.
26 Would like to install a solar canopy but would need to delete the trees. Since 2017 landscape plan have
27 secured lease from railroad plan that increases the parking but will remove trees.

28
29 ZA has been working with Applicant to get in compliance for Certificate of Occupancy for Building 1
30 but need to make Selectboard Decisions compliant with as-built.

31
32 Ms. Kytle states they have submitted master plan. Building 2 might change in size but the general
33 location is where it would be located. Want to do a multi-stage development.

34
35 Questions from the Board:

36 Mr. Pedersen asks if it is possible they will change location. Ms. Kytle says it depends on what the
37 Selectboard approves for the Zoning Regulations in the new Jolina Court Zoning District.

38
39 Mr. Pedersen ask what specifically is the change. Ms. Kytle states that the footprint says 3610 sf and
40 4590 sf is as built. So DRB is correcting a typo.

41
42 Mr. Sunshine states he is willing to be flexible with landscaping but DRB should consider if Building
43 2 not built then need to complete landscaping. Ms. Kytle says that is fair and she would agree with
44 that.

45
46 Their agreement states that they must pave the parking with Building 2. Mr. Sunshine asks if the cap
47 that is part of the remediation of site. Ms. Kytle replies no, that is done. The landscape change comes
48 from not wanting to build out entire landscape plan if Building 2 is still not settled. Mr. Sunshine asks
49 if a timeframe of two years to install landscaping is fair. Mr. Moffat states that the landscape plan will
50 be complete up to that point. (He shows where) Ms. Kytle states that is totally fair to have a time limit.

51

1 Question to ZA from Ms. Kytile- would they have to come back if want to change the number of
2 dwelling units for Building 2. ZA replies yes, the approval was for 60/40 commercial/residential split.
3 If that is changed then need to amend with DRB.
4

5 Ms. Kytile states she would love Building 2 to be 100% commercial but she does think the Town needs
6 residential. The market wants residential. Additionally, their financing is pushing more residential.
7

8 Mr. Pedersen asks how much of Building 1 is rented. Ms. Kytile states that they currently have one LOI
9 for some commercial space. Hope to have 40% soon and others as well. Commercial space, residential
10 is not a problem to rent.
11

12 Mr. Sunshine when is move in. Ms. Kytile says commercial space to move in late October.
13

14 Gov. Scott coming for ribbon cutting/ brownfield clean-up event on October 9th. Also plans to have
15 public events for community. Mr. Sunshine states that he is assuming they are leaving commercial
16 space fairly raw. Ms. Kytile replies yes. Currently, Richmond Office Works is a proposed tenant. There
17 is also an environmental testing lab as a second potential lease.
18

19 Ms. Kytile states that there is currently over 100,000 in sq. ft. commercial space available in Chittenden
20 County. Many businesses they talk too would also need housing for younger demographics.
21

22 Mr. Pedersen states that the expansion on railroad land for parking help with additional dwellings. Ms.
23 Kytile replies yes. Buttermilk's challenge is that lot was formerly commercial and many townspeople
24 would like it to be commercial.
25

26 Mr. Pedersen talks about example in Maryland in Laurel that was mixed-use that was very successful.
27 Ms. Kytile says that there are several examples in VT.
28

29 Questions from the public:

30 None.
31

32 No further questions from the Board or public.
33

34 Motion to enter deliberative session by Mr. Pedersen. Mr. Monks seconded. Passed 4-0.
35

36 **Other Business**

37

38 Gary Bressor wanted to talk about Thompson Rd Condominium structure and how it has created
39 problems. Wondering if he would have to submit an amendment to approval or whole new application.
40 Would like to come back to discuss as a straight up subdivision. Probably come in as footprint lots.
41 Mr. Pedersen clarifies that he would like to abandon condo structure and just be approved as PUD. Mr.
42 Bressor replies yes. Mr. Pedersen say he would need PUD agreements and abandon condo. Mr. Bressor
43 asks again if changing the legal structure can be an amendment or whole new application. Determined
44 that Mr. Bressor can come in for Sketch and then come back as an amendment. Bring documents as
45 basis of structure. Association documents... Present documents and what he is planning on doing.
46 Mr. Bressor leaves.
47

48 Continued discussion about what is needed. Mr. Pedersen is encouraging ZA to make sure he submits
49 concrete plans. The DRB does not plan it for him. Association Documents for basis of structure.
50
51

Minutes to be approved:

Alison Anand, DRB Alternate, called at 8:10 to vote by phone on June 12 and July 10 minutes.

June 12, 2019- vote to approve with no changes. Passed 3-0 (Anand, Sunshine, Dyer)

July 10, 2019- vote to approve with no changes. Passed 3-0 (Anand, Sunshine, Monks)

Ms. Anand call ended at 8:12pm.

August 14, 2019- vote to approve with no changes. Passed 3-0 (Sunshine, Pedersen, Monks)

Nomination of Chair- Mr. Sunshine by Mr. Dyer. Seconded by Mr. Pedersen. Passed 4-0.

Vice-Chair- Mr. Dyer by Mr. Pedersen. Seconded by Mr. Monks. Passed 4-0.

Adjourn:

DRB exited deliberative session at 8:40 pm.

Application 2019-093, Town of Richmond to approve with conditions. Passed 4-0.

Application 2019-094, Buttermilk approve with conditions. Passed 4-0.

Motion to adjourn the meeting at 8:45 pm by Mr. Pedersen and seconded by Mr. Monks, and seconded by Mr. Pederson. Vote 4-0.

Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB