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Richmond Development Review Board
REGULAR Meeting
UNAPPROVED MINUTES FOR Aug 12, 2020 MEETING

6 Members Present: Padraic Monks (via phone); Roger Pedersen; Matt Dyer (Vice-Chair);
7 Members Absent: David Sunshine (Chair); Gabriel Firman; Alison Anand (Alternate)
8 Others Present: Suzanne Mantegna (ZA/Staff); MMCTV; Kevin Dowd, Laura Sau;
9 Justin Willis; Jason Harvey; Anne O'Brien

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11 Mr. Dyer opened the meetings at 7:03 pm.

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

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17 **Public Hearings:**

18
19 **168 River Road, LLC- Application 2020-088** for Conditional Use and Site Plan Review for
20 an addition to an existing garage in the Flood Hazard Overlay District at 168 River Rd, Parcel
21 ID RI0168, in the Commercial (C) Zoning District.

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23 Jason Harvey, owner of Paterson Fuels, sworn in. There is an existing 32'x32' maintenance
24 garage with two bays. Has 4 trucks that can be worked on in the winter time and trying to
25 make it more comfortable for mechanic, since the trucks stick out of the garage. Addition will
26 be 12'deep and 32' wide. Same roof height, siding, and roof material.

27
28 Questions from the board-

29 Mr. Dyer mentions that structure is in the floodplain and therefore requires review. He asks
30 ZA if Rebecca Pfeiffer, State Floodplain Manager, submitted comments yet. ZA replies yes,
31 arrived Monday. ZA summarized comments. Mr. Dyer mentions Substantial Improvement
32 requirements and additional requirements if triggered. Mr. Harvey asks what the threshold is
33 for Substantial Improvement. ZA says when an addition is 50% or more of the value of a
34 structure. ZA asked Assessor to look at structure and provide an updated value. Applicant
35 has receipts from 2008 garage building that show the structure cost \$51,000 to build. Mr.
36 Dyer explains that the applicant would have to provide proof going forward that the additions
37 stay under the Substantial Improvement threshold. ZA explains what is included in the
38 Substantial Improvement and what the assessor valued the structure as. Mr. Dyer and
39 applicant asked ZA which value they would go off of. ZA asked applicant if he has a written
40 estimate. Mr. Harvey replies no, but if he knows the cost he needs to stay below, then he will
41 stay below that amount.

42
43 Mr. Pedersen asks where the assessor value came from. ZA explains about the Common
44 Level of Assessment for the Town and how Town will be undergoing a reappraisal. Mr. Dyer
45 asks if the value is what it would be sold as. ZA replies it is the assessed value of the structure.

46
47 Mr. Dyer asks if any other features will be added. Mr. Harvey states not really, outlets per
48 code. Mr. Dyer asks if there will be new equipment. Mr. Harvey replies no, reusing the
49 overhead doors.

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51 Mr. Harvey asks which value the addition should be based off of. ZA says that the decision
52 will have the value listed.

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Mr. Monks references Section 6.8.16f)- and that non-residential additions are required to meet this section even if not a Substantial Improvement. Discussion about what is needed. However, State did not make any reference to this in her comments. Not sure if it was oversight or not needed. Mr. Dyer points out that if it was a Substantial Improvement then the original structure would also need to be upgraded but not then only the addition will need to meet Section 6.8.16f).

Mr. Pedersen asks if the DRB can approve without documents. Mr. Dyer believes that they need engineered plans for the addition. Does the applicant have an Elevation Certificate? Mr. Harvey isn't sure. ZA has not found one in file. Discussion about what is needed per 6.8.16f). Mr. Pedersen ask if the DRB can give guidance as to what is needed specifically. Mr. Monks thinks it is spelled out in the zoning regulations and that the DRB needs to be careful telling applicants about what should be on the plans. Mr. Dyer states at the very least it needs provide engineered plans. Mr. Harvey doesn't think it will be a problem. ZA states that she can forward what is required for next meeting.

ZA says that the DRB can continue hearing to the next meeting. Mr. Pedersen would like to move to deliberative session to discuss. Mr. Harvey understands it's in the floodplain. Thinks he can get drawings done for the next meeting.

Questions from the public: None.

Mr. Pedersen moves to enter deliberative session. Mr. Monks seconded. Passed 3-0-0.

Cheryl & Brian Dowd, Kevin Dowd- Application 2020-095 for Subdivision Sketch Review for a 2-lot subdivision, creation of 1 new lot, in the Agricultural/ Residential (A/R) Zoning District at 2540 Hinesburg Rd, Parcel ID HI2713,a.

Kevin Dowd and Justin Willis to present. Mr. Willis states that staff memo reports that there is currently one home on the west side of Hinesburg Rd and is approximately 208 acres. Mr. Dowd would like to build a house at the site of the former borrow pit. Wants to use the existing access. Mr. Willis has designed septic system for proposed house and a replacement system for existing house. Wetland determinations changed by State in 2010, and that has increased the amount of protected wetlands. Tina Heath, wetland ecologist, visited sited and determined that Class II wetlands on both sides of access road and she would be in favor of approving the existing access with minor crowning of road. Staff and attorney have interpreted that a driveway is a roadway and per Section 6.9 cannot have anything within the buffer. Does have an alternate plan that would add 300' in length through the woods. Does have a driveway plan engineer by KAS but did not submit because he wanted to get the wetland issue settled first. There will be no net gains of flood levels with the access. Thinks there is lack of clarity in the regulations. Mr. Willis thinks that it is a change of use for DRB to consider, but seems unreasonable to abandon the AG/commercial existing access.

Questions from the board-

Mr. Pedersen states that they have to deal with ambiguities all the time, but it is up to the DRB to try to figure it out. Mr. Dyer asks which section of the regulations this is from the subdivision or zoning. ZA replies Section 6.9 in Zoning.

1 Mr. Monks states that he is not sure if 6.9 applies for an existing access that is changing.
2 "Road shall not be constructed"- this road is there. ZA thought the change in use would require
3 it to meet Section 6.9. Mr. Monks was surprised when he looked at Google Earth and saw
4 that it was still there. ZA worries that this might allow people to work around the regulations.
5 Mr. Monks thinks that the access may even predate zoning regulations. Mr. Willis says he
6 thinks it does. Mr. Pedersen asks where ZA came up with that a change of use would be
7 required to meet Section 6.9. ZA states that she believes that the use was for AG only. Mr.
8 Willis states that one use of the road was for a sand pit and that the access was more
9 substantial than for an AG road. Mr. Pedersen asks if approval was required for the use from
10 the Town. ZA says not if the use predates zoning. Discussion about use and change in use.
11 Mr. Willis states that he doesn't think the State would approve an AG use road through a
12 wetland.

13
14 Mr. Monks states the regulations state that someone cannot construct a road through a
15 wetland but this road is already there. Discussion about the existing AG road/borrow pit.

16
17 Applicant wants more clarity before they would proceed with a subdivision. The board feels
18 that this road is not being constructed.

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20 Mr. Willis states that they are keeping alignment, just adding crowning, State expects them to
21 stay in the same location.

22
23 No more questions from the Board.

24
25 Question from public: Anne O'Brien- was in the legislature when wetland change passed.
26 The legislature didn't want roads in wetlands. She is an abutter and is so happy to have Kevin
27 use existing road to the gravel pit. It has been there since she has lived there.

28
29 Laura Sau has abutting land and they do not have any problems with it.

30
31 Mr. Dowd thanks the DRB for their time and hopes to build a house soon.

32
33 **Other Business:**

34 *Minutes to be approved-* July 22, 2020 motion to approve with no changes by Mr. Pedersen.
35 Seconded by Mr. Monks. Passed 3-0-0.

36
37 Move to enter deliberative session at 8:10 pm by Mr. Monks, seconded by Mr. Pedersen.

38
39 Motion by Mr. Pedersen to come out of deliberative session at 8:24pm. Seconded by Mr.
40 Monks.

41
42 Motion to continue App 2020-088 to September by Mr. Pedersen. Seconded by Mr. Monks.

43
44 Adjoin at 8:34 by Mr. Monks. Seconded by Mr. Dyer. Passed 3-0-0.

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