

Richmond Development Review Board  
 REGULAR Meeting  
 UNAPPROVED MINUTES FOR OCTOBER 14, 2015 MEETING

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5	Members Present:	David Sunshine, Chair; Mike Donohue, Cara LaBounty, Ian Bender,
6		Roger Pederson
7	Others Present:	Niels Rinehart, Zoning Administrative Officer, Ruth Miller for
8		MMCTV Comcast 15; see attached list

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10 Sunshine opened the meeting at 7:10 PM and reviewed the agenda.

12 Sunshine opened the PUBLIC HEARINGS

14 **Hearing for 60 Wolf Lane** – Application #15-100, Applicant Michael Sipe for Conditional Use and  
15 Site Plan. Review for the construction of a barn/workshop and for permitting of photography business  
16 as a cottage industry at parcel WF0060 located within the Agricultural/Residential Zoning District.

18 Sunshine swore in Michael and Jessica Sipe

20 Sipe explained that he is proposing to construct a workshop that would service the land and support  
21 their photography business. He explained that they want to live and work on the same land.

23 Sunshine asked why the Sipes were applying for a Cottage Industry permit, questioning the Sipes if  
24 they planned to hire any employees.

26 Sipe replied that they were advised to go this route and that they did not intend to hire employees.

28 Sunshine reviewed the standards for Conditional Use Review (Richmond Zoning Regulations, Section  
29 5.6). Sunshine noted that nothing that the Sipes were proposing conflicted with Conditional Use  
30 standards regarding pollutants, noise, storage, or hazardous materials. Sunshine asked if the Sipes were  
31 applying for a Wastewater System and Potable Water Supply Permit and if so, what the current stage  
32 of their application was. Sunshine also asked if the Sipes could make use of existing wells.

34 Sipe explained that they were pursuing a Wastewater System and Potable Water Supply Permit and that  
35 they were currently at the testing stage. Sipe said that they would be drilling a well.

37 Sunshine continued to review the standards for Conditional Use, asking if the Sipes would locate all  
38 activities on the same lot.

40 Sipe explained that they will be building a separate house.

42 Sunshine questioned if there was no house currently on the lot.

44 Sipe said no, there was no house, but he produced a building schedule explaining that they were going  
45 to build a home in the summer. He followed up by saying that they needed the approval to build the  
46 barn/studio before they invested in building the home. If they cannot do one, then they cannot do the  
47 other.

49 Sunshine reviewed the parking regulations asking the Sipes if they would need any delivery trucks.

51 Sipe said no, that they would maintain a residential feel.

1  
2 Pedersen asked for the lot number and if the lot covered 15 acres.

3  
4 Sipe said the lot was Lot 8 and he indicated the proposed location of the house on a map.

5  
6 LaBounty asked for an explanation of the engineer's plan, asking if the building envelope was labeled  
7 and where the septic was for the house.

8  
9 Sipe explained that the septic was a community septic

10  
11 LaBounty said that the DRB needed to see the previous DRB decision on the lot to understand what  
12 was ruled on the septic. The proposed barn/studio is not part of the community septic, so the DRB needs  
13 to see how the new building would relate to what was agreed on for the community septic. LaBounty  
14 asked if there was an easement for a replacement field for the leach field.

15  
16 Pedersen echoed LaBounty, asking if the Sipes were proposing a septic system that was outside of the  
17 existing septic and the existing plat. He followed up by saying that the Sipes do not want to violate the  
18 terms of the subdivision plat.

19  
20 LaBounty indicated the restrictions on the enveloped, explaining that she needed to see the language in  
21 the entire document. She said it appears from the labeling of the envelope that people in the area thought  
22 construction within the envelope would only be for an agricultural structure, therefore she needs to see  
23 more documentation. In addition, LaBounty explained that since the Sipes do not have a dwelling, they  
24 cannot have a cottage industry.

25  
26 Sipe asked what documents the DRB would need for them to provide.

27  
28 LaBounty explained that the DRB would need to see the covenant.

29  
30 Sipe discussed the possibility of allowable alternatives.

31  
32 LaBounty said that the Sipes would have restrictions within their deed and given those restrictions, the  
33 DRB would not have any leeway. Therefore, the DRB needs to see the other documents.

34  
35 Alena Jensen is a resident on Wolf Lane. She said she wanted to know more about what the project  
36 would involve. She said that she bought the land with the understanding that development on the land  
37 would not go beyond what was permitted. She asked if she would be alerted about future meetings. In  
38 addition she said she wanted more details and asked if the studio would be accessed through Wolf Lane.

39  
40 Sipe replied that yes, access would be through Wolf Lane.

41  
42 Jensen asked how many visits they would expect on a daily basis.

43  
44 Sipe said maybe about two visits per day, explaining that they were by appointment only and had no  
45 retail. He said that weeks could go by with no traffic.

46  
47 LaBounty discussed the apparent discrepancy with the sketch map of the proposed structure, explaining  
48 that the entrance appears to be the first cut-off from Wild Apple Lane. She also asked if the septic  
49 easement ran underneath the driveway.

50

1 Sipe explained that he was not exactly clear where it was and he said that big trucks have been driving  
2 on that particular road.

3  
4 LaBounty explained that the driveway might have to go beside the easement if there is a restriction on  
5 the easement and that the DRB needs to see where the easements are.

6  
7 Sunshine explained that the DRB needs to see the septic plan and needs to look at the deed to see if an  
8 on-site septic system is allowed for.

9  
10 Collin Green said that people were welcome to visit the Sipes' studio to see what kind of work they do,  
11 although visits to their studio are by appointment only. Green also asked if there was any intermediate  
12 work that they could do to move the process along.

13  
14 LaBounty asked if the Sipes could build the structure elsewhere to address the problem of the  
15 agricultural restriction.

16  
17 Sipe said that the proposed structure would be within the vernacular of the landscape and that it would  
18 be a beautiful building, but didn't think there would be enough room for it to go elsewhere given the  
19 large size of the structure. He said that moving it elsewhere would lose the feel of the structure and that  
20 it affords them a professional distance from their home, creating the separation from their house that  
21 they wish to create. He followed by saying that they are aware of the community and that their plans  
22 would fit very well within the agricultural landscape.

23  
24 LaBounty asked if building the structure would require the approval of the homeowner's association to  
25 change the restriction on the building envelope.

26  
27 Sunshine explained that the Sipes should look at the covenants and deed, as well as ask if an engineer  
28 or attorney have any problems with the plans. He said that the DRB requires a copy of past decisions  
29 including a final draft of covenants for both Wild Apple Lane and Wolf Lane.

30  
31 Mike Sipe (father of Mike Sipe the applicant) and explained that he bought the lot next to the applicants.  
32 Sipe said that he has read the covenants as well as spoken with the developer and the neighbors and  
33 that they were excited about the project. He said that his understanding was that the occupants of Lot 8  
34 could use well and septic with the equivalent of one bedroom in another structure.

35  
36 LaBounty followed up saying that there were a lot of different calculations one could do and that it was  
37 important to look at what the language offered within the covenants.

38  
39 Sunshine summarized what the DRB needed to see at a subsequent hearing: the deed, covenants, a copy  
40 of the wastewater permit, and an Act 250 permit if one existed. With these documents, the hearing can  
41 continue.

42  
43 LaBounty made a motion to continue hearing at the next meeting (November 11, 2015), seconded by  
44 Donohue, all in favor. So voted.

45  
46 The minutes from September 9, 2015 will be reviewed at the next DRB meeting (November 11, 2015).

47  
48 Went to Deliberative Session

49  
50 Respectfully submitted by Niels Rinehart, Zoning Administrative Officer/Staff to DRB