

Richmond Development Review Board
 REGULAR Meeting
 MINUTES FOR APRIL 13, 2016 MEETING

Members Present:	Ian Bender; Matt Dyer; Cara LaBounty; David Sunshine (Chair)
Members Absent:	Mike Donohue; Roger Pederson; Brad Worthen (Alternate)
Others Present:	Niels Rinehart, Zoning Administrator; Ruth Miller for MMCTV Comcast 15; Mary Andes

David Sunshine called the meeting to order at 7:00pm.

Mary Andes – Application #16-015 for Conditional Use Approval and Site Plan Review by the DRB for an extension to an existing accessory structure at 54 Jones Mill Road (parcel JM0054). Mary Andes owns the parcel at 54 Jones Mill Road within the Commercial District.

Sunshine swore in Mary Andes. Cara LaBounty recused herself. Andes introduced her application, producing maps that illustrated the location of her shed and the extension. She explained that according to Richmond Zoning Regulations 3.6, residential uses are permissible within the Commercial District provided the application is brought through the processes of conditional use approval and site plan review. Andes continued that she has already constructed the extension to an existing shed but that she needs to bring the structure into compliance with the Town. Andes discussed the maps with the Board, explaining where the shed lay. Andes said that she has received a permit for the main structure, a shed that she built to replace the shed that was destroyed during Hurricane Irene.

Sunshine explained that technically there is no allowance for an accessory structure to a residential structure within the Commercial District, except for the language located in Section 3.6 of the Richmond Zoning Regulations. This language states that residential uses are permissible, provided they are compatible with a commercial district.

Sunshine asked for clarification that the shed extension violates the setbacks. Andes asked that a condition be placed on her application, requiring her to move the shed so that the shed and the extension complied with the permitted setbacks. Andes explained that the shed is not fixed to the ground and was therefore movable. She said that it was easier to move the structure then to cut sections off and rebuild them on the other side of the main shed. LaBounty asked if the measurements were from the side of the building or from the eaves. Andes said that the measurements were from the side of the building and not from the eaves.

Sunshine asked if the shed was within the flood zone and Andes said that it was but that it was positioned to be above the base flood elevation (BFE). Sunshine asked Niels Rinehart if Andes would need to bring the shed into compliance with regulations governing the Special Flood Hazard Area (SFHA). Rinehart said that yes, Andes would have to bring the shed into compliance with the SFHA. Andes said that she and Rinehart had discussed the issue. Sunshine asked if Andes was aware that the SFHA regulations were going to require her to make structural changes. She said she was and that she had designed the shed to be above the BFE. LaBounty said that Andes did not need to put in baffles if the structure was above the BFE but that she does have to anchor the structure.

LaBounty said that the permit should be for the moving of the shed to bring it into compliance with the setback regulations for a commercial district.

1 Ian Bender asked for clarification that the measurements indicating the distance between the shed
2 extension and the setbacks were done from the walls and not the roof line. Rinehart explained that the
3 regulations require that the measurements be taken from the wall and not the eaves.
4

5 LaBounty asked where the moving requirements were placed. Rinehart explained that this question was
6 discussed in the Staff Report in Item 3 of the Staff Discussion and Item 3 of the Project Description,
7 asking that the permitting of the shed expansion by the Board be granted with the condition that the
8 applicant moves the structure to bring it into compliance with the setback regulations. Sunshine said
9 that the Board would require that Andes move the shed. LaBounty said that she believed that the
10 violation should be addressed first before the Board reviewed an application, versus the Board listing
11 the correction of the violation as a condition of the approval. Sunshine said that he believed setting the
12 repair of the violation as a condition of the approval would be the same thing. LaBounty said she had
13 no issue with Andes receiving a permit for the extension. Her concern was that she would not be able
14 to appeal the decision to the DRB if the condition was not met. She said that a violation has not been
15 issued and will not be issued. Sunshine said that the Board can address this issue in any decision they
16 produce. Rinehart said that the Board could not approve the application unless Andes agreed to move
17 the shed, so therefore it would be redundant to ask her to move it first and then apply. LaBounty said
18 that the Town could have required Andes to move it before she applied to the DRB to permit the
19 extension. Andes said that she offered to move the shed back in February but that she was asked not to.
20 She said that she has been waiting to move it but that she needed to first know what the Board was
21 going to decide. Rinehart said that Andes had to wait to move it because the Board might not approve
22 her application to have the extension. LaBounty said that her time was being wasted. If Andes had
23 moved it already then she wouldn't need to be here. Sunshine said that LaBounty's comment was not
24 pertinent to the present hearing.
25

26 Sunshine asked if there were additional questions from the Board or the audience.
27

28 *Matthew Dyer made the motion to go to deliberative session for Application #16-015 and to close the*
29 *public hearing. Ian Bender seconded the motion. All in favor. So voted.*
30

31 LaBounty recused herself from deliberative session.
32

33 **ADJOURN**
34

35 Respectfully submitted by Niels Rinehart, Zoning Administrator/Staff to the DRB