

Richmond Development Review Board
REGULAR Meeting
MINUTES FOR MARCH 9, 2016 MEETING

Members Present:	Ian Bender; Mike Donohue (Acting Chair); Matt Dyer; Roger Pedersen (Alternate);
Members Absent:	David Sunshine; Cara LaBounty; Brad Worthen (Alternate)
Others Present:	Niels Rinehart, Zoning Administrator; Ruth Miller for MMCTV Comcast 15; John Beard; Patti Gilbert; Doug Goulette; Don Palmer

Mike Donohue called the meeting to order at 7:00pm, announced that he would be serving as Chair in Sunshine’s absence, and instructed attendees to sign in.

Patricia Gilbert – Application #15-054, Applicant Patricia Gilbert for Final Subdivision Review for a 4-lot subdivision located at parcel #PA0343 located within the Agricultural/Residential Zoning District.

Doug Goulette reviewed last month’s DRB meeting explaining that the DRB had asked that they polish up the legal documents. Goulette, following an email sent from Niels Rinehart, had prepared a packet to address the DRB’s concerns from February 10, 2016. Goulette reviewed the Roadway Maintenance Agreement, explaining that once a home was constructed, the owner would be obliged to participate in road maintenance. Matt Dyer asked how ‘constructed’ was defined, questioning if that meant the owner had received a Certificate of Occupancy. Goulette replied that the agreement was not that specific, but required that the house be completed and occupiable, and that the owner was responsible for their share of the roadway maintenance whether or not they were resident in the house. Goulette addressed the problem that had been raised with the creation of four new lots and the possibility that a vote among the lot owners could result in a two-to-two tie. Gilbert’s lawyer stated that the owners had to come up with a way to break any possible tie and that the owners can amend or modify the document if they wish to change the Roadway Maintenance Agreement. Roger Pedersen asked for clarification as to where the private road began and the public road ended. Goulette indicated on the plan map that the change in roadway status occurs at the 90 degree turn in the road and that it was at this point that the residents became responsible for the maintenance of the roadway.

Goulette discussed the discrepancy that was found between the site plan notes and the plat map, concerning the 60-foot ROW that will run along the shared road discussed in the Road Maintenance Agreement. This ROW will provide shared access and underground utilities for Lots 1 through 4. The note on the plan map has been changed to better define the shared ROW. Donohue questioned if the ROW ran through the wetland. Goulette explained that nothing is proposed along this route but that the ROW grants access to the owner of Lot 4 to walk along the ROW. Donohue asked about the possibility of heavy machinery utilizing the ROW and thereby impacting the wetlands. Goulette said there were no plans for improvements out that far. Goulette also explained that the DRB had asked for the length of the 60-foot ROW. He said it would extend for 900 feet.

Goulette referred to the four draft warranty deeds that had been provided, one deed for each lot. He explained that the deeds are all identical. Specifically, Goulette referred to the provision that as long as Patti Gilbert owned one of the lots, that she retained the right to design review over any construction proposed on any of the lots. Pedersen asked for verification that each of the four covenants were uniform. Goulette confirmed that they were.

Goulette explained that a question had been raised about the access permit but that Rinehart had said that a letter from the Selectboard had resolved the need for an access permit. Bender asked about the

1 Richmond policy on Palmer Lane, in particular, who was taking care of the section of road running
2 from the town line to the ROW. Goulette explained that the homeowners are responsible following a
3 1995 agreement. Therefore the 1995 agreement governs up to the turnaround from where the new
4 agreement takes over. The four new homeowners are responsible for maintenance all the way to the
5 town line, unless there is a major emergency like a flood.

6
7 Pederson asked for clarification on the trail easement that was listed on the original plan maps. Goulette
8 answered that the 60-foot ROW had replaced it.

9
10 Donohue asked if there were any questions from the Board or from the public. No one came forward.

11
12 *Motion by Bender to close the public hearing for Application #15-054 for Final Subdivision review,*
13 *seconded by Pedersen. All in favor. So voted.*

14
15 **Approve Meeting Minutes – February 10, 2016**

16 *Bender made a motion to approve the February 10, 2016 minutes, seconded by Donohue. All in favor.*
17 *So voted.*

18
19 **ADJOURN**

20
21 Respectfully submitted by Niels Rinehart, Zoning Administrator/Staff to the DRB