

**R I C H M O N D   S E L E C T B O A R D  
R E G U L A R   M E E T I N G  
N o v e m b e r   7 ,   2 0 1 6   M I N U T E S**

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Members Present:    Ellen Kane; Lincoln Bressor; David Sander; Steve May

Absent:                    Bard Hill

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Others Present:    Geoffrey Urbanik, Town Manager; Town Planner Clare Rock; Chris Granda; Heidi Bormann; Bruce LaBounty; Wright Preston; Connie Bona, Finance Assistant; Dan Noyes; Bonny Steuer; Detlev Hundsdoerfer; John Hammerslough; Sharon Dwire; Josi Kytile, Buttermilk; Bob Wilson, Buttermilk; Brendan O’Reilly, Buttermilk; Jon Kart; Bob Heiser, Vermont Land Trust; Mary Houle, Lou Borie, Jim Feinson; Brad Elliott; Judy Rosovsky; Joanne Ranny; Terry Ranney; Tyler Merritt; and the meeting was not taped or televised.

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Ellen Kane called the meeting to order at 7:10 PM.

**1. Welcome and Public Comment**

Ms. Kane asked if there were any comments from the public, but there were none.

**2. Development Review and Public Hearing: Buttermilk, LLC**

Ms. Kane introduced the matter and explained that Buttermilk, LLC was here to present their redevelopment plans for the creamery site. This was being handled under the Interim Zoning regulations for Jolina Court which had been put in place in 2014. Therefore, the Selectboard was acting as the review and approval body for this area. Ms. Kane then read the warning for the hearing which had been posted according to regulations.

Mr. May offered a motion to open the public hearing for the Buttermilk, LLC application and was seconded by Mr. Bressor and the motion carried 4-0.

Ms. Kane then read the rules of the hearing and indicated that it was likely that this hearing would be continued due to the complexity and level of interest as well as other Selectboard business on the agenda.

Ms. Kane asked if anyone had any conflicts of interest to please disclose them now, but no one responded. Ms. Kane also explained what the term “interested person” meant for this hearing.

The Buttermilk, LLC team – Brendan O’Reilly, Josi Kytile and Bob Wilson, were sworn in by Ms. Kane. Mr. O’Reilly went through presentation boards and explained the project.

From the official staff report comes the description of the project:

**Description of project:**

1. The proposed project is subject to review under the following regulations:
  - a. Jolina Court Interim Zoning Regulations (IZR)
  - b. Planned Unit Development (PUD) (see Section 5.12 of Richmond Zoning Regulations)
  - c. Site Plan Review (see Section 5.5 of Richmond Zoning Regulations)
  - d. Conditional Use Review (see Section 5.6 of Richmond Zoning Regulations)
  - e. Public Improvement Standards and Specifications for the Town of Richmond
2. The proposed project affects two parcels, BR0125 and JC0074.

- 1           3. The applicant presents a conceptual Master Plan for the development of BR0125 and  
2           JC0074 (Submittal J).
- 3           4. The Master Plan does not include any “cross-lot/building easements.”  
4           Staff Discussion: Adjoining property, Blue Seal Feed (JC0013), currently uses Jolina  
5           Court to access their informal parking at the rear of their building (on the railroad land).  
6           Staff understands the Applicant has entered into communication with the owner of  
7           JC0013. To ensure all affected parcels are in agreement about the use/access of Jolina  
8           Court (which will remain as a private road, owned by the Applicant) , staff recommends  
9           the establishment of a legal easement or other legal documentation clarifying the  
10          agreement between JC0013 and the development of JC0074.
- 11
- 12          5. The applicant presents minimal short term traffic impacts and no long term traffic impact  
13          information (see Submittal C)

14

15          Staff Discussion: The IZR specifies the master plan address short and long term traffic  
16          impacts. The IZR does not specify the submission of a traffic impact study. Yet, the  
17          Conditional Use general standards (5.6.1) require a finding that the “a proposed use shall  
18          not result in an undue adverse effect upon: c) traffic on roads and highways in the  
19          vicinity.” Also see section 5.5.2 (e)(ii). The Selectboard should determine whether the  
20          applicant should supply the long term traffic impacts.

21

22          The benefits of the long term traffic impacts are to provide the town with information  
23          about future necessary intersection upgrades and what mitigation options are available.  
24          Having the information early in the process will provide opportunity to determine the  
25          town vs. developer responsibilities, including funding and construction responsibilities.  
26          The long term impacts will no doubt impact all the adjoining land owners.

27

28          Staff recommends, at a minimum more detailed traffic counts, based upon the proposed  
29          5,410 sq ft of mixed office and retail space, and 8-10\* residential units. This information  
30          should be supplied directly from the traffic engineers.

31

32          If the Selectboard does not require the long term traffic impacts at this point, rational  
33          should be provided. **This decision about Traffic Impacts should be made at the**  
34          **Monday night Hearing.**

35

36          \*SB should clarify the specific number of housing units – the applicant proposes 8 units  
37          within Submittal C and then suggests 8-10 units within Submittal D.

- 38
- 39          6. The applicant is seeking approval for Phase I under this application.
- 40          7. Phase I proposes one building on lot/parcel BR0125 and the road and parking area is  
41          proposed on lot/parcel JC0074.
- 42          8. The applicant does not intend to merge the two parcels/lots (see Submittal D.)

43

44          Staff Discussion: The IZR language refers the “Developable Areas” on a lot by lot basis,  
45          the “Residential Density” refers to entire the Interim Zoning District, the “Setbacks” and  
46          “Dimensional Standards” refer to individual lots, as do the “Parking and Loading”  
47          requirements, specially #10, which states the parking areas shall meet the setback  
48          standards.

49

1 If the separate lots (BR0125 & JC0074) remain separate lots, then the above reference  
2 standards would need to be applied on a lot by lot basis. This would result in a  
3 development proposal which does not meet the requirements and therefore could not be  
4 approved. But, the IZR does provide a “Waiver” provision (IZR Section E.) The SB  
5 could waive the dimensional standards which in general zoning terms refers to the  
6 setbacks, lot size, lot coverage, and building height.

7  
8 The other option is to proceed under the rational provided by the Applicant within  
9 Submittal D. The SB would need to determine that together both lots constitute the  
10 “development area” and whereby are merged for the purpose of this development  
11 application. **This should be the first item for discussion and a major decision point**  
12 **for the Selectboard before moving forward. This should be determined at Monday’s**  
13 **Hearing.** As part of this decision the SB should clarify which dimensional standards  
14 apply, such as:

- 15 - Setbacks: the perimeter setbacks of BR0125 and JC0074 apply, but not the internal  
16 setbacks between BR0125 and JC0074
- 17 - Lot coverage: calculated as 80% of the combined developable area of BR0125 and  
18 JC0074, not as 80% of BR0125 and JC0074 individually

19  
20 Then, based upon this rational the mixed use requirement (40% / 60% split), as specified  
21 under IZR section V Uses, would apply to the entire “development area” and not just to  
22 the Phase I development. The Final Decision for the Phase I could include an explicit  
23 condition indicting the remainder of the project, when completed would need to  
24 demonstrate the 40% / 60% split. A table as presented in Submittal D could be used. **This**  
25 **should also be addressed at Monday’s Hearing.**

- 26  
27 9. Based upon the Submittal L, the building height is 33’ in the rear and greater than 35’ in  
28 the front (Bridge Street façade). This does not include the addition of the elevator  
29 penthouse.
- 30 10. Jolina Court is a private road and the applicant is not seeking for the town to take over  
31 ownership of the road. Therefore it will remain as a private road.
- 32 11. Jolina Court Road will be upgraded; it will be paved.
- 33 12. Under the Public Improvement Standards, roads are required to have a 60” right-of-way  
34 (ROW), the proposed upgraded road does not have a 60’ ROW.
- 35 13. Minor local roads are required to have a 20’ travel width and a 2’ shoulder width, the  
36 proposal indicates a 20’+ travel width.

37  
38 Staff Discussion: The applicant has not requested any waivers. Yet the Selectboard does  
39 reserves the right to modify the standards for a particular project if there are unique  
40 physical conditions. Requiring the 60’ ROW would make the development of Phase I  
41 impossible. Consider providing a waiver.

42  
43 Following Mr. O’Reilly’s presentation, Ms. Kane asked the Selectboard if they had any questions on  
44 the proposal. There being no immediate questions from the board, Ms. Kane took public comments.

45 Dan Noyes asked if the road shown was the only entrance to the project, and Mr. O’Reilly said yes.  
46 Mr. Noyes asked if all trucks were using this entrance, and Ms. Kytile said that the width standards  
47 exceeded the town’s regulations.

- 1 At this time, Town Planner Clare Rock went through her staff review of the project, as well as an  
2 addendum to the staff report for her review of information not included in the first review. Ms. Kane  
3 asked Ms. Rock to summarize the main areas that the Selectboard needed to make specific decisions.
- 4 Ms. Rock said that the issue of how this was to be viewed on a lot basis was critical – was this being  
5 considered as a one-lot project or a two-lot project, with varying issues involved for each.
- 6 Mr. Sander asked if the HVAC equipment was going on the roof, and how high would it be? Mr.  
7 O'Reilly explained that they would be no higher than the "elevator penthouse" which is a mechanical  
8 space for the elevator above the roof, about three feet high but there would be a parapet on the roof for  
9 screening.
- 10 Mr. May asked if there was any timetable to go from phase 1 to phases 2 and 3, and Mr. O'Reilly said  
11 no.
- 12 Ms. Kane asked Ms. Kytile to explain more about the Downtown grants she was seeking, and Ms.  
13 Kytile explained the program.
- 14 Sharon Dwire said that the stormwater issue was huge for her, what's there now isn't a good  
15 stormwater system and she said we should have an in-depth traffic study and plan for phase 3. Ms.  
16 Kytile and Mr. O'Reilly talked a little about their plans and that most of the property wasn't to be  
17 developed at this time so no stormwater impacts on the back lots would be seen under phase 1.
- 18 Dan Noyes was concerned that the trucks for deliveries wouldn't have enough room, and spoke about  
19 his own experiences with the market across the street. He worried about the amount of traffic at this  
20 location.
- 21 Jon Kart talked about the need for a traffic study, and asked if we needed a light. He mentioned a  
22 Bridge Street improvement study from years ago, and also a sidewalk study that may shed some light  
23 on this issue.
- 24 Marshall Paulsen wanted to verify that the building heights were in compliance, and the potential  
25 expenses for fire protection. He was also concerned about the additional noise from the rooftop  
26 mechanical devices. Mr. O'Reilly said they tried to use heat pumps as often as they could, which were  
27 smaller units in different locations and were quieter than normal rooftop units.
- 28
- 29 Joanne Ranney lived on Pleasant Street and said in the past there was a street light that lit that area up  
30 but they hadn't liked that. She suggested that any lights be tuned downward. There was some  
31 discussion on this and the style of light proposed.
- 32
- 33 Chris Granda also commented on light fixtures.
- 34 Bruce LaBounty said he didn't feel that this was a separate lot from the main parcel and that the  
35 application was treating these as one lot. He also wanted to see more of a plan for phases 2 and 3 and  
36 how they would meet the 60% commercial 40% residential requirement, since this was proposing a  
37 50%/50% split.
- 38 Josi then responded to the Staff Report. She said that they do not need to address Act 250 now, since  
39 development was only being proposed on the smaller lot. Once they went to phase 2 they would need  
40 Act 250 clearance.

- 1 Marshall Paulsen asked if there was only one way in and one way out, and wasn't there a plan for  
2 using the Town Center lot? Mr. O'Reilly said this plan had only one way in and out, but he had  
3 always been open to using the Town Center lot as an exit but it wasn't in this phase and they hadn't  
4 had a firm plan for it, so it wasn't being shown.
- 5 Ms. Kane said that the board needed to consider this as one lot or two. Mr. O'Reilly said that costs  
6 were the main reason he was showing this as two lots.
- 7 There was some board discussion on this issue. Mr. May said he considered this two parcels for  
8 development, not one, because it was too uncertain to roll the entire plan into one project.
- 9 Maureen Kangley said it stinks that the Selectboard would question Buttermilk's honesty. She said  
10 she trusted Buttermilk.
- 11 Bruce LaBounty said if this was a separate lot, then they needed to show some sort of deeded access to  
12 the 2<sup>nd</sup> parcel.
- 13 Detlev Hunsdorfer said his building (the Blue Seal Feeds) was 100% commercial and if looked at by  
14 the zone, they could utilize this towards their 60%/40% split.
- 15 Dan Noyes asked if the building would be condominiumized and Ms. Kytile said no, it would be  
16 apartments.
- 17 Ms. Kane moved to the traffic study. She felt an in depth study was more important here because of  
18 future implications on Bridge Street as development progressed. Mr. Bressor agreed.
- 19 Mr. Sander said the board should look at this as an overall development and not two separate parcels.  
20 Mr. Bressor said he agreed, and needed a full traffic study. Ms. Kane said we needed an in-depth  
21 traffic study, and this was two phases of the same development. Mr. May said his opinions hadn't  
22 changed.
- 23 Mr. Bressor asked if the board was approving specific uses. Ms. Rock said that this was specified to  
24 be business and apartments, the business being a mix of retail and office space. It would likely not  
25 need further review for specific businesses beyond an initial approval.
- 26 Ms. Kane called for a vote on the main issue. Mr. Bressor offered a motion to treat the application as  
27 one area of two parcels. Mr. Sander seconded the motion and the motion carried 3-1 with Mr. May  
28 voting against.
- 29 There was some discussion, and the motion was modified and revoted to replace the previous motion.  
30 Mr. Sander offered a motion to approve the application be treated as one development area with two  
31 lots and require a long term traffic study be provided. Mr. Bressor seconded the motion and the  
32 motion carried 3-1 with Mr. May voting against. This motion effectively meant the standards for  
33 development were seen on the whole instead of applied individually to each lot.
- 34 Mr. May asked what device did the town have to make sure the 60%/40% split would be met in the  
35 future? Mr. Bressor said that the board could include an approval condition that stated the remaining  
36 phases had to meet the overall 60%/40%. There was some additional discussion.
- 37
- 38 There were two outstanding items – storm water and right-of-way width.
- 39 Mr. Sander said he was concerned about waiving setbacks from the road.

1 Bruce LaBounty said if you looked at the road leading up to the school some lanes were only 10 feet  
2 wide, so there was precedent for narrower lanes.

3 There was some other discussion. Ms. Kane thanked everyone for attending and said that the public  
4 hearing would need to be continued. Mr. Bressor offered a motion to continue the public hearing on  
5 Buttermilk's development application until November 21, 2016 at 7:00 pm.

6

7 Vermont Land Trust and Andrews Farm

8

9 Bob Heiser, executive director of Vermont Land Trust, talked about the plan to purchase the Andrews  
10 Farm. He explained the outreach VLT has performed and some survey results. Two important items  
11 on this project were: in January 2017 they had a deadline to assign their purchase option. He wanted  
12 the Selectboard to accept that assignment. In February 2017 they had a "Community Forest" grant  
13 application deadline, and he was willing to prepare that on behalf of the town, should the Selectboard  
14 accept the option assignment. He mentioned that other funding, from the Vermont Housing and  
15 Conservation Board and private fundraising could also help close the gap, along with Richmond  
16 Conservation Reserve Funds of about \$125,000 to \$150,000.

17 Ms. Kane asked how the town would manage this? There was some discussion.

18 Ms. Kane said she liked the initiative the VLT had prepared. The final say on the town funds would  
19 require a town vote, but asked what the town's capacity to do these grants was. Mr. Heiser said if  
20 allowed, he'd do all the work on the grants and the town could approve the submission.

21 Mr. Heiser added he felt that the tax loss would be somewhere around \$1,800 on the municipal side.

22 Ms. Kane asked what the annual cost to manage the property would be, and what economic benefits  
23 would this have. Mr. Heiser said the annual costs might not be much – VYCC and the Trails  
24 Committee could create opportunities for recreation and forestry could provide some income from the  
25 property. It could also bring people in to town, creating an indirect benefit.

26 Mr. Bressor said that this was a special opportunity with an aggressive timeline, but he was willing to  
27 go after it. There was some discussion on the purchase option and what that meant. The Manager  
28 explained that the town would be accepting VLT's existing purchase option at the \$450,000 value with  
29 a deadline on that option. Between now and then, a funding solution would need to be created before  
30 the town could actually purchase the property.

31 Mary Houle said she didn't believe that the \$1,800 figure was accurate. She feels the process should  
32 be open to everyone and the grant documents should be public.

33

34 Ms. Kane asked what the board wished to do. Mr. Bressor offered a motion to accept assignment of  
35 the purchase option from Vermont Land Trust and was seconded by Mr. Sander and the motion carried  
36 4-0.

37 Mr. Bressor offered a motion to authorize Vermont Land Trust to prepare a Community Forestry  
38 Grant application for the town regarding the Andrews Farm and was seconded by Mr. Sander, and the  
39 motion carried 4-0.

40

1 **3. Other Business**

2  
3 **FY2018 Budget**

4  
5 The Manager reviewed several changes to the budget, including provisions for payment of the  
6 Constable, some changes to the Appropriations and an additional \$24,000 in requests from the Fire  
7 Department. The Manager noted that the proposed Water Resources budget demanded \$25,000 more  
8 in fire protection fees from the town.

9  
10 There was some discussion on this. The Manager was directed to include the Winooski River Bank  
11 restoration funding in the next version along with Recreation.

12  
13 **VCDP Grants and Subgrants**

14  
15 The Manager explained that the main grant with the State had been approved by the State, and was  
16 ready for approval by the Selectboard and the attached resolution should be approved and signed. Mr.  
17 May offered a motion to approve the State's form to approve the primary VCDP Grant for  
18 environmental remediation of the creamery site by Buttermilk. Mr. Bressor seconded the motion, and  
19 the motion carried 4-0.

20  
21 The Manager explained that the subgrants with Buttermilk were still in final development.

22  
23 **Hazard Mitigation Elevations Grant – 98 Jones Mill Road**

24  
25 The Manager explained that this was one of the original applications for structure elevations, and was  
26 now approved by FEMA and the State and the sub-grant was ready to sign. The value of the first  
27 subgrant for the elevation was \$79,460.00 and the town's administration subgrant was for \$1,589.00.  
28 Mr. Sander offered a motion to approve the two subgrant agreements with the State of Vermont for the  
29 Hazard Mitigation Elevation Grant and Administrative Costs Grant for 98 Jones Mill Road. Mr.  
30 Bressor seconded the motion and the motion carried 4-0.

31  
32 **Reports from Selectboard and Town Manager**

33  
34 The Manager noted the Police Report. The Manager explained that the zoning officer recruitment was  
35 proceeding with Hinesburg despite the fact that Richmond was not able to contribute to benefits. The  
36 Manager provided a construction update and spoke about the paving problems the town was having.  
37 The Selectboard wanted to know about progress at the next meeting or they would consider cancelling  
38 the job. The Manager also reported that vehicle inspections in 2017 would require additional  
39 equipment and new procedures. The town currently inspected all of its vehicles, but the decision was  
40 to purchase the equipment and add training, or send the vehicles out to private stations. With the  
41 number of vehicles the town owned (some 18 vehicles and equipment licensed for the road) the costs  
42 would be significant to outsource inspections. The Selectboard agreed that even with the new  
43 requirements, the in-house inspections would save money. The Manager reported that Efficiency  
44 Vermont had promoted a program to convert the town's overhead street lights to LEDs, saving  
45 approximately 10% of our annual costs, which were close to \$15,000 per year. The Manager said that  
46 some lights had already been replaced, but Efficiency Vermont was willing to pay the "undepreciated  
47 costs" associated with this to Green Mountain Power, incentivizing the switch. If there were no  
48 objections, he would proceed.

1 Approval of Minutes

2  
3 The minutes of October 3<sup>rd</sup> required three votes, and were pushed to December 19<sup>th</sup>.

4  
5 Mr. Sander offered a motion to approve the minutes of October 17, 2016 and was seconded by Mr.  
6 Bressor, and the motion carried 3-0-1 with Mr. Bressor abstaining.

7  
8 Mr. Sander offered a motion to approve the minutes of October 24, 2016 and was seconded by Mr.  
9 May and the motion carried 4-0.

10  
11 Appointment to Recreation Commission

12  
13 Mr. May explained the interest of Molly Dugan in the Recreation Commission. Mr. Bressor offered a  
14 motion to appoint Molly Dugan to the Recreation Committee to fill an unexpired term and was  
15 seconded by Mr. Sander. The motion carried 4-0.

16  
17 Amending Schedule A of Road Names

18  
19 The Manager explained that last year the Sylvan Knoll housing development was approved, and he  
20 was asked to include the name of the road for the development as a private road on the schedule.  
21 However, he was mistaken in the name of the road and instead used the name of the development.  
22 The actual road name was intended to be Sylvan Ridge, and the road has been signed that way. This  
23 corrects the error.

24  
25 Mr. Bressor offered a motion to approve the amended Schedule A of Road Names to change Sylvan  
26 Knoll to Sylvan Ridge and was seconded by Mr. May. The motion carried 4-0.

27  
28 One Radish Liquor License

29  
30 The Manager explained that this liquor license was for the new restaurant going in at the former  
31 bakery. Mr. Sander offered a motion to approve the liquor license for One Radish and was seconded  
32 by Mr. May, and the motion carried 4-0.

33  
34 Purchase Orders

35  
36 Mr. May offered a motion to approve Purchase Order 3208 to Cargill Salt for Winter Salt at the State  
37 Contract price of \$74.39 per ton, for 1008 tons in the aggregate of \$74,944.80. Mr. Bressor seconded  
38 the motion and the motion carried 4-0.

39  
40 Approval of Warrants

41  
42 Warrants were reviewed and approved.

43  
44 The Executive Session was deferred until the next meeting.

45  
46 **4. Adjourn**

47 Motion by Mr. Sander to adjourn the meeting at 10:15 p.m. Seconded by Mr. Bressor. So voted.