

**RICHMOND DEVELOPMENT REVIEW BOARD
REGULAR MEETING
APPROVED MINUTES FOR MARCH 14, 2012 MEETING**

Members Present: David Sunshine, Chair; Stephen Ackerman, Lori Cohen, Jason Webster
Members Absent: Brian Werneke, Vice-Chair

Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Jim Herring, taping for MMCTV
Comcast 15; Also see attached list.

Sunshine called the meeting to order at 7:05 p.m.

Sunshine requested that, if someone wishes to have interested party status, each person should speak during the hearing. Sunshine also requested that everyone sign in.

Public Hearing

1, Jeanne Morrissey – Application #12-017 for conditional use review, per Richmond Zoning Regulations, Section 5.6 (Conditional Use Review) for an educational facility within a portion of an existing single family house at 520 Johnnie Brook Road (BR0520) in the Agricultural/Residential zoning district.

Sunshine swore in Morrissey, Lisius (engineering consultant), and Millon (Bellweather School co-director). Morrissey provided an overview of the proposal before the DRB, saying that Bellweather School board has voted to create a 7/8 grade which will begin in 2 years in the school location. In the meantime, the plan is for there to be a two-year pilot 7/8 grade program in her residence for her two children and other students. She added that this is temporary, in that the pilot program in her house is for two years only. Morrissey said, for this to move forward, she is seeking multiple permits and approvals, including the town permits, and the school is assessing whether there is suitable interest to proceed with the pilot program.

Morrissey then discussed the specific elements of the proposal. Morrissey pointed out where the pull-off area is located on the driveway, for traffic to pass, since the proposal specifically does not call for any widening of the driveway. The main entrance to the class area is located on the rear side of the house. The application does not provide for any paving or for any additional screening, since there is a large hedge row which screens the parking. She noted that the parking spaces meet the defined dimensions in the zoning regulations, at 9 feet by 18 feet per space.

Millon said that the Bellweather School is currently for grades pre-kindergarten through grade 6. The school has voted to make the program pre-kindergarten through grade 8, however, it cannot offer grades 7-8 until the curriculum is developed. In the meantime, the pilot program would begin at 520 Johnnie Brook Road. Lisius said that the DRB application allows for up to 9 students and one teacher, which is the maximum allowable for the septic system.

Webster stated that his two children go to the Bellweather School currently. His children are in the lower grades and this pilot program has no impact on Webster or his family in any way. The DRB members agreed that Webster does not have a conflict of interest with respect to the application. In response to a question, Millon said that the administrative offices will remain at the Williston school site. Lisius added that any after school events will take place in the Williston location and no school wide events will take place at 520 Johnnie Brook Road. She noted that the DRB application encompasses the regular school day and after-school (until 5 PM). Generally, students will be dropped off between 8 and 8:30 AM. The path to the school entrance will be gravel. The driveway surface will be improved in general and specifically for the turn-out and parking areas. In response to a question from the DRB about recreational activities, Morrissey stated that recess will be held outdoors in her five-acre parcel. The school offers a progressive program for outdoors activities and she anticipates that there may be hiking excursions and visits to the Winooski River.

Lisius reviewed the waiver requests including the following: 1. landscaping – request for a credit for existing trees regarding the minimum landscaping costs requirement; 2. Parking surfacing – request that gravel be allowed as a suitable surface, including a request that striping not be required; 3. Driveway width – request that the existing 10' to 12' driveway width be allowed. A gravel pull-off is proposed on the driveway to accommodate vehicles passing each other on the driveway. The waiver from the screening requirement is based on the fact that the house sits on the hill and the parking is not visible from Johnnie Brook Road.

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2 Gent noted that no comments have been received by neighbors at this time.
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4 Ackerman asked what federal or state regulations are required for the educational facility. Morrissey stated
5 that they are applying for an extended license for the Bellweather School to include grades 7-8. She also
6 must apply to the Department of Environmental Conservation for an amendment to the wastewater system,
7 since she is changing one of the three bedrooms to classroom space, where 10 persons is equivalent to one
8 bedroom, which is one reason that the number of students is capped at nine, with one teacher. Morrissey
9 said that a fire safety permit is needed, although they are exempt from Americans with Disabilities
10 Administration (ADA) requirements. There may be a railing needed for the second means of egress (i.e., the
11 main entrance to the house). Ackerman also asked whether hunting takes place on the Mortensen/Merkel
12 property. Morrissey responded that she has not seen a hunter in 15 years there. Ackerman noted that a state
13 law prohibits firearms within 1,000 feet of a school. Millon said she will check into that. Morrissey stated there
14 are no firearms in the residence.
15

16 Morrissey said she is aware that she must apply for a highway access permit for this project. Since there is
17 no record of her having received a highway access permit when she first built her residence, Morrissey will
18 apply for both at the same time. The DRB briefly discussed the internal traffic flow and parking. Morrissey
19 said that most people will not park vehicles for an extended time. Due to the topography, there is not room
20 for multiple vehicles to park on the driveway and the vehicles will need to park in the parking spaces in order
21 to turn around.
22

23 Sunshine opened the hearing to the public. No comments were offered.
24

25 Motion by Cohen seconded by Ackerman, to close the public hearing. Voting: 4 in favor; 0 opposed; 0
26 abstentions.
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- 28 2. Town of Richmond - Application #12-011 for conditional use review for proposed and as-built improvements
29 within the FEMA Special Flood Hazard Area, per Richmond Zoning Regulations, Section 6.8 (Flood Hazard
30 Overlay District) at 203 Bridge Street (BR0203); 286 Bridge Street (BR0286); 430 Bridge Street (BR0430);
31 431 Bridge Street (BR0431); and the Bridge Street Bridge. BR0203 is within the Residential Commercial
32 zoning district and the other parcels are within the Agricultural/Residential zoning district.
33

34 Sunshine swore in Urbanik (Richmond Town Administrator). Dwire, Douglas-Hughes, and Gifford indicated
35 that they intended to participate in the hearing. Urbanik explained the purpose of the application is for on-
36 going improvements for four locations, including the town center, the volunteers green, the water house, and
37 the sewer pump station. The improvements relate to immediate needs and to new plans that will be done
38 when the new FEMA DFIRM maps are in effect.
39

40 Urbanik discussed the town center projects, which include remediating asbestos in the heating system,
41 replacing oil burning boilers with natural gas appliances, replacing carpet on the first and second floors,
42 minor maintenance items including new electrical fixtures, nailing the gutters, repaving the parking lot and
43 replacing about 40 windows. Urbanik noted that, although not all the projects are planned immediately, the
44 town is seeking approval now since, once the new FEMA DFIRM maps are in place, the town will need DRB
45 approval. Therefore, the approval is being sought in advance. Urbanik briefly discussed the backflow
46 prevention installation, in which the sewer lateral will be dug up and a flapper valve will be installed. That
47 project involves excavation and back fill, but no change at the ground level.
48

49 The DRB then discussed the proposed rain garden (front yard) and the infiltration pond (southeast corner).
50 Urbanik acknowledged that the town does not have detailed plans for either project yet. The plans will likely
51 be ready in several months. The DRB discussed continuing the hearing in order to get additional information
52 on those parts of the application. Sunshine suggested that there might be a way to approve a portion of the
53 project, however, Cohen and Webster did not think that could be done within the zoning regulations
54 procedures. The DRB then discussed the possibility of the town reapplying for those portions. Sunshine said
55 there have been recent occurrences of the town applying for projects and then never finishing them up
56 properly, such as the baseball shed (which is also part of the current application). Urbanik replied that the
57 town is seeking to limit the number of times that an application must be made to the DRB.
58

59 Douglas-Hughes asked that there be another announcement of a DRB hearing when the rain garden and
60 infiltration pond plans are completed. Sunshine said that there will be a public notice for those projects.

1 Urbanik said that the goal for the rain garden and pond is to improve how we handle stormwater on the town
2 center property. Douglas-Hughes pointed out that rain gardens have not always been successful and that it
3 is important to find out what our options are and study the track record of the systems before making a
4 decision. Dwire, speaking on behalf of herself and her husband Wendell, asked that the DRB deny the bio-
5 retention (infiltration) pond and rain garden. She noted that Gent had said in a previous conversation that the
6 pond will be close to their house. Dwire said that, many years ago, there was a stagnant pond in the same
7 general location of the proposed pond. The town filled the pond with boulders, road materials, and other fill,
8 which has caused stormwater to pool on the Dwire's land. She asked that information about the size and
9 dimensions is needed to determine how the pond will affect their property. She also noted that Gent had said
10 that some parking spaces may be lost due to the size of the pond.

11
12 Urbanik then discussed the parking. The town would repave the lot and it will not be any higher than the
13 current elevation. This project is slated for 2013 or 2014. He said the parking will be done after the infiltration
14 pond is constructed and that a small number of parking spaces may be lost in the southeast corner where
15 the pond is constructed. Sunshine suggested that the repaving, if it happens after the pond, should be
16 paired with that application, not the current application, especially if the drainage area is changed.

17
18 Urbanik went on to discuss the projects for Volunteers' Green. He first discussed the proposal for a new
19 rubber surface for the playground area, since the current gravel surface is not ADA compliant. Therefore, the
20 town is requesting an upgrade to a poured rubber material. The town is waiting to hear from FEMA as to
21 whether they will cover the cost and he was not sure whether the surface will be set in place as tiles or as a
22 poured rubber application. He requested that the DRB continue the hearing until additional information is
23 obtained from FEMA.

24
25 Urbanik also briefly discussed the other projects for the Volunteers Green, including replacing the roof on the
26 band stand with the same type of material (asphalt) and replacing the roof on the concession stand, again
27 with the same materials. There will not be any expansion of the roofs. The baseball shed is also going to be
28 relocated out of the floodway into the floodplain. The baseball shed will be modified to include flow-through
29 vents to meet the Richmond Zoning Regulations, Section 6.8 requirements. Urbanik pointed out that the
30 DRB did approve the baseball shed installation in 2007, however, the shed was placed in the wrong location
31 (in the floodway) and has remained there. Because the DRB approval has expired, the town is applying now
32 so that the shed can be correctly located. He then discussed park signage which will be replaced, noting
33 that the location of the sign to be replaced is not correct on the site plan. The metal directory sign is not
34 going to be replaced. Rather, the sign near the playground area will be replaced.

35
36 Urbanik mentioned that there are a number of Tropical Storm Irene repairs that are also being or have been
37 done, which are going through the zoning permit approval process with Gwynn Zakov. This is being done
38 through the interim flood hazard bylaws, which were put on place to address Tropical Storm Irene damage.
39 Those include the westerly backstop in the westerly ball field, which should not have been included in the
40 DRB application, as well as repairs to the concession stand (electrical and other).

41
42 Sunshine opened the hearing to the public regarding the volunteers green portion of the application. Bailey
43 asked if sand for the playground area would be cheaper. Urbanik replied that sand is not ADA compliant.
44 Hughes-Douglas asked if the rubber mat will be carried away in a flood or cause damage to other structures.
45 Urbanik said that the town has requested additional information from the manufacturer about anchoring the
46 rubber surface and that final design and approval for costs have yet to be obtained. Dwire asked about the
47 life expectancy for the rubber surface and Urbanik said it is 20 years.

48
49 Urbanik went on to discuss the improvements for the sewer pump station. The electrical panel has already
50 been relocated, so the application is for an "as built" project. The other project is to upgrade the hatch to
51 make the pump station water tight. In response to a question about extending the height of the hatch so that
52 water does not go inside, Urbanik said that the cost to modify the hatch (\$1,200) is most likely less than
53 adding a cylinder. Also a platform would be needed for a taller cylinder, which would be less safe to get in
54 and out of the pump station.

55
56 Then Urbanik discussed the proposed project for the water house, which is to install a sump pump to keep
57 water out during a flood event. The walls are water resistant, but the town needs a mechanism to get the
58 water out of the building. The sump pump would discharge water onto the street side of the building. He
59 noted that the water house provides potable water for the village. In response to a question about whether
60 the LP tank is currently fastened down, Urbanik replied that he is not sure and will check into it.

1 Sunshine then opened to floor to the public. Douglas-Hughes asked that, if water is coming into the building,
2 might the sump pump not work. Urbanik said that, during Tropical Storm Irene, it was observed that a
3 manual pump out could be done without the building filling up with water, as it did during last spring's
4 flooding. The goal of the sump pump is to keep the water at such a level that the panels will not be
5 destroyed. He said that the building is sufficiently water resistant to keep the water out.

6
7 Urbanik briefly discussed the Bridge Street Bridge portion of the application. The Town has applied for a
8 FEMA hazard mitigation grant, which will be used to elevate the water and sewer pipes above the I beams
9 on the bridge. This will protect the pipes from being hit by river debris. No excavation is involved with this
10 project although the lines may have to be lengthened a short amount. In all, the pipes will be raised 18
11 inches.

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13 Motion by Cohen, seconded by Webster, to move into deliberative session for application #12-011. Voting: 4
14 in favor; 0 opposed; 0 abstentions.

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18 3. Other Business

19 - *Meeting Minutes: February 8, 2012*

20 Motion by Ackerman, seconded by Cohen, to approve the minutes as written. Voting: 4 in favor; 0 opposed;
21 0 abstentions.

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23 - *Setting hearing for Chittenden County Fish & Game Club appeal of Zoning Administrative Officer's Notice*
24 *of Zoning Violation*

25 The DRB members agreed that the public hearing will pertain only to the zoning violation itself. As with any
26 hearing involving an appeal, they will hear Gwynn's notice of violation and the appeal from the CCF&GC.

27 The members stressed that they do not want to be in a situation where the board is re-determining what the
28 courts have already decided. The Board did not open this agenda item up to public comment.

29
30 - *Other*

31 Sunshine noted that Webster is leaving the DRB, as his term is expiring, and thanked Webster for his time
32 on the DRB.

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35 4. DELIBERATIVE SESSION

36 At 8:38 PM, motion by Webster, seconded by Ackerman, to enter deliberative session. So voted.

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38 At 9:10 PM, motion by Webster, seconded by Cohen, to come out of deliberative session. So voted.

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42 5. DRB ACTION:

43 Motion by Cohen, seconded by Webster, to approve application #12-017 (Morrissette). Voting: 4 in favor; 0
44 opposed; 0 abstentions.

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46 Motion by Webster, seconded by Cohen, to continue application #12-011 (Town of Richmond) to the April
47 11, 2012 DRB meeting for the purpose obtaining additional information from the Town regarding the
48 playground rubber surface. Voting: 4 in favor; 0 opposed; 0 abstentions.

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51 6. Adjournment

52 At 9:24 PM, Cohen made a motion, seconded by Webster to adjourn the meeting. So voted.
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