

**RICHMOND DEVELOPMENT REVIEW BOARD  
REGULAR MEETING  
APPROVED MINUTES FOR SEPTEMBER 12, 2012 MEETING**

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

Members Absent: Fred Fortune

Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; *See attached sign-in sheet.*

Sunshine called the meeting to order at 7:02 p.m.

Sunshine welcomed the public. Sunshine requested that everyone sign in and that people give their names before offering testimony or providing comments. He requested that, if someone wishes to have interested party status, that person should speak during the hearing.

Public Hearings

1. Vermont Gas Systems, Inc. - Application #12-126 for Conditional Use Review per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District), to install new underground natural gas line service within the Special Flood Hazard Area for the following parcels: 203 Bridge Street (BR0203); 242 Bridge Street (BR0242); 112 Esplanade Street (ES0112); 117 Esplanade Street (ES0117); 137 Esplanade Street (ES0137) in the Residential Commercial and High Density Residential zoning districts.

Sunshine swore in Tim Vachereau, construction manager for Vermont Gas Systems. Vachereau explained that the application before the DRB is for individual gas service for five properties in the FEMA Special Flood hazard Area. He said that the service will be provided via underground pipelines to the buildings. He said there is nothing different from the previous application in terms of the installation procedures.

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

Motion made by Werneke, seconded by Ackerman, to approve application #12-126. Voting: 3 in favor; 0 opposed; 0 abstentions.

2. Paul & Emily Dawson – Application #12-134 for Preliminary Subdivision Review for a two-lot residential subdivision (original lot and one new lot) for parcel located at 1027 Snipe Ireland Road (SI1027) within the Agricultural/Residential zoning district.

Sunshine swore in Paul Dawson, who provided an overview of the project. The plan is to take the existing parcel and subdivide it into two parcels. He stated that the new driveway for Lot 1 is not yet in use. They have a highway access permit in place for that driveway, although Dawson said they have not completed site line clearing and the removal of two trees, as required in the access permit approval. He added that there is a culvert in place.

Cohen arrived at 7:14 PM.

Dawson said the building envelope for Lot 2 (the new lot) is excessive and that the deer wintering area should be shown on the site plan. He agreed to decrease the size of the building envelope. Sunshine confirmed that the building envelope needs to be reduced. Sunshine asked about planned easements for the driveways and for the septic system. Dawson said there are no written easements. Sunshine replied that written easements will be required to address both the driveway and the shared septic. The driveway easement will involve both Lot 1 and 1031 Snipe Ireland Road.

Dawson acknowledged that the septic on the site plan shows a shared system on Lot 2 to serve both lots, however, he said they are contemplating having two different systems, one on each lot. Sunshine stated that the final subdivision application must reflect the plan for the septic system that will be

1 installed. He noted that the easement language would not be needed for the septic if systems are  
2 contained on each lot. He added that driveway easement language will be needed. The DRB  
3 discussed the driveway grade and Dawson stated that the steepest grade is on a section of Lot 2, with  
4 a 7% grade. Sunshine added that the driveway widths shown on the site plan do not meet the  
5 driveway standards in the Richmond Zoning Regulations and those will need to be revised for the final  
6 subdivision application.

7  
8 The DRB then went on to discuss the location of the Ireland Cliffs on Lot 2 and the natural  
9 communities that are located on Lot 2. Dawson stated that the terrain gets steep immediately beyond  
10 the meadow and that they do not plan to develop the land above that point. DRB liaison Cohen stated  
11 that, during a site visit earlier that day, Emily Dawson said that they would build the house into the hill.  
12 Cohen asked if the base of the hill is considered part of the natural community. Dawson replied that  
13 the natural community starts halfway back and that the meadow is close to the front of the property.  
14 The deer wintering area goes around the meadow. Ackerman said that the natural community needs  
15 to be shown better on the site plan.

16  
17 Sunshine asked for clarification about the septic. Dawson said that the septic as shown on the plan is  
18 designed for an addition on Lot 1, which he and Emily had contemplated. He said it makes more sense  
19 to do the subdivision rather than putting an addition onto the existing house on Lot 1. He said that Lot  
20 1 will have a two or three-bedroom house and Lot 2 will have a four-bedroom house.

21  
22 Sunshine opened the hearing to the public. Demaris Tisdale spoke first. She asked if the DRB  
23 received a letter from Brad Elliott concerning the natural communities along the cliffs. Sunshine  
24 responded that the letter was received and that the DRB wants to hear about how what is being  
25 proposed has to do with the plants and wildlife discussed in Elliott's correspondence.

26  
27 John Hildebeitel spoke next, noting that Tisdale is his wife. He stated that he is opposed to the  
28 subdivision project because it will cause further erosion on the quality of life in the area, which includes  
29 peace and quiet. He noted that the new proposed zoning bylaws would rule out the application.  
30 Hildebeitel also referenced barking dogs in the neighborhood, which interferes with listening to wildlife  
31 on the property. Tisdale said that Xen and Irene Wheeler originally subdivided the land into 8 parcels  
32 with sites for houses and ample privacy. She said she is one of only 2 original owners on the road and  
33 referenced a Selectboard decision in the 1970s that no more curb cuts are allowed, although no one  
34 can find a record of that stipulation. She believes that adding a house on Lot 2 will add noise and light  
35 and will disturb a peaceful repose.

36  
37 Doug White spoke next on behalf of Jill Allaire, who was in the room. White stated that Snipe Ireland  
38 Road needs to remain rural and that the subdivision would require re-contouring to be done along the  
39 stream. Dawson replied that no re-contouring will be done as part of the subdivision. White added that  
40 the site plan does not show how close to the cliffs the house site will be. He noted that the concept of a  
41 building envelope is to show where the house will be located and that the proposed building envelope  
42 does not do that. He requested that the driveway meet the zoning standards and expressed some  
43 concerns about the end of the driveway. Sunshine reiterated that the driveway easements need to be  
44 worked out before this moves forward.

45  
46 Wright Preston of the Conservation Commission spoke next. He said It would be helpful if the site plan  
47 contained contour lines directly around the narrower contour lines immediately to the west of the  
48 meadow where the terrain is very steep. The line on the current site plan does not show the location of  
49 the meadow. Preston and Sunshine discussed Elliott's memo and Preston reiterated that it is a  
50 significant wildlife area. Preston added that reducing the building envelope will help ensure the  
51 protection of the wildlife area.

52  
53 Sunshine stated that the DRB is looking to the Conservation Commission for expertise with respect to  
54 protecting the wildlife and natural communities. Preston acknowledged that he is not an expert, but  
55 that the state has designated this as a very important wildlife corridor because the cliffs provide  
56 protection to wildlife. Tisdale stated that the cliffs are contiguous with the larger Chittenden uplands  
57 area, where efforts are being made to protect the corridor for animals. Dawson said that he and Emily  
58 love living on Snipe Ireland Road and that this project is not being done for financial gain. He said that

1 their current home is not meeting the needs of a growing family and that they want to remain living on  
2 Snipe Ireland Road, which requires the subdivision since it does not make sense to upgrade their  
3 current house. Their goal is for this project to have as low an impact as possible. Ackerman asked if  
4 any natural resource protection organizations have offered money to set aside the wilderness area.  
5 Preston replied that the Nature Conservancy has an interest in working with the neighborhood for a  
6 small block protection for the cliffs, especially the base of the cliffs. Easements may be donated, but  
7 actual money donations have not been discussed. He re-stated that the area is an important statewide  
8 resource.

9  
10 Motion by Werneke, seconded by Ackerman, to close the public hearing and go into deliberative  
11 session regarding application #12-134. Voting: 4 in favor; 0 opposed; 0 abstentions.  
12

- 13  
14 3. Daniel Peet – Application #12-135 for Final Subdivision Review for the “Sadler Meadow” 13-lot  
15 residential subdivision (original lot to be used for agricultural purposes and 12 new residential lots)  
16 located at 1925 Jericho Road (parcel JR1925) within the High Density Residential zoning district.  
17

18 Sunshine swore in Danny Peet and Peter Heil (consultant with O’Leary Burke). Sunshine disclosed  
19 that he lives across from the property, but is not an abutting property owner. Peet said he was fine with  
20 Sunshine hearing the application. Heil provided an overview about the subdivision, which involves the  
21 division of a lot into 13 new lots. The large lot (remainder) will be used for agricultural purposes. The  
22 old gravel area will accommodate 11 new parcels and lot #12 is a deferred lot.  
23

24 Heil provided responses to the staff report regarding the project. He first discussed the differing parcel  
25 sizes when compared with the preliminary subdivision approval. The road was oriented more to the  
26 east than originally thought, which resulted in adjusting some lot sizes. He said that lot 12 shows the  
27 capability for water and sewer because there is a spring location with a well and a potential area for  
28 sewage. Cohen asked about access to lot 12 and Peet said the access is via an access easement to  
29 the Worthen development off Mary Drive. DRB project liaison Sunshine confirmed that there is a right-  
30 of-way easement for Worthen from Peet, which will provide the access for lot 12. Heil said that no  
31 development would occur on lot 12 without coming back to the DRB for approval. Sunshine stated that  
32 there is no provision for deferred lots in the subdivision bylaws. He suggested that lot 12 should be  
33 attached to lot 13 and then carved out at a later time. Peet replied that, per the Agency of Agriculture  
34 agreement for the agricultural use of the land, no future subdivision is permitted. Heil then went on to  
35 address the staff comment that there is no building envelope for lot 12. Heil distributed a new version  
36 of the site plan, which includes a building envelope for lot 12. The DRB discussed whether the building  
37 envelope is truly a building envelope since it encompasses the entire parcel, less the required  
38 setbacks.  
39

40 Heil then discussed the surface of the road, which is changed from the preliminary subdivision plan.  
41 Based on input from the town engineer, the first 350 feet of the road is paved. He noted that the  
42 maximum grade on the road is 9% and that portion will be paved. Sunshine added that the bulk of the  
43 road is pretty flat, especially in the area where the 11 lots will be located. Heil noted another change  
44 from the preliminary to final subdivision. The right-of-way between lot 3 and lot 4 which was to have  
45 been given to the town, has been removed due to the steep slopes, which are not realistic for a  
46 recreational path. Heil then noted that the zoning regulations require that only one curb cut be  
47 permitted per parcel, unless approved by the DRB under conditional use review. Heil formally  
48 requested a waiver from the DRB for two driveways in lots 1-4.  
49

50 Sunshine said he has reviewed the legal documents and did not find anything regarding the ownership  
51 for the duplexes or common land for lots 1-4. Peet replied that they must make a decision and clarify  
52 the type of ownership and whether each unit of the duplex is to be a footprint lot. He added that the  
53 land for lots 1-4 will be common land. He said he will speak with his attorney about the type of  
54 ownership. Sunshine stated that the homeownership association draft legal documents do not speak  
55 to the common land ownership for lots 1-4 and that the footprint lots must be discussed in the deeds,  
56 etc. and shown on the plat. Sunshine then asked about whether the water lines will be piped into the  
57 building as one pipe and then split or will be brought from the water connections separately. Sunshine

1 also said the covenants are not clear about who maintains what systems and that the language is  
2 missing from the easement documents. Heil stated that there will be one septic system for lots 1-4.  
3

4 The DRB then reviewed the conditional use standards, per Section 5.6. Sunshine asked whether  
5 letters have been obtained from the fire and police departments and Richmond Rescue in terms of  
6 servicing the subdivision. Peet said they have not because no request has been made by the DRB.  
7

8 The DRB noted that the building envelope for Lot 7 is not clearly defined.  
9

10 The DRB then discussed the cedar hedge screening between 271 Joan Avenue and 273 Joan  
11 Avenue. With respect to the condition in the preliminary subdivision approval that there be screening  
12 along 1651 Jericho Road, Peet said he has talked with Mary Roesel and that they decided they do not  
13 want screening because it would block their views to the west. Sunshine noted that the new  
14 development will not really be visible from 1651 Jericho Road.  
15

16 Heil said that Peet has applied for a state stormwater permit and that the project meets the  
17 requirements for a 1 year, 5 year, and 10 year storm. The runoff from the road entrance is captured  
18 along a stormwater detention area near the wetlands. There is also an emergency overflow device and  
19 roadside swales, as shown on plan sheet #3. He said the plan is to build the road after the project is  
20 fully permitted. The next step is to go to Act 250. No phasing is proposed for the subdivision  
21 development. Peet said that much of the gravel is on site, with the exception of the top 6 inches which  
22 will be brought in.  
23

24 Sunshine opened the hearing to the public. Anand asked whether the road area will be gravel where  
25 lots 1-11 will be located. Peet said the road will be gravel. Anand pointed out that, because of the  
26 number of lots, the rural road standards cannot be used and that the public works specs do not allow  
27 gravel. She also asked about the reason for having duplexes. Peet explained that, due to a neighbor's  
28 rights to an abandoned spring near lot 3, septic separation distances were such that the septic  
29 systems had to be shared, which worked well for duplexes. Anand then asked about market demand  
30 for duplexes and discussed the possible impact on schools, based on the statistical average of 1.9  
31 children in schools per housing unit.  
32

33 Ewing asked whether the plan is still in place for a recreation path between Lots 8 and 9 into the  
34 existing right-of-way onto Joan Avenue, which abuts her property. She expressed concern about  
35 increased foot traffic with people coming through that private area and has a safety concern for the  
36 children. She said she is not in favor of that recreation path. Cohen pointed out that the original  
37 proposal was to put in a road within that right-of-way. Gent added that the next step is for the  
38 Selectboard to accept the donated right-of-way. Ewing said that there is a lot of wildlife going through  
39 that area and that may be affected negatively.  
40

41 Burton spoke next. She said she is the realtor for the subdivision and that she used to live in  
42 Richmond, where she had seven acres of land. She has since moved to South Burlington, where they  
43 see turkeys, fox, and other wildlife, which adapt to land use changes.  
44

45 Worthen of BJW Development Company spoke next. He clarified that lot 12 does not have any  
46 proposed access at this time. There is a right-of-way attached to the parcel. He pointed out that part of  
47 lot 12 provides prime viewing of Camels Hump and that it is a beautiful parcel, which would make a  
48 great place for Peet to live. He stated the driveway will be located properly and the plan is to come  
49 back to the DRB if the deferred lot is approved. Worthen added that the field where lots 1-11 are  
50 proposed is an excellent setting for housing and the project is well thought out.  
51

52 The DRB requested that letters from the fire and police departments and from Richmond Rescue be  
53 submitted.  
54

55 Motion by Cohen, seconded by Ackerman, to continue application #12-135 to obtain additional  
56 information regarding the lot #7 building envelope, a new plat showing the lot layouts for the duplexes  
57 and common land for lots 1-4, revised language for covenants and deeds, guidance regarding how the

1 project can be approved without being compliant with the Richmond Road Specs, and letters from the  
2 emergency services.

3  
4 Peet said that gravel is being proposed in order to cut costs. He added that he believes the road  
5 system is over-built with an excessive road width and the large cul-du-sacs. Because the soils are  
6 highly infiltrative, the road will not be a muddy road, unlike numerous others in town.

7  
8 Gent pointed out this project is also a PUD and that those standards apply.

9  
10 Voting on the motion: 4 in favor; 0 opposed; 0 abstentions.

11  
12  
13 4. MEETING MINUTES – August 8, 2012

14 Motion by Werneke, seconded by Ackerman, to approve the minutes with minor amendments. Voting:  
15 3 in favor; 0 opposed; 1 abstention (Cohen).

16  
17 Sunshine stated that Cohen has resigned from the DRB as she is moving out of town; therefore, this is  
18 her last meeting. The DRB members all thanked Cohen for her service and contributions.

19  
20  
21 5. DELIBERATIVE SESSION

22 At 9:15 PM, motion by Cohen, seconded by Werneke, to enter deliberative session. So voted.

23  
24 Cohen left during deliberative session.

25  
26 At 9:55 PM, motion by Werneke, seconded by Ackerman, to come out of deliberative session. So  
27 voted.

28  
29  
30 6. DRB ACTIONS

31 No formal DRB actions were taken.

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34 7. ADJOURNMENT

35 At 9:59 PM, Ackerman made a motion, seconded by Werneke, to adjourn the meeting. So voted.

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37  
38  
39 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB  
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