

**RICHMOND DEVELOPMENT REVIEW BOARD  
 REGULAR MEETING  
 APPROVED MINUTES FOR AUGUST 14, 2013 MEETING**

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Members Present: David Sunshine, Chair; Stephen Ackerman; Fred Fortune; Anne McLaughlin  
 Members Absent: Brian Werneke, Vice-Chair  
 Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; *also see attached sign-in sheet.* Brian Tellstone, Sean Foley, Mary Houle, Mark Fausel, Ann Cousins, Bruce LaBounty, Cara LaBounty, Angela Cote, Robert Fischer, Christine Fischer,

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

1. Discussion with Planning Commission regarding DRB recommendations for changes to zoning and subdivision regulations

Sunshine noted that this portion of the meeting is a joint meeting of the DRB and the Planning Commission, since quorums of both boards were present. The Planning Commission members introduced themselves: Mark Fausel, Bruce LaBounty, Ann Cousins, Brian Tellstone, and Sean Foley. Fausel began the discussion by indicating the Planning Commission would like to hear from the DRB regarding any changes they suggest to the zoning or subdivision regulations. Sunshine said that one issue the DRB has had relates to the allowed density in the village. Several landowners in the village have presented potential projects, which would increase the number of units in existing or proposed structures. The DRB has had to say “no” to bringing those applications forward because of the maximum density problem and because of lot coverage issues. Sunshine said this seems to go against the town plan and thinks there is a conflict between the town plan and the zoning ordinance. Fausel responded that the proposed bylaws that were defeated addressed the density and lot coverage issues and suggested it might work well to incorporate sections of the proposed bylaws into the current zoning bylaws. Sunshine added that it would be very helpful to give more discretion within the bylaws to the DRB. Foley asked the DRB to provide specific examples of what the DRB would want. Bruce LaBounty noted that there has to be a level playing field and that the DRB can’t say yes to everything. Sunshine responded that there are instances where waivers are appropriate.

In response to a question, Sunshine said that he would like to see the village as a whole become a single zoning district. Cara LaBounty brought up an example of two detached structures which would need to be connected to be considered as multi-family dwellings. Sunshine said he has worked with owners in Burlington to build a walkway or breezeway between a house and a coach house. LaBounty asked why multi-family dwellings have to be in one structure. Cara LaBounty also said that the town should get creative in terms of encouraging development in the village to take advantage of properties already here.

Ackerman said that parking requirements in the village can be problematic. Fortune said the DRB needs latitude within the village in terms of waivers or variances for property lines, lot coverage, the number of bedrooms, etc. For instance, we should re-think the ratio of one-third of an acre per unit, perhaps going to ¼ acre for multi-family buildings. Fausel said the proposed bylaws that were defeated included a standard for ¼ acre density with 80% lot coverage, which might not have helped with denser multifamily housing. He noted that it would help with accessory dwellings and discussed how some residents are concerned about absentee landlords. Sunshine said that some landlords take better care of properties than owners who live there. Ackerman agreed that the density should be reduced for multifamily housing.

Sunshine reiterated that DRB discretion should be granted. Fausel said that some people are concerned that such flexibility would allow applicants to approach the DRB members individually since they might know the members. Sunshine said that there has to be trust that the DRB members are trying to be objective and fair. Ackerman said there might be a perception of abuse and there has to be some sort of regulation. Cousins added that an applicant might come forward and ask for something that the town didn’t intend and that, if the bylaws are too flexible, that might be a problem. Cousins also mentioned that Montpelier has a provision for secondary structures and a mechanism for subdividing apartments for owners. Cousins said that adding more waivers for parking might be a problem, and noted that the

1 Selectboard is now looking at removing the parking standards on upper Bridge Street. Houle  
2 recommended that the DRB not take personal phone calls regarding applications so as to avoid ex parte  
3 communications and to be consistent with procedural rules that specify that no DRB member should  
4 discuss an application with the applicant or others.

5  
6 The DRB returned to a discussion of the zoning bylaws. Sunshine said that he thinks the issue with  
7 dwelling density is a problem in the village area only because lot sizes outside of the village are usually  
8 larger so there are fewer problems. There was a discussion about a creating a new recreation zoning  
9 district for the Cochran ski area. Fausel pointed out that the definition of outdoor recreation is very non-  
10 descript, so there should be options for Cochrans. Sunshine said there is an issue related to the number  
11 of uses on the lot. The DRB will be discussing an application from the Cochrans tonight, which includes  
12 having weddings.

13  
14 The DRB agreed to let the Planning Commission know when there are conflicts with the bylaws via a  
15 memo or a notation in the meeting minutes. There was a discussion about what feedback there has been  
16 regarding why the proposed bylaws were defeated.

17  
18 At 7:35 PM, joint DRB/Planning Commission meeting ended.

## 19 20 Public Hearings

21  
22 Sunshine welcomed the public. He requested that everyone sign in. Sunshine noted that, if someone is  
23 present for a certain hearing and wishes to have interested party status for purposes of appealing a  
24 decision, that person must speak during the hearing. Sunshine also welcomed Anne McLaughlin as the  
25 newest member of the DRB.

26  
27 2. Barry & Patricia Parker – Application #13-067 for conditional use review for repairs to house and  
28 improvements to property within the FEMA Special Flood Hazard Area (Flood Hazard Overlay District-  
29 Richmond Zoning Regulations, Section 6.8) and Application #13-068 for Conditional Use Review &  
30 Application #13-075 for a Planned Unit Development for professional office and residential uses for  
31 property located at 226 Bridge Street (parcel BR0226) in the Residential Commercial zoning district.

32  
33 Gent distributed three handouts: revised memo from Neal Leitner regarding substantial improvement  
34 determination (revised date August 13, 2013); Notice of Zoning Violation (issued May 28, 2013); email  
35 from Rebecca Pfeiffer, Vermont DEC (dated August 12, 2013).

36  
37 Patty Parker and Chris Haggerty (surveyor) addressed the DRB. Parker provided an introduction to the  
38 project, indicating she and her husband want to rent the main portion of the house as professional  
39 office and keep the back part of the house as a residential unit. DRB project liaison Ackerman brought  
40 up the fact that the driveway width, at 10 feet, does not meet the standards in Section 6.2.1, which  
41 states “unless a different size is required by the DRB due to special circumstances.” Ackerman noted  
42 that this language is not clear and should be brought up to the Planning Commission. Sunshine asked  
43 about the traffic patterns for the new use. Marcy Harding of the Vermont Land Trust, which plans to  
44 rent the professional office space, said that there are 11 employees, including two part time  
45 employees, and only tree work in the office full time. She said there are few visitors or deliveries. In  
46 response to a question, Parker said the residential unit has one bedroom. Ackerman said there is more  
47 than enough parking for the two uses and the extra parking creates an issue with lot coverage. The  
48 DRB discussed lot coverage and noted that the definitions of gravel and lot coverage are inconsistent.  
49 Parker said any exterior lighting is on the building around the doorways and is motion activated.

50  
51 The DRB next discussed Neal Leitner's memo regarding substantial improvement. The cost  
52 information about the two small roofs was not provided, and Leitner did not include the roofing in his  
53 calculation of substantial improvement. Parker testified that \$2,500 was spent for the two roofs which  
54 measure 8 by 15 feet and 6 by 4 feet, respectively. Based on that testimony, the DRB decided no  
55 additional information was needed. The DRB then discussed lot coverage. In order to get to the  
56 maximum 40% lot coverage, the site plan shows the removal of a side patio and the removal of three  
57 parking spaces in the rear, at least to a pervious surface. Sunshine stated that the bylaws are not  
58 flexible in terms of the lot coverage definition.  
59

1 Ann Cousins said she is a member of the Richmond Economic Development Committee and that she  
 2 is in support of the application. She commended the owners for keeping the structure within the  
 3 character of the neighborhood, including limiting the driveway width. Marcy Harding spoke next,  
 4 introducing other Vermont Land Trust staff members and said she also supports the application.  
 5 Harding said the Vermont Land Trust has outgrown its space above the Sonoma Station Restaurant  
 6 and there is more than enough parking at the Parker parcel for their needs.

7  
 8 Cara LaBounty said the no net fill information should have been included on the site plan. She also  
 9 said that she believes the Notice of Violation still stands and asked, if the DRB approves the  
 10 application, whether the Notice of Violation goes away. Sunshine said that would be between the  
 11 zoning administrator and the applicant. LaBounty asked if the three garage spaces count toward the  
 12 parking space total and Sunshine said they do. LaBounty asked about the plan for the garage  
 13 structure, since that was not referenced in the application. Parker said that is not part of this  
 14 application and is not being proposed for a residential use at this time.

15  
 16 With respect to the placement and calculation of fill, Haggerty said the site plan shows the digitized  
 17 limit of gravel (driveway and parking) prior to Tropical Storm Irene, but not the volume. He added that  
 18 some of the new material might be in an area outside of the FEMA Special Flood Hazard Area, closer  
 19 to Bridge Street. LaBounty said she would like to know how many materials have been trucked in. She  
 20 added she is not opposed to the project, but wants everyone in the floodplain to include a calculation  
 21 of the net fill. LaBounty said that she is an interested party for this application.

22  
 23 Motion by Fortune, seconded by Ackerman, to close the hearing for application #13-067, 13-068, and  
 24 13-075. Voting: 4 in favor; 0 opposed; 0 abstentions.

25 Sunshine noted that the DRB must issue its written decision within 45 days.

26  
 27  
 28 3. Robert Allen & Marsha Camp – Application #13-069 for repairs to house roof within the FEMA Special  
 29 Flood Hazard Area (Flood Hazard Overlay District-Richmond Zoning Regulations, Section 6.8) for  
 30 property located at 99 Esplanade Street (parcel ES0099) within the High Density Residential zoning  
 31 district.

32  
 33 Sunshine swore in Robert Allen, who said he is repairing the roof on their house. Sunshine referred to  
 34 Neal Leitner’s memo, which indicated the cost of improvements is 23.6%, including the proposed  
 35 repair and repairs from Tropical Storm Irene. DRB project liaison Fortune said he did a site visit and  
 36 does not see any problems with this application. He confirmed that the project is in the FEMA Special  
 37 Flood Hazard Area.

38  
 39 Motion by Fortune, seconded by Ackerman to close the hearing and approve application #13-069 and  
 40 to grant the waiver not requiring a professionally prepared plan.

41  
 42 Allen implored the town to move forward with the zoning changes for Section 6.8 (Flood Hazard  
 43 Overlay District) to provide relief for property owners in the floodplain.

44  
 45  
 46 4. Beverly F. Willis Trust – Application #13-076 for preliminary subdivision review for a two-lot subdivision  
 47 (one original lot and one new lot) on a 9.98 parcel located at 840 West Main Street (parcel WM0840) in  
 48 the Gateway zoning district. The applicant is requesting a waiver to combine the preliminary and final  
 49 plan subdivision approval.

50  
 51 Sunshine swore in Justin Willis, who provided background about the project, saying the family had  
 52 done an administrative subdivision a couple years ago, creating the 9.96 acre parcel. The proposal  
 53 now is to subdivide that lot further. The two-lot subdivision includes one lot with the existing single  
 54 family house. The remaining land will include the barn and a proposed house, although that might  
 55 change in the future if a future owner wishes to pursue a commercial use. Willis stated that the  
 56 wastewater application has been submitted with the state. He also presented a permit from VTrans for  
 57 the highway access, which expires within one year, but can be renewed. DRB project liaison Sunshine  
 58 said the project is very straightforward and there is plenty of room for the project. Sunshine mentioned

1 there is some conversation about connecting to town water and sewer. Willis said that there is no  
2 specific plan for that, therefore, an on-site wastewater system and potable water supply are proposed.

3  
4 Neighbor Rod West said he supports the Willis family project.

5  
6 Motion by Ackerman, seconded by Fortune, to close the hearing and approve application #13-076.  
7 Voting: 4 in favor; 0 opposed; 0 abstentions.

8  
9  
10 5. Cochran Family LLC – Application #13-077 for conditional use review for a parcel at 910 Cochran  
11 Road (parcel CO0910) within the Agricultural/Residential zoning district for the following at the  
12 Cochran Ski Area: year-round use of facility; expansion of hours and lighting during ski season; seven  
13 trail lights for The Face ski trail; two accessory structures; one-year extension by DRB for maintenance  
14 building, per conditional use application #11-071.

15  
16 Sunshine swore in Lindy Cochran (representing the family) and David Furney and Josh Diamond  
17 (representing Cochran Ski Area). Furney said the purpose of the application is to expand the facility for  
18 summer recreational uses and to change some operating conditions for the winter ski area function.  
19 Sunshine said he is recusing himself from the project and asked if the applicant or the other DRB  
20 members objected to his chairing the meeting, but not deliberating on the application. There was no  
21 objection.

22  
23 Furney said Cochrans is currently doing summer Friday night mountain biking and dinners, and dry  
24 land training and want to get the proper permits in place. A network of mountain bike trails is being  
25 used. In addition, the area would like to use the lodge for its own events and for third-party events like  
26 family events, weddings, etc, which have a direct impact on fundraising. Furney said the lighting plan  
27 for the new proposed lights uses the same light fixtures at the same height as what the DRB has  
28 approved previously. The applicants request that the slope lights be allowed to be on to 10 PM seven  
29 days a week, including the summer season, in addition to extend hours of operation including  
30 Mondays, when college ski training is most likely to happen. Furney said they are also asking for a  
31 waiver from having to prepare the annual ski volume report, since they rely on volunteer efforts, since  
32 there is no longer a problem with vehicles parking on Cochran Road. Furney added that there is a  
33 benefit to having that information, and suggested that once every two years might be reasonable.

34  
35 There was a general discussion about parking, and the applicants said they keep a clear path for  
36 emergency vehicles and have two aisles with barricades and parking attendants to assist with parking  
37 for buses. DRB project liaison McLaughlin noted that the area where the new slope lights will be is  
38 sheltered with trees and added there are two as-built structures proposed with the application, along  
39 with an extension request to construct the maintenance building. Ackerman asked about the nature of  
40 events that would be held in the lodge. Furney said there would be weddings, graduation parties,  
41 Odyssey of the Minds functions, ski patrol training seminars, ski club events, camps with dinners, etc.  
42 He noted that the ski area does not intend to get into the catering business or liquor permit business.  
43 Josh Diamond added that the ability to fundraise is important to the ski area and most events are  
44 outside and would not affect the traffic volume. For any events during the ski season, they would take  
45 place after most skiing has ended for the day when traffic is diminished.

46  
47 Mary Houle said she has worked for Cochrans in the past and thinks using the facility for weddings,  
48 etc. is good for the organization and she supports the application to the fullest extent within the law.  
49 James Garris said an important consideration is the visual effect of the lights, which affect his property  
50 along Route 2. Rick Barrett said he and his wife, Chichi, are concerned as abutters. He said he and  
51 Chichi have supported having night skiing, but this application suggests Cochrans is becoming a larger  
52 non-profit. To date, the lights have worked well and the traffic has not been terrible, but now Cochrans  
53 is talking about commercial enterprises, at a larger scale and they are now concerned about the extra  
54 traffic and lighting. Garris said the lighting impact is growing and said he would oppose any use of the  
55 ski trail lights except for skiing. Bruce LaBounty asked about the septic capacity for the expanded  
56 uses. Furney said Cochrans has an Act 250 permit and that they are looking into the septic capacity  
57 question, which is regulated by the state of Vermont.

58

1 Furney said the parking limits serve as a constraint. There are 120 parking spaces and 130 parking  
2 spaces with an attendant. He also discussed the lighting changes, and asked that the slope lights be  
3 kept on until 10 PM to help with slope grooming. He added that the slope lights and parking lights will  
4 be on only when there is a function, whether ski season or summer season. Rick Barrett asked about  
5 how Cochran's handles it when mountain bikers use other trails outside of the Cochran property and  
6 asked what provisions Cochran's takes to delineate the property boundaries so that mountain bikers  
7 don't come onto the Barrett property. Houle said she has the same issue and that it is difficult to stop  
8 mountain bikers. Cara LaBounty asked if dinners are considered a recreational use and said it is a fine  
9 line between fund raising and a commercial use. She pointed out that a non-profit might be generating  
10 revenue through fund raising for a use that is actually a commercial use. Furney said their idea of a  
11 commercial use similar to what they would want is the VYCC monitor barn, although the scale will be  
12 smaller for Cochran's.

13  
14 Barrett asked with liquor license will be held and Houle pointed out that the town reviews liquor  
15 licenses in two ways, depending on whether the license is for a facility versus to an individual event.  
16 Cara LaBounty suggested it would be helpful for Cochran's to provide the neighbors with some type of  
17 number – whether it be the number of events per weekend, per month, or year, in advance so that the  
18 neighbors could know in advance.

19  
20 Motion by Fortune, seconded by Ackerman, to close the hearing for application #13-077. Voting: 3 in  
21 favor (Ackerman, Fortune, McLaughlin); 0 opposed; 1 abstention (Sunshine).

22 Sunshine noted that the DRB has 45 days to issue a decision, followed by a 30-day appeal period.

## 23 24 6. Other Business

### 25 A. Sadlar Meadow Subdivision Decision #12-135: Discussion of Condition #10 Regarding Road

26 Gent reviewed a request from Jeff Godbout for the DRB to modify condition #10 to allow the  
27 issuance of a zoning permit for Lot 10, with the road sub-surface in place only to Lot 10 and not the  
28 entire road. The DRB discussed the request and said that such a change is more than simply  
29 clarifying a condition. Motion by Sunshine, seconded by Ackerman, to not change condition #10 in  
30 light of the fact that no subdivision amendment application has been submitted. Voting: 4 in favor; 0  
31 opposed; 0 abstentions.

32  
33 McLaughlin left the meeting at 9:20 PM.

### 34 35 B. Meeting Minutes: July 10, 2013

36 Several amendments were offered. Motion by Ackerman, seconded by Fortune, to accept the  
37 minutes as amended. Voting: 3 in favor; 0 opposed; 0 abstentions.

### 38 39 C. Staff Report: August 1, 2013 – The DRB discussed how to communicate with the Planning 40 Commission about suggested changes to the zoning bylaws. No decision was made.

### 41 42 D. Deliberative Session

43 At 9:30 PM, motion by Ackerman, seconded by Fortune, to enter deliberative session. So voted.

44  
45 At 10:07 PM, motion by Fortune, seconded by Ackerman, to come out deliberative session. So  
46 voted.

## 47 48 7. DRB ACTIONS

49 Motion by Ackerman, seconded by Fortune, to approve application #13-067/#13-068/#13-075 (Parker).  
50 Voting: 3 in favor; 0 opposed; 0 abstentions.

## 51 52 53 8. ADJOURNMENT

54 At 10:15:PM, Ackerman made a motion, seconded by Fortune, to adjourn the meeting. So voted.

55  
56 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

# PLEASE SIGN IN

Town of Richmond Development Review Board  
Public Hearing Attendance Sheet  
August 14, 2013

Name PLEASE PRINT	Address	Agenda Item of concern
Mary Houle	Townie	All
Brian Webster	Planning	
A Cole		
M Farsal		
SPAW Foley	Richmond	
Bob & Chris Fisher	Richmond	
Ann Cousin	Richmond	
A Z	Richmond	
Carole LaBounty		
Robert Allen	Richmond	
Maree Harding	Richmond	
Terja Hattunen-Green	Barre Town (Vermont LT)	1
Nick RICHMONDSON	Stillemer Sevicho	
JUSTIN WILMS	POB 1001 SEVICHIO	3
Chris Haggerty	20 Kimball Ave, Ste. 203N So. Burlington, VT 05403	1
JAMES GARMS	664 E. MAIN	Cochran's
Rod West	920/878 W. Main	Willis
Frederick M + Chichi Bawit	Murphy Farm, 612 Cochran Rd	Cochran's
Jodi Diamond	On behalf of Cochran's	11