

**RICHMOND DEVELOPMENT REVIEW BOARD
 REGULAR MEETING
 APPROVED MINUTES FOR NOVEMBER 13, 2013 MEETING**

Members Present:	David Sunshine, Chair; Stephen Ackerman, Vice-Chair; Mike Donohue; Fred Fortune; Anne McLaughlin
Members Absent:	None
Others Present:	Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; See list

Sunshine called the meeting to order at 7:05 pm.

Sunshine welcomed the public and requested that everyone sign in. Sunshine noted that, if someone is present for a certain hearing and wishes to have interested party status for purposes of appealing a decision, that person must speak during the hearing.

1. Robert and Sharon Kenney – Application #13-115 for Conditional Use Review (Richmond Zoning Regulations, Section 6.8 – Flood Hazard Overlay District) to remove driveway culvert and replace with clear-span bridge in FEMA Special Flood Hazard Area on property located at 217 Stage Road (parcel SR0217) in the Agricultural Residential zoning district.

Sunshine swore in Robert Kenney and Sharon Kenney. Robert Kenney introduced the application, saying that, at the end of June, two culverts under their driveway collapsed with all the flooding, resulting in water taking out the gravel as well. He said the state wants them to install a 16-foot span bridge instead of culvert replacements, which is what they are proposing with the application. Kenney said the bridge is a HS20 bridge, which can hold 40,000 pounds of weight. There are 5 “I” beams and spans going across the bridge.

Donahue arrived at 7:12 PM.

Kenney went on to say there are concrete footings attached to the bedrock via an “I” beam driven into the bedrock. Presently, there is a temporary driveway, with gravel and a plastic culvert in place. When the new bridge is put in place, the temporary driveway will be removed. He added that the state wanted either a 15-foot culvert or the 15-foot bridge to create an opening large enough to handle the stream flow. Due to the cost, they selected the bridge option. Kenney said they are asking for a waiver from the requirement that a professionally-prepared plan be submitted. Sunshine asked if the plan represents an accurate rendering and Kenney said it does. In response to a question from Fortune, Kenney explained that there will be a cement approach to each side of the bridge, which will be bolted to the bridge plates. He added that there will be 2 inch by 6 inch yellow pine timbers for the deck. He explained that the bridge is between the house and Stage Road and the driveway is about 1,200 feet long. Kenney then said that they are moving out about 24,000 cubic feet of earth, much of which was washed out in the flooding. That earth will be moved outside of the floodplain and that there is no increase in fill, in fact, there is a significant decrease.

Sunshine opened the hearing to the public. Donald Kenney said that the current temporary driveway is very difficult and asked that this application get resolved as soon as possible. Cara LaBounty said she is an abutting property owner and she supports this application 100%. Tom Carpenter said Section 6.8 does not apply because this is maintenance of a road. LaBounty asked Sunshine whether the DRB has the authority to rule on whether a project is exempt from the bylaws. Sunshine said the DRB rules on applications before them.

Motion by Fortune, seconded by Ackerman, to close the hearing and approve application #13-115 and to approve the waiver from requirement that the site plan be prepared by a professional. Voting: 5 in favor; 0 opposed; 0 abstentions.

- 2. Gary and Jean Bressor – Application #13-132 for Conditional Use Review (Richmond Zoning Regulations, Section 4.8 – Setback Modifications; Section 5.6 – Conditional Use Review; and Section 6.7 - Shoreline Protection Overlay District) including proposed amendments to previous DRB applications #05-259, #05-261, #10-077 to renovate existing principal structure and to modify plans for duplex on property located at 401 Bridge Street (parcel BR0401) in the Agricultural/Residential zoning district.

Sunshine swore in Gary Bressor, who explained that, this fall when doing work on previously approved permits, they noticed that the main roof is failing and that a new roof is needed. Due to the many different roof planes, they decided to change the roof into a gambrel roof, which is easier to maintain. Bressor described the elements of the proposed project, which include demolishing a portion of the house on the southern end, which used to serve as a garage for a Model A car, adding a two-story addition over corner of house (entrance area) for a mud room and porch, adding a second story to northeast corner of house – which will square up the side and make for a full gable roof, changing the roofline for gabled roofs with adding a second floor, adding a porch in the southern part of house, connecting the existing house with a principal structure that was approved by the DRB some years ago, and replacing a bulkhead with a short roof in the northwest area. Bressor said that the last item is an as-built project. Previously, there was an entry deck twice that size and door into the house. He said he added the short roof to prevent water from going into the basement.

Bressor explained that normally those types of changes can be approved administratively but the proposed changes are within the setbacks and within the shoreline protection zone. He said that he wrote a letter and a one-page summary to all the neighbors. Bressor said the project elements meet the five-foot setback requirement in all locations except where he rebuilt the shed roof over the bulkhead on the preexisting foundation. With respect to the shoreline protection zone, the removal of the southern end of the house results in the house being further away from the river shore zone.

Bressor then discussed connecting the two structures into one duplex. He stated that he thinks a porch being added to a structure makes it part of the principal structure, noting that is the history of how that has been interpreted over the years. DRB project liaison Sunshine said he did a site visit last week and that, while complicated, the project will lead to a house with one roof with a couple shed roofs, which is simpler than the current roof line. Bressor said the porch connecting the two structures is about 20 feet in length and there would be a slab (concrete walkway) with the porch. Bressor said that the upper house (existing house) will expand in size to be more similar in size with the principal structure that is being constructed, which was approved by the DRB in 2006.

The DRB discussed the definition of principal structure, specifically whether the walkway serves to merge the two structures together. Bressor discussed a scenario for a nearby property where, twenty-six years ago, two buildings that were built separately became one principal structure via a connecting hall. Gent pointed out that the definition of a two-family dwelling also applies to this application. Sunshine said that the City of Burlington allows the use of a porch as a connection for a principal structure, but the Richmond DRB has not ruled on that question yet. Bressor said he could expand and connect the buildings in a more clear way if needed. There was discussion about the difference between a duplex and an accessory dwelling. Bressor then discussed the project with respect to Section 4.8, setback modifications, saying that they are well below the 10% expansion for lot coverage, based on the merger of multiple lots (parcel is 10.2 acres, as shown on the site plan).

Sunshine opened the hearing to the public. Fran Thomas said the historical society has no objections, but she has a personal opinion. She said that Bressor was part of the lawsuit regarding the structure he discussed earlier in the meeting and that he objected to the approach he is now proposing. She explained the project was for Isaac’s antiques near the Round Church and emphasized that relationships with the owners are good. Thomas asked whether Bressor needs to follow the previous DRB approval which was to make the existing house smaller and turn that into an accessory structure. Bruce LaBounty asked if the previous decision will need to be amended. The timeline for permits was discussed, including for a duplex that was created administratively in 2006. Sunshine said that part of the current application is to amend the earlier DRB approvals. Cara LaBounty said there is a 2010 permit to amend the existing structure and asked if the permit for an existing duplex within the existing house still applies. Sunshine responded that the DRB will have to discuss that question. Cara

1 LaBounty also asked if the lot merger was due to a deed recording or due to adjoining parcels. Bressor
2 replied that it was by deeds being recorded.

3
4 Bressor spoke to the point that Fran Thomas made earlier about the case with Isaac's antiques, and
5 said this is a different situation because, with the previous case, there were two separate structures
6 and the resolution was to create a connection. With this application, he is proposing the same
7 resolution.

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9 Fortune asked Bressor how much land is outside the floodplain. Bressor replied that information is not
10 supplied on the site plan and he would have to have a surveyor calculate that for the entire parcel.

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12 Fortune moved to close the hearing and move into deliberative session, seconded by Donohue.
13 Voting: 5 in favor; 0 opposed; 0 abstentions.

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15 3. Rules of Procedure

16 Sunshine said that he and Gent have made additional changes to Section VIII. Site Visits, based on a
17 previous DRB discussion.

18 The DRB made the following changes to the Rules of Procedure:

19 - Section III.F – add the following, “A site visit conducted under Section VIII shall not be considered to
20 be ex parte communications.

21 Section V. – add letter D. and delete” be required” to “considered” and add “for purposes of that
22 application”

23 Section VII.G – revise the oath to the following: “I hereby swear or affirm that the evidence I give shall
24 be the whole truth and nothing but the truth.”

25 Section VII.J – delete “Invite board members, including DRB members, Selectboard members or
26 Planning Commission members to ask questions of the applicant or applicant’s representative.”

27 Section VIII. – add E. regarding attendance of liaison at site visit as not constituting a conflict.

28 Section IX – delete “exchange opinions or” from lines 2-3.

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30 The board also discussed that sending a written communication to be received during a public
31 hearing is considered testimony and the DRB can determine the veracity of what is included in the
32 letter, just as with oral testimony.

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34 Motion by McLaughlin, seconded by Ackerman to adopt the Rules of Procedure as amended. Voting:
35 5 in favor; 0 opposed; 0 abstentions.

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38 4. Meeting Minutes: October 8 and October 30

39 Minutes of October 8, 2013: Minor amendments were offered. Motion by Fortune, seconded by
40 McLaughlin, to accept the minutes as amended. Voting: 5 in favor; 0 opposed; 0 abstentions.

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42 Minutes of October 30, 2013: Minor amendments were offered. Motion by McLaughlin, seconded by
43 Donohue, to accept the minutes as amended. Voting: 4 in favor (Sunshine, Donohue, Fortune,
44 McLaughlin); 0 opposed; 1 abstention (Ackerman).

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47 5. Deliberative Session for applications #13-115 and #13-132.

48 At 8:37 PM, motion by Fred, seconded by Steve, to enter deliberative session. So voted.

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51 6. ADJOURNMENT

52 At 9:57:PM, Steve made a motion, seconded by Fortune, to adjourn the meeting. So voted.

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54
55 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

PLEASE SIGN IN

Town of Richmond Development Review Board Public Hearing Attendance Sheet November 13, 2013

Name PLEASE PRINT	Address	Agenda Item of concern
GARY BRESSOR	401 Bridge, Richmond VT	Bressor
Alexis Latham	1501 East Richmond	
Bruce Labounty	2900 East main	Bath
Bob Kenney	217 STAGE RD	Kenney
Fred Kenney	217 STAGE RD	Kenney
Shawn Kenney	217 Stage Rd	Kenney
Donald Kenney	217 Stage Rd.	Kenney
D. Cupid	126 Van Alst	Kenney
FRAN THOMAS	1635 Hillview	Bressor
Cara - Bruce Labounty		