

**RICHMOND DEVELOPMENT REVIEW BOARD
 REGULAR MEETING
 APPROVED MINUTES FOR DECEMBER 11, 2013 MEETING**

Members Present: David Sunshine, Chair; Stephen Ackerman, Vice-Chair; Fred Fortune; Anne McLaughlin
 Members Absent: Mike Donohue
 Others Present: Cathleen Gent, Town Planner/Staff to the DRB; See attached list

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

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

1. Greensea Systems Inc. – Application #13-137 for Site Plan Review (Richmond Zoning Regulations, Section 5.5) for change of use from residential to business office use for second floor of principal structure located at 10 East Main Street (parcel SR0217) in the Village Commercial zoning district.

Sunshine swore in Barbara Herrington. She said she is the general manager at Greensea Systems Inc. She said they want to change the second floor from a residential to an office use. In addition, they want to grow the number of employees from 10 to 20 at this time. Sunshine asked if Greensea is making any exterior changes. Herrington replied that they are making interior changes only at this time, which requires people to go outside to enter the second floor, as there is no interior stairway. Herrington noted that the staff report prepared by Gent describes the project. She added that Greensea is requesting a waiver from preparing a professionally prepared site plan. In response to questions from the DRB, Herrington said that there will be no more residential use and that no one is currently living in the second floor apartments. Ackerman asked about whether parking is needed for the project. Gent replied that new zoning bylaws were adopted in October which allow Greensea to change uses without having the required number of parking spaces because of the building location on upper Bridge Street. Herrington said employees park in a number of locations. The DRB clarified that Greensea may rent out the space to another business or professional office. Sunshine asked town manager Geoff Urbanik why VTrans has not given the town a permit to close off the driveway and add two spaces along Route 2, per a previous DRB decision. Urbanik said the town applied in 2012 and he has tried contacting VTrans. Previously, he had a phone conversation with Amy Gamble who said there were no issues. Herrington said that, since getting a VTrans permit was a condition of the DRB decision, Greensea wants to see this resolved. DRB liaison Fortune reported that he and Gent did a site visit on Monday and that they met with Ben Kinnaman (owner) and saw the second floor space. Fortune noted that Greensea is planning for their future in order to expand.

Sunshine opened the hearing to members of the public. There were no public comments.

Motion by Fortune, seconded by Ackerman, to close the hearing and approve application #13-137, and grant the waiver from the requirement for a professionally prepared site plan. Voting: 4 in favor; 0 opposed; 0 abstentions.

Sunshine noted that the DRB has 45 days in which to issue its decision.

2. Chittenden County Fish & Game Club – Application #13-140 for certification of Phase I improvements and for motion to extend completion dates for certain improvements as set forth in the DRB decision pertaining to application #12-025 for outdoor recreation facility located at 1397 Wes White Hill Road (WW1397) in the Agricultural Residential zoning district.

Sunshine swore in Mitch Allen, vice-president of the Chittenden County Fish & Game Club (the Club). Allen said the Club is looking for an extension of time to complete the improvements as required in the DRB decision from last summer. He said they have finished most, with the exception of tree planting and sound proofing. The tree planting cannot be completed until next spring and the sound proofing

1 had to wait until the walls were in place for the shooting stands, which have now been completed. Allen
2 added that the contractor got behind in filling the order for the sound proofing products. They have
3 completed a test for sound levels and there is another order in for more insulating material. Allen said
4 the letter from the Club's attorney spelled out the requested dates for the extensions. However, Allen
5 added, there is a hang-up in getting the sound proofing material by the end of December. He said it is
6 hard to give a firm date, since a contractor is involved, but it may be a month or two beyond December.
7 Neighbor Bill Smith said he would like to see a final date with an inspection provision to be sure
8 everything is done. Allen said he thinks the Club could get the sound proofing finished by the end of
9 February. He noted that they have done sound testing at the property line and that they could reduce
10 the level from 68 to 62 decibels with sound proofing. Sunshine asked if the three parties are
11 comfortable with the dates of end of February for the sound proofing and June 15th for the tree
12 planting. The three representatives (Urbanik for the town, Smith for the neighbors, and Allen for the
13 Club) said they are comfortable with the dates. Gent asked when the certification from the Club would
14 take place and Sunshine responded that the certification would be dependent on the dates when the
15 work is completed, February 28th for the sound proofing and June 15th for the tree planting. There were
16 no other comments.
17

18 Motion by Ackerman, seconded by Fortune to close the hearing and approve the extension with the
19 dates agreed to by the three parties and inspection criteria. Voting: 4 in favor; 0 opposed; 0 abstentions.
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21 Sunshine noted that the DRB will issue its decision within 45 days.
22
23

- 24 3. Zachary Properties of Richmond, LLC – Application #13-138 for appeal of zoning permit #13-122 to
25 remove barrier and fill, which was issued to John and Shirley Giroux for property located at 24 East
26 Main Street (parcel EM0024). Zachary Properties of Richmond, LLC owns parcel 38 East Main Street
27 (parcel EM0038). Both parcels are in the Village Commercial zoning district.
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29 Sunshine said that, subsequent to receiving the application, the DRB has received letters from the
30 attorneys for Zachary and from Giroux, both of whom requested that the DRB continue the hearing to
31 allow time for the parties to resolve the differences between them regarding this matter.
32

33 Sunshine asked the DRB members if they would agree to continue the hearing. Voting: 4 in favor; 0
34 opposed; 0 abstentions to continue the hearing until January 8th at 7 PM.
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36

37 As Bressor had not arrived yet for the hearing for application #13-132, the DRB took up other business
38 items.
39

40 4. Other Business

41 A. DRB Annual Report – the DRB did not offer any edits to the report.
42

43 B. Meeting Minutes: November 13, 2013 – Several edits were offered. Motion by Ackerman, seconded
44 by Fortune, to accept the minutes as amended. Voting: 4 in favor; 0 opposed; 0 abstentions.
45

- 46 5. Gary and Jean Bressor – Application #13-141 for request to re-open public hearing for application #13-
47 132 in order to receive additional information from the applicant. Application #13-132 pertains to
48 Conditional Use Review (Richmond Zoning Regulations, Section 4.8 – Setback Modifications; Section
49 5.6 – Conditional Use Review; and Section 6.7 - Shoreline Protection Overlay District) including
50 proposed amendments to previous DRB applications #05-259, #05-261, #10-077 to renovate existing
51 principal structure and to modify plans for duplex on property located at 401 Bridge Street (parcel
52 BR0401) in the Agricultural/Residential zoning district.
53

54 Bressor had not arrived, but the DRB began the hearing. Sunshine explained that the DRB held a
55 hearing on application #13-132 during the November meeting. The DRB closed the hearing, which
56 meant that no further evidence could be presented. Sunshine said that, after that hearing, Bressor
57 discovered that the computation of the acreage amount was not correct. Application #13-141 was
58 made by Bressor to request the DRB to re-open the earlier hearing to accept new information. Motion

by McLaughlin, seconded by Fortune, to reopen the hearing for application #13-132 to consider additional information. Voting: 4 in favor; 0 opposed; 0 abstentions.

Sunshine said that, based on the new information supplied by Bressor with application #13-141, the revised parcel acreage of 3.35 acres still keeps the Bressors within the guidelines needed for the setback modification lot coverage.

Bruce LaBounty said that, as an interested party, he should have received written notification of the request to reopen the hearing. Sunshine responded a public hearing notice was published in the usual manner and that it is a misnomer to consider someone to be an interested party during a DRB matter, since the Environmental Court makes such determination. Sunshine said that the DRB notes when someone attends the meeting when they sign in and when the person testifies during the hearing. Sunshine noted that this situation has not arisen before, where a hearing has been reopened with others having offered testimony, and that he would make a note to staff about it. In response to a question by LaBounty, Gent said that all the abutters did receive notification of this hearing. June Heston asked if it is improper to close the hearing and then reopen it. Sunshine said that, because Bressor applied to have the hearing reopened, the proper procedure was followed. Mary Houle asked which hearing is being held tonight, the one for #13-141 or for #13-132. Sunshine said the hearing covers both applications.

LaBounty questioned whether the application exceeds the allowed dwelling density for two primary residences, based on the fact that some of the land is in the floodplain. Fortune also discussed whether the amount of floodplain affects the allowed lot coverage. The DRB decided that they want to hear from Bressor regarding these questions.

Motion by McLaughlin, seconded by Ackerman, to continue the hearing for applications #13-132 and #13-144 to obtain specific information from Bressor regarding the amount of land that is in the floodplain and whether that would affect allowed lot coverage and residential density. Voting: 4 in favor; 0 opposed; 0 abstentions.

6. Deliberative Session

At 7:45 PM, motion by Ackerman, seconded by Fortune, to enter deliberative session for two applications – #13-137 (Greensea Systems Inc.) and application #13-140 (Chittenden County Fish and Game Club). So voted.

7. ADJOURNMENT

At 8:20:PM, Ackerman made a motion, seconded by Fred, to adjourn the meeting. So voted.

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

