

**RICHMOND DEVELOPMENT REVIEW BOARD  
REGULAR MEETING  
APPROVED MINUTES FOR MAY 8, 2013 MEETING**

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Members Present: David Sunshine, Chair; Brian Werneke, Vice-Chair; Stephen Ackerman; Fred Fortune  
 Members Absent: One vacancy  
 Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; *See attached sign-in sheet.*

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

At the start of the meeting, Sunshine, Werneke, and Fortune were in attendance.

Sunshine welcomed the public and requested that everyone sign in. He encouraged people to speak during the hearing, if anyone has an interest related to a particular application. He explained that, if someone wishes to have interested person status for purposes of appealing a decision, that person must speak during the hearing about the project.

**PUBLIC HEARINGS**

1. Chittenden County Fish & Game Club (hearing continued) - Application #12-025 motion to appeal and motion for stay regarding the February 21, 2012 Notice of Zoning Violation by the Zoning Administrative Officer related to the increased use of the shooting range at an outdoor recreation facility located at 1397 Wes White Hill Road (WW1397) in the Agricultural Residential zoning district.

Sunshine said that the DRB has received a request for a stipulated motion to continue until June 12th. This request has come from the three parties involved in the matter. He noted that the parties are making progress with an agreement. Motion made by Werneke, seconded by Fortune, to continue the hearing for application #12-025 until June 12, 2013. Voting: 3 in favor; 0 opposed; 0 abstentions.

2. Vermont Youth Conservation Corps – Application #13-026 for conditional use review (including site plan review) for a change in use for an education facility as the principal use: a change in use for a business yard as a secondary use within a portion of an accessory structure; and the construction of two seasonal yurts located at 2083 East Main Street (parcel EM2083) in the Commercial zoning district.

Sunshine swore in Thomas Hark and Keegan Tierney, both with Vermont Youth Conservation Corps (VYCC). Hark provided an introduction to the application. He said VYCC owns two adjoining parcels. The parcel to the west holds the west monitor barn with an education and training center. The parcel to the east (parcel EM2082, the subject of this application) was purchased in 2008. Although VYCC uses both parcels in similar ways for its programs, there was no town approval for the use on parcel EM2082, so VYCC is asking the DRB to approve the same use for both parcels, namely an educational facility. Hark noted that VYCC is growing food for 300 food insecure families and is bringing on more interns this year. They need additional sleeping quarters for the interns and are proposing yurts for that purpose. The yurts will be used for sleeping only for from three to five 18-20 year olds. There will not be any electricity or bathrooms. Hark said that the bathrooms in the white farm house will be used. Hark also discussed VYCC's long-term planning process. He said that the organization is in the process of thinking about how to use the east campus (EM2083). There will be meetings with stakeholders this summer and, by 2014, Hark expects that VYCC will have a full-blown site plan describing what they want to do. At that phase, VYCC will return to the DRB with an application associated with those plans. Hark said that VYCC currently wants to keep doing what they are doing on the parcel – with office space on the first floor and a couple of apartments on the second floor. In addition, they would like two yurts for sleeping. He said that they had been under the impression that a yurt they installed for the summer season last year was not a zoning problem because no one contacted them. He now understands that approval for the yurts is needed and asked the DRB to expedite the review process if possible.

Sunshine asked about the portion of the application that pertains to the business yard use. Hark said that VYCC is using half of the Quonset hut and renting out half to Don Morin for storage for his contractors business. Hark added that it was a business yard when VYCC purchased the parcel.

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2 Ackerman arrived at 7:18 PM. Sunshine asked about the parking for the uses. Tierney said that there  
3 are 66 spaces, based on the 9 foot by 18 foot requirements in the town zoning regulations. Based on  
4 the square footage formula for the uses, 6.5 spaces are required for the office use and two spaces for  
5 each apartment. Werneke said that one issue is that only one principal use is allowed on a lot, and the  
6 DRB will assess whether there is a way to handle that via Commercial zoning district permitted uses.  
7 Sunshine asked about how VYCC qualifies as an educational facility. Hark replied that VYCC is not  
8 certified by the Vermont Department of Education. However, the DRB went through a lengthy process  
9 to include in the decision findings for the west monitor barn parcel that it was an educational facility. He  
10 added that VYCC provides services for public schools and asked the DRB to use the same approach  
11 as was used for the earlier approval (west monitor barn). Sunshine asked who developed the site plan  
12 and Tierney replied that he prepared it.

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14 Alison Anand said that, as a member of the school board, she is aware of cooperative programs with  
15 VYCC and the school district. Werneke brought up the question about whether the housing could be  
16 considered as a non-conforming use, with an allowance of a 25% increase for the yurts. The DRB also  
17 looked at using the seasonal dwelling standard, per Section 5.10.4. Ackerman asked if the yurts will be  
18 used in winter. Hark said they could be taken down during winter months. The DRB suggested that it  
19 might be possible to get zoning permit approval for the yurts as temporary structures for this summer  
20 season and encouraged VYCC to contact zoning administrator Neal Leitner. Hark said that, last month,  
21 Leitner had approved the platform for the yurts but not the yurts and VYCC was seeking a route with  
22 the DRB to get approval for them. Anand suggested that the adaptive use provision of the zoning  
23 bylaws might be an approach; however, the white farm house doesn't meet the minimum square  
24 footage requirements for adaptive reuse. The DRB also suggested that VYCC talk with the Planning  
25 Commission about changing the zoning bylaws to address their special circumstances.

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27 Motion by Werneke, seconded by Ackerman, to close the hearing for application #13-026. Voting: 4 in  
28 favor; 0 opposed; 0 abstentions.  
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- 30 3. Alison Lane Anand – Application #13-027 for a preliminary subdivision review for the “Anand Property”  
31 2-lot subdivision (one original lot and one new lot) for a 115-acre parcel and Application #13-032 for  
32 conditional use review for an interior lot with no frontage, per Richmond Zoning Regulations, Section  
33 4.3. The property is located at 3255 Huntington Road (parcel HU3255.a) in the Agricultural Residential  
34 zoning district. The applicant is requesting a waiver to combine the preliminary and final plan approval.  
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36 Sunshine swore in Anand, who provided an overview of the project. She said they are creating a  
37 moderate size building lot – at 2.5 acres – with access provided via an existing driveway on parcels  
38 owned by Anand. She said they are trying to create a lot design with sensitivity to the landscape and  
39 the lay of the land via a non-rectangular shape to reflect the contours. Gent handed out a letter from  
40 neighbor Jay Schuster (dated May 6, 2013) of 2961 Huntington Road. Gent said that Schuster is out of  
41 town and unable to attend tonight's hearing.  
42

43 Anand said she owns the land with a right-of-way for a driveway for Schuster and the new parcel. The  
44 building lot contains a strain of gravel that qualifies for a standard septic. The wastewater system will be  
45 located partially on the new lot and partially on the original lot. An easement will be provided and the  
46 draft deed language has been submitted. In terms of the new section of driveway, the maintenance will  
47 be the responsibility of the new owner. Sunshine said the driveway maintenance agreement isn't clear  
48 in terms of the proportionality of responsibility for the shared driveway. Anand said the intention is that  
49 the two owners will share the maintenance of the driveway 50%/50%. The Schuster letter also raised a  
50 question about how that would be done.  
51

52 The DRB discussed several items brought up in the Schuster letter with Anand, including overhead  
53 versus underground utilities. Sunshine stated that the ordinance requires the utilities to be underground  
54 and Anand said she would prefer that they be underground. Gent pointed out that the driveway goes  
55 through two Anand parcels – HU3103 and HU3255 and the legal documents should be updated to  
56 reflect that. Sunshine asked if this land was part of a previous subdivision and Anand said there had  
57 been a subdivision in 1997, which carved out parcel HU3103. Sunshine asked if a wastewater permit  
58 has been obtained. Anand said that they have done extensive testing, but have not applied for a permit  
59 yet. Sunshine asked if the land is forested, except for the building envelope. Fortune, who served as

1 the DRB liaison for the application, said the woods are pretty dense. Anand said they have tried to  
2 place the building envelope in an area not to bother other property owners. Anand showed photos  
3 showing high water from flooding on May 5, 2011, which showed the culvert not even being filled. The  
4 DRB encouraged Anand to talk with Schuster about his questions and Anand said she has not been  
5 able to reach him yet, and doesn't want him to feel threatened by the project. She added that she has  
6 taken steps to keep the building envelope as far away as possible from him.

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8 Motion by Werneke, seconded by Fortune, to close the hearing for application #13-027 and application  
9 #13-032: Voting: in favor; 4; opposed; 0; abstentions; 0.

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11 The DRB asked Jimmy O'Brien, who had been sitting in during the hearings, if there was anything he  
12 wanted to say during the meeting. O'Brien said he is curious about how the DRB works and that he had  
13 voted against the proposed zoning. Having heard different stories from people about how the boards  
14 work, he wanted to find out the truth for himself. He said he attended the Planning Commission meeting  
15 last night and found that the commission is trying to help people. He added that he doesn't see any  
16 harm in putting up the yurts at the VYCC property. Fortune said that the DRB tries to be as flexible as  
17 possible, yet there are zoning rules that the DRB has to follow. O'Brien said it's important to come to  
18 meetings and Fortune invited him to apply for the open DRB position. The DRB thanked O'Brien for  
19 coming.

#### 20 21 OTHER BUSINESS:

22 Gent asked the DRB if they would like to continue receiving the staff report that she has begun to  
23 prepare for the Selectboard and the DRB members said they would like the report.

#### 24 25 4. Meeting Minutes: February 13, 2013 and March 13, 2013

26 Minutes of February 13, 2013 - Motion by Werneke, seconded by Fortune, to accept the minutes  
27 without amendments. Voting: 3 in favor (Sunshine, Werneke, Fortune); 0 opposed; 1 abstention  
28 (Ackerman).

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30 Minutes of March 13, 2013 - Motion by Ackerman, seconded by Fortune, to accept the minutes without  
31 amendments. Voting: 3 in favor: (Sunshine, Ackerman, Fortune); 0 opposed; 1 abstention (Werneke).

- 32  
33 5. Technical Review Fees – The DRB discussed the technical review policy whereby fees are not  
34 refunded until after the development project is completed. Recently, applicants have contacted  
35 Sunshine or Gent regarding getting technical review fees refunded early. After discussion, the DRB  
36 decided there is no reason to change this policy.

#### 37 38 6. DELIBERATIVE SESSION

39 At 8:25 PM, motion by Ackerman, seconded by Fortune, to go into deliberative session. So voted.

40  
41 At 9:18 PM, motion by Ackerman, seconded by Werneke, to come out of deliberative session. So  
42 voted.

#### 43 44 7. DRB ACTIONS

45 Motion by Ackerman, seconded by Fortune, to approve application #13-027 and #13-032 (Anand) and  
46 not to approve the waiver for final subdivision approval. Voting: 4 in favor; 0 opposed; 0 abstentions.

#### 47 48 8. EXECUTIVE SESSION

49 At 9:20 PM, motion by Werneke, seconded by Ackerman, to go into executive session for the purpose  
50 of discussing staff evaluations. So voted. Gent left the meeting at this time.

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52 At 9:40 PM, motion by Ackerman, seconded by Werneke, to come out of executive session. So voted.  
53 Gent rejoined the meeting.

#### 54 55 9. ADJOURNMENT

56 At 9:42 PM, Fortune made a motion, seconded by Ackerman, to adjourn the meeting. So voted.

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

