

**RICHMOND DEVELOPMENT REVIEW BOARD  
 REGULAR MEETING  
 APPROVED MINUTES FOR JANUARY 8, 2014 MEETING**

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Members Present: David Sunshine, Chair; Stephen Ackerman, Vice-Chair; Mike Donohue; Fred Fortune; Anne McLaughlin

Members Absent:

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Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; *see attached list*

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Sunshine called the meeting to order at 7:06 PM.

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

The DRB discussed whether to change the date of the February meeting, in response to a request from an applicant. Based on schedules, the DRB decided to hold the meeting on the regular meeting date, February 12<sup>th</sup>. Sunshine said that he will not be able to attend that meeting.

1. Zachary Properties of Richmond, LLC (hearing continued) – Application #13-138 for appeal of zoning permit #13-122 to remove barrier and fill, which was issued to John and Shirley Giroux for property located at 24 East Main Street (parcel EM0024). Zachary Properties of Richmond, LLC owns parcel 38 East Main Street (parcel EM0038). Both parcels are in the Village Commercial zoning district.

Sunshine said that the DRB has received letters from the attorneys for Zachary and from Giroux, both of whom requested that the DRB again continue the hearing for 30 days. Motion by Ackerman, seconded by Fortune, to continue the hearing until February 12<sup>th</sup>. Voting: 5 in favor; 0 opposed; 0 abstentions.

2. Robert & Doreen Marquis – Application #13-149 for conditional use review for an accessory dwelling within a new accessory structure, per Richmond Zoning Regulations, Section 5.9, located at 258 Wortheim Road (parcel WO0258) in the Agricultural Residential zoning district.

Sunshine swore in Bob Marquis, who described the project. He said he and his wife want to build a cottage structure on the property for his daughter. It will be a separate dwelling. He said that the existing house is about 2,300 square feet and that the accessory dwelling can be up to 700 square feet in size. Marquis added that Justin Willis is finishing an application for a state wastewater system and potable water supply permit for the accessory dwelling and that will be submitted soon. DRB liaison Anne McLaughlin said that she and Gent did a site visit and the site conditions are consistent with the plans, including the location of the well and septic system. Ackerman asked about the property size and Marquis responded it is about 48 acres. Marquis also said the Selectboard approved an amended highway access permit for the new accessory dwelling. In response to DRB questions, Marquis said the accessory dwelling sits next to existing accessory structures, is about 20 feet in height and has a 16 by 18 foot building footprint. He said there are not floodplain, wetland, or deeryard issues. He noted that the driveway width is 15 feet, and meets the zoning requirements.

There was no public comment. Gent said that no neighbors have contacted the Planning and Zoning Office with comments.

Motion by Ackerman, seconded by Donohue, to close the public hearing and approve application #13-149. Voting: 5 in favor; 0 opposed; 0 abstentions. Marquis asked how long the decision will take to be sent out. Sunshine responded that the DRB has 45 days to issue its decision, and a 30-day appeal period follows that. He said the DRB will issue the decision as soon as possible.

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 2 3. Gary and Jean Bressor (hearing continued) – Application #13-141 for request to re-open public hearing  
 3 for application #13-132 in order to receive additional information from the applicant. Application #13-  
 4 132 pertains to Conditional Use Review (Richmond Zoning Regulations, Section 4.8 – Setback  
 5 Modifications; Section 5.6 – Conditional Use Review; and Section 6.7 - Shoreline Protection Overlay  
 6 District) including proposed amendments to previous DRB applications #05-259, #05-261, #10-077 to  
 7 renovate existing principal structure and to modify plans for duplex on property located at 401 Bridge  
 8 Street (parcel BR0401) in the Agricultural/Residential zoning district.  
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10 Sunshine swore in Bressor. Sunshine said that a question arose at the last hearing regarding how  
 11 much property is in the floodplain. He referred to a memo from Bressor which addresses that question,  
 12 as well as staff reports from zoning administrator Neal Leitner. Bressor said that his memory was that  
 13 the six acres at the end of his field were included in an consolidation deed recorded a number of years  
 14 ago. It turns out that the six acres were not in the consolidated parcel, which reduces the lot size for  
 15 the proposed project to 3.5 acres. In response to a question from Ackerman, Bressor said that the six  
 16 acres might not be separate for lister rules, but is separate with land use law. Bressor said he  
 17 considers it to be the same parcel. Nonetheless, he asked for the hearing to be reopened to present  
 18 the DRB with the information about the smaller acreage – 3.5 acres. Fortune asked Bressor how much  
 19 land is out of the floodplain. Bressor responded that 8,574 square feet is outside of the floodplain. The  
 20 discussion then turned to how much acreage is required for a duplex. Fortune said he thought that 2/3  
 21 of an acre is needed for a duplex. Bressor said that acreage is not relevant to having a duplex because  
 22 a duplex is an allowed use in the zoning district, without any minimum acreage per dwelling unit. Bruce  
 23 LaBounty asked if that 8,574 square feet is contiguous. He also said each lot must contain 10,000  
 24 square feet of land outside of the floodplain. Bressor said that the 10,000 square foot of contiguous  
 25 land outside of the floodplain has been applied to creating new lots, not to uses that are allowed in the  
 26 zoning district. Bressor referred to Leitner’s memo about the proposed duplex. LaBounty also referred  
 27 to Section 6.7 – Shoreline Protection and said that the proposed development is within 50 feet of the  
 28 boundary. Bressor said that Section 6.7 allows structures that are approved by the DRB through  
 29 conditional use review. Bressor also said that Section 4.8 – Setback Modification – is meant to help  
 30 owners with older structures built prior to zoning make improvements. He said information in his  
 31 application shows the standards are met for his project, including that they are not increasing the lot  
 32 coverage more than 10%. In fact, Bressor said, the lot coverage increase is about 1.5%.  
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34 Bressor reiterated that a two-family residential home is an allowed use in the zoning district and that  
 35 normally a property owner can just receive a zoning permit for it. He added that the only reason they  
 36 applied to the DRB is because of the setback modifications, the shoreline protection district and to  
 37 seek a DRB decision about whether the porch or covered walkway is sufficient to make it one principal  
 38 structure.  
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40 Bressor referenced the definition of a principal structure, which includes garages, porches, etc. and the  
 41 description of accessory structure in Section 5.10 of the zoning regulations, which includes fences,  
 42 sheds, and garages. He added that an accessory structure is free-standing, unless it touches the  
 43 principal structure. A shed that is attached to a principal structure would be part of the principal  
 44 structure. Bressor pointed out that they are proposing attaching the two structures together, which  
 45 would make it a principal structure.  
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47 Sunshine opened the hearing to other members of the public. Ellen Ward asked if the existing garage  
 48 is part of the proposed house. Bressor said the garage is not part of the project. He said the area on  
 49 the hill with concrete is part of the project. He added that this project is for a duplex only, not a larger  
 50 project. Ward also asked about aesthetics. Bressor said that aesthetics are not regulated, other than  
 51 character of the area criteria under conditional use review. LaBounty said no one has answered his  
 52 questions raised earlier. Sunshine said the DRB will give consideration about that factor. Jackie  
 53 Washburn said she thought there were acreage restrictions on a duplex and cited an issue Don Morin  
 54 had on a property on East Main Street. Sunshine replied that Morin wanted to create four units, not a  
 55 duplex.  
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57 Motion to close the public hearings and enter deliberative session made by Fortune, seconded by  
 58 McLaughlin. Voting: 5 in favor; 0 opposed; 0 abstentions.  
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4. Other Business

*A. Alison Lane Anand – Extension Request for Final Subdivision Review – 3255 Huntington Road*

Anand made a request on December 17<sup>th</sup> in writing for an extension in submitting the final subdivision application. She said the engineer did not realize that calculations about the driveway had to be included in the application. She said that Gent deemed the application was not complete in December, and Anand expected they would need until spring to get the field work done. However, the engineer has gone on site and obtained the necessary information. Anand asked for at least two extra weeks.

Motion to extend the deadline for submitting a complete application until March 17<sup>th</sup> made by McLaughlin, seconded by Ackerman. Voting: 5 in favor; 0 opposed; 0 abstentions.

*B. David Sunshine – Informal Discussion about 135 Milkweed Lane*

Sunshine recused himself from participating as a DRB member in the discussion and reviewed the information included in a letter he sent to the DRB. He said that members of the Cochran family would like to purchase land currently owned by Jackie Washburn off Huntington Road and build three houses. One problem is locating driveways on the land. He said he thinks the Cochrans could meet the rural road standards with respect to the maximum grade requirements. In response to a question, Washburn said there is no current shared maintenance agreement for the existing lots that share the driveway. Ackerman said it will be important for the fire chief to assess any driveway or road. Anand pointed out that a road is required only for the portion where four or more driveways are served. Gent agreed and said that the driveway standards would apply to the driveways. The DRB discussed public works specs, rural road standards and driveway standards. Jimmy Cochran asked if waivers are possible. Ackerman said they might be but said the process becomes more difficult and encouraged Cochran and Sunshine to meet the standards. Sunshine said he thinks they can meet the 12% grade.

*C. Meeting Minutes: December 11, 2013*

The DRB offered minor edits to the minutes. Motion by Fortune, seconded by Ackerman, to accept the minutes as amended. Voting: 4 in favor (Sunshine, Ackerman, Fortune, McLaughlin); 0 opposed; 1 abstention (Donohue).

5. Deliberative Session

At 8:01 PM, motion by Ackerman, seconded by McLaughlin, to enter deliberative session for two applications – #13-149 (Marquis) and application #13-141/#13-132 (Bressor). So voted.

6. DRB Action

Motion by Ackerman, seconded by Donohue, to approve applications #13-132 and #13-141 (Bressor). Voting: 5 in favor; 0 opposed; 0 abstentions.

7. ADJOURNMENT

At 9:05:PM, Sunshine made a motion, seconded by Ackerman, to adjourn the meeting. So voted.

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

# PLEASE SIGN IN

## Town of Richmond Development Review Board Public Hearing Attendance Sheet January 8, 2014

Name PLEASE PRINT	Address	Agenda Item of concern
Mary Haul		
Bruce LABourty	2900 EAST MAIN	All
BOB MARQUIS	253 Warheim Lane	My Stuff
Alison Anand	3103 Huntington Rd.	my subdivision
Gary Bressor	P.O. Box 1, Richmond	401 Bridge St
Jackson Bressor	P.O. Box 1, Richmond	401 Bridge St.
Max Bressor	"	"
Ellen Ward	Richmond	
Jackie Washburn	2549 Huntington Rd	