

Richmond Development Review Board
REGULAR Meeting
APPROVED MINUTES FOR June 12, 2019 MEETING

Members Present:	David Sunshine (Chair); Matt Dyer (Vice-Chair); Gabriel Firman; Alison Anand (DRB alternate)
Members Absent:	Roger Pedersen; Padraic Monks
Others Present:	Suzanne Mantegna (ZA/Staff); Ruth Miller for MMCTV Comcast 15; Eric & Patricia Wood; Jason Barnard; George & Barbara Ward; Ben Bush; Chris Haggerty; Carina McCauley; James Garris

David Sunshine opened the meetings at 7:05 pm and requested participants sign in and provided an overview of what an interested party is and stated the procedures for the meeting.

Public Hearings:

Eric & Patricia Wood- Application 2019-034 for Preliminary Subdivision Review for a proposed 2-lot Subdivision (creation of one new lot) at Parcel ID # EM0633, located at 633 East Main St, Richmond, located within the Agricultural/Residential (A/R) Zoning District.

Jason Barnard, Eric & Patricia Wood sworn in. Jason Barnard, of Barnard & Gervais is the Applicant’s representative, states that the Applicant has received an approved Water & Wastewater Permit from State for this subdivision. Mr. Barnard mentions the driveway design for Lot 5A meets slope requirements of RZR’s. However, the ZA pointed out in her Staff Report that VTrans wanted a change in access to Lot 5A. Mr. Barnard believes that access and slope shouldn’t be an issue at the new location.

Mr. Sunshine inquires how far VTrans slid the access. Mr. Barnard replies about 50-60’. The new location should help with grading as it will be a little more of a flat entrance. Mr. Barnard mentions that plat submitted with application showing grading and erosion details.

Mr. Barnard states that both lots were issued a Water & Wastewater permit. Lot 5A is for a 4BR residence, Lot 5B 2 BR w/ 1BR accessory apartment. Have addressed all details. Pins set after Final hearing.

Questions from the Board-

Mr. Sunshine inquiries about a Shared Driveway Agreement between Lot 5B and EM0837. Eric Wood, Applicant, states that he has something that his lawyer put together and that he will work with the neighbor. Mr. Wood states that he would also need an easement for electric from same neighbor.

Mr. Firman inquires what the grade to the parcels is. Mr. Barnard replies that the maximum 11.1%. Ms. Anand inquires where exactly on map is the steep section. Mr. Barnard shows where on site plan. Ms. Anand confirms that the Applicant is to build a 2BR house. Mr. Sunshine explains that Lot 5B would also have a 1BR accessory apartment.

Ms. Anand inquires where the access to Lot 5B is. Mr. Barnard replies from an easement over 837 East Main St.

No further questions from the board.

1 Questions from the public-

2 George Ward, abutter to parcel to be subdivided, has a concern about the shared driveway with Mr.
3 Bordeau at 837 East Main. Mr. Ward has an easement that goes over Lot 5B to his parcel. Mr. Sunshine
4 asks where he believes the easement is on the parcel. Mr. Firman asks that Mr. Ward points it out on
5 drawing. Mr. Barnard states that the Woods attorney reviewed easement and felt that easement does
6 not go over EM0633 to EM0595 (Ward).

7
8 Mr. Sunshine ask if there is an existing log road. Barbara Ward says that there was a log road and they
9 took logs over many years ago.

10
11 Mr. Wood explains that his attorney from Peet Law in South Burlington (Kevin Shortell) has
12 researched several times for the easement prior to purchase and after DRB Sketch concerns. Mr. Wood
13 states that the break in the stone wall is behind his property and not on his property. Mrs. Ward states
14 there is no stone wall. There was a fence.

15
16 Mr. Sunshine asks Chris Haggerty, surveyor from Button Surveyors, if they found an easement when
17 he did the survey in 2013. Mr. Haggerty replies no and stands by testimony in 2013 when this was
18 raised of the Andrews farm subdivision.

19
20 Mr. Sunshine suggests the Wards talk to an attorney. Mrs. Ward inquires if it would help if they could
21 produce the original easement. Mr. Ward say it was recorded Book 32, Page 296.

22
23 James Garris, neighbor to the south. Wondering if the application has changed from Sketch. Mr.
24 Barnard replies no. Mr. Garris wonders where the driveway will be. Mr. Barnard replies across from
25 Legere property.

26
27 No further questions from DRB or public. Motion to move into deliberative session by Mr. Firman
28 seconded by Mr. Dyer. Passed 4-0-0.

29
30 Mr. Firman ask if they are planning on building this summer. The Woods reply no.

31
32 Ms. Anand asks Barbara and George Ward if they feel that the easement is where the proposed house
33 is. Mrs. Ward replies from the wood road and across EM0633 to EM0837.

34
35 Mr. Sunshine mentions that the Town of Richmond, abutter, is requesting survey pins be placed on
36 corner where survey monument is currently indicated. Mr. Haggerty and Mr. Barnard reply so noted.

37
38 Ms. Ward ask Board- Are you suggesting I talk to my lawyer? Mr. Sunshine replies yes, better now
39 than when the house is there. This is the first time that the DRB has heard that there is a volume and
40 page for an easement. Mrs. Ward states that wording on old deeds can be strange- from the rock to
41 tree.

42
43
44 Edward & Carina McCauley- Application 2019-047 Conditional Use Review in the Flood Hazard
45 Overlay District for an addition to an existing principal structure at Parcel ID# DG2888, located 2888
46 Dugway Rd, Richmond, located within the Agricultural/ Residential (A/R) Zoning District.

47
48 Mr. Dyer recuse himself from this hearing as he is representing the Applicant, Edward and Carina
49 McCauley, for Hillview Collective.

50

1 Ms. Anand inquiries from Mr. Sunshine if she should have to recuse as an abutter to the parcel. Mr.
2 Sunshine explains she should if she feels conflicted or has a financial interest. Ms. Anand states that
3 she doesn't think she will have a problem with being a neighbor. Does the applicant? Carina McCauley
4 replies no. Her property abuts but it is far away. Ms. Anand wants to participate in discussion but will
5 withhold whether to recuse until after hearing discussion.

6
7 Matt Dyer, applicant representative, sworn in for Hillview Collective.

8
9 Chris Haggerty, Button Land Surveyors, sworn in. Mr. Haggerty explains that the Huntington River eat
10 has a FEMA study, Winooski has a study to determine Base Flood Elevation (BFE). But many
11 tributaries do not.

12
13 Mr. Dyer explains that Hillview was working on renovation for McCauley's and did not know the
14 parcel was in the floodplain until completing Zoning Permit Application for work. After contacting
15 ZA. They had Button Surveyors come out to complete an Elevation Certificate. After discussion with
16 Mr. Haggerty the landowners are pursuing a LOMA (Letter of Map Amendment), but until then are
17 proceeding under the assumption that house is in floodplain. The construction estimate for the proposed
18 work is close to the Substantial Improvement threshold.

19
20 Mr. Sunshine asks why Rob Evans/Rebecca Pfeiffer, State Floodplain Managers, would not think
21 LOMA a possibility. Mr. Dyer states it may be because they haven't visited the site. Mr. Haggerty
22 explains that the LOMA would remove box around the house from SFHA (Special Flood Hazard Area).

23
24 Ms. Anand ask is it in the floodplain from Huntington River or tributary. Mr. Dyer replies a tributary.
25 Ms. Anand asks the landowner if they noticed a change with the beaver dam that was removed.
26 Carina McCauley, landowner, replies the stream did rise but no flooding.

27
28 Ms. Anand asks Mr. Haggerty about FEMA process. Mr. Haggerty replies that FEMA doesn't have
29 resources to conduct the elevation studies for the area.

30
31 Mr. Firman states that he conducted site visit today with ZA and Mr. Dyer. The river is really cut down
32 into embankment.

33
34 Mr. Dyer states that they are acknowledging that in flood plain with this application, while pursuing
35 LOMA. Mr. Haggerty question for ZA about Town regulations and if get LOMA then out of SFHA.
36 ZA replies she believes so.

37
38 Mr. Haggerty met at site today with civil engineer. Hope to submit LOMA application next week. It
39 will be 6 weeks to get a response from FEMA. Mr. Dyer states that the landowners are moving forward
40 with construction while getting LOMA. Mr. Sunshine asks if they get a LOMA then they don't have
41 to provide all materials. ZA replies correct- if they get a LOMA.

42
43 Mr. Dyer believes estimate is very detailed, and that their estimates are good and they would not exceed
44 the 50% threshold.

45
46 Mr. Sunshine says that the ZA wouldn't be able to issue permit. ZA corrects that I can issue the permit,
47 but would not be able to get a Certificate of Occupancy if receipts over 50% dwelling value.

48
49 Ms. Anand ask if the whole house in SFHA. Mr. Sunshine shows her the drawing from ANR Atlas.

50

1 Mr. Dyer question to Mr. Haggerty about how close to BFE. Mr. Haggerty replies maybe a foot or two.
2 Can request FEMA to provide elevation data.

3
4 Mr. Firman asks if the scope would change if they had an increased valuation of property.

5
6 Questions from the Board- Mr. Firman asks if landowner getting reappraisal of property. Might give
7 more cushion. Are they planning on getting one? Mr. Dyer replies not at this time. ZA states they
8 would have to provide receipts for all work on the parcel.

9
10 Questions from the public- Ben Bush, Hillview Collective, landowner and Hillview at a crossroads-
11 either a smaller project or frame addition. Landowners chose to have complete house and wait on
12 permit. Mr. Dyer states otherwise have to wait 5 years. Mr. Bush states that landowners have made
13 alternative living arrangement and want to get back into finished house as soon as possible. Future
14 addition of garage can wait.

15
16 No further questions. Motion to go in deliberative session by Mr. Firman, seconded by Ms. Anand.
17 Passed 3-0.

18
19 Mr. Haggerty asks about Heney fence appeal. ZA replies ECourt made a decision that split the
20 contested area.

21
22 Mr. Sunshine asks about the Livak appeal. ZA replies that Kenyon Livak withdrew appeal.

23
24 **Other Business**

25 **Minutes to be approved:**

26 May 8, 2019- motion to accept with no changes by Mr. Firman seconded by Mr. Dyer, passed 3-0-1.

27
28 Motion to enter deliberative session at 7:58 by Mr. Firman, seconded by Mr. Dyer, passed 4-0-0.
29 Out of deliberative at 8:18pm.

30
31 Motion to approve App 2019-034 with conditions laid out in deliberative by Mr. Firman, Mr. Dyer
32 seconded. 4-0-0.

33
34 Motion to approve App 2019-047 with conditions laid out in deliberative by Mr. Firman. Seconded by
35 Ms. Anand. Passed 3-0-1 (Mr. Dyer Recused).

36
37 **Adjourn:**

38
39 Motion to adjourn the meeting at 8:30 pm by Mr. Firman, and seconded by Ms. Anand. Vote 4-0.

40
41 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB