

Richmond Development Review Board
REGULAR Meeting
APPROVED MINUTES FOR December 13, 2017 MEETING

Members Present: David Sunshine (Chair); Roger Pedersen; Matt Dyer; Ian Bender (Vice-Chair); Alison Anand

Members Absent: Alison Anand (DRB alternate); Gabriel Firman;

Others Present: Suzanne Mantegna (ZA/Staff); Ruth Miller for MMCTV Comcast 15; Geoffrey Urbanik (Town Manager); Gary and Jean Bressor; Tyler Billingsley; Logan and Maria Brown; Don & Bonnie Morin; Danielle Morin, Jack Linn, Dacyn Channell, KJ O’Grady, Sasha Morey, Fred Wadlington, Scott Nickerson, Kathy Sikora

David Sunshine opened the meetings at 7:00 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:

-Town of Richmond- Application 17-121 for Conditional Use Review in the Flood Hazard Overlay District at Parcel ID# BR0286, located at 286 Bridge Street, Richmond, within the Agricultural/Residential (A/R) Zoning District.

Geoffrey Urbanik, Town Manager, was sworn in and explained that the Selectboard has recommended that the work be complete. This was part of a previous application but was withdrawn. Some trees will be removed and replaced but not totally cleared. Difference in this application is that the boat launch is part of the application to improve accessibility. Mr. Sunshine said that would be good.

Mr. Pedersen questions why it was removed from application previously. Mr. Urbanik states that there was worry that all the plantings would be removed. Town did not feel that the work was completely necessary at that time.

Mr. Pedersen questions whether any adjoining neighbors commented on application. Mr. Urbanik responded no.

Mr. Sunshine questions about how the farmer’s market would be impacted. Mr. Urbanik responds that they can vary timing of work. Mr. Sunshine questions when work would be done. Mr. Urbanik responds that no work can occur prior to July 1. Tyler Billingsley, East Engineering, applicant for Town explains timing.

Questions from audience;
Gary Bressor speaks to the change to the river over time.

Mr. Urbanik explains that neither Bridge Street nor the bridge would be impacted at all.

Motion by Mr. Pedersen to approve Application 17-121; seconded by Mr. Bender, all in favor 4-0. So voted.

Ms. Anand joins the meeting. Mr. Sunshine recused himself.

-Don Morin- Application 17-131 for an appeal of the Zoning Administrator’s denial of a Certificate of Occupancy for 113 Pleasant Street, Richmond, within the High Density Residential (HDR) Zoning District.

Don Morin, applicant, and Danielle Morin, daughter, sworn in. Received a permit for duplex. ZA refuses to issue a Certificate of Occupancy. Mr. Morin believes that he is being treated differently than others in town who

1 have received a permit for a duplex. Mr. Morin states that he has all the permits needed from the State and Local
2 except Certificate of Occupancy.

3
4 Mr. Morin gave history of permit and his landholdings in Town. He owns two other properties and bought this
5 property and cleaned it up. Mr. Morin submitted pictures of the property when he started project showing the
6 poor condition it was in. Mr. Morin received a building permit for two buildings connected by a carport. He is
7 not building the carport which connects the buildings. Mr. Morin submitted pictures of the finished houses. Mr.
8 Morin proposes to install temporary screening then final fence to be built in spring. The fence would be 5' high
9 and screen garbage and headlight shining in neighbor's house.

10
11 ZA sworn in. ZA gave definition of dwelling, two-family from the Richmond Zoning Regulations. Which states
12 that a dwelling, two-family is a single structure containing two dwelling units.

13
14 Mr. Morin points to a property on Baker St. that was given a Certificate of Occupancy.

15
16 Mr. Pedersen asks what Mr. Morin wants DRB to do. The Certificate of Occupancy would be for a non-
17 conforming use. This is an appeal of a ZA decision and the DRB cannot give advice of how to solve problem.
18 Applicant would have to apply to ZA for Certificate of Occupancy with a fence and if denied could appeal again
19 to DRB to grant variance. DRB has little flexibility in this regard- it is an appeal and DRB can only say yes or
20 no whether the ZA acted in error. Mr. Dyer agreed that DRB has little flexibility, but that applicant had little
21 choice but to come to DRB.

22
23 Mr. Urbanik, Town Manager, was asked the Town's opinion. He stated that the Towns intent is that project
24 conform to the regulations.

25
26 Questions from the audience:

27 Bonnie Morin, applicant's spouse, questions why there are inconsistencies in decisions from DRB or ZA. Mr.
28 Pedersen explains that each circumstance stands on its own.

29
30 Mr. Morin want to know where he stands and what will ZA agree to in order to solve this problem.

31
32 Ms. Anand suggests that before applicant pursues further litigation try to solve the problem. Board cannot give
33 advisory opinion.

34
35 Gary Bressor offered testimony of what under the ordinance Don could do per definition of principal structure.

36
37 ZA says that permit is for duplex with a carport adjoining structures. No carport was built and therefore she
38 cannot grant Certificate of Occupancy.

39
40 Board moved to go to deliberative session 4-0.

41
42 Motion by

43
44 -Gary & Jean Bressor and Logan & Maria Brown- Application 17-132 for an Amendment to a
45 previously approved Subdivision located at 298 and 300 Cochran Road, Richmond, within the
46 Agricultural/Residential (A/R) Zoning District.

47
48 Gary Bressor and Logan Brown sworn in. David Sunshine recused himself.

49
50 Mr. Bressor explains the background about the project. Potential buyers of 298 Cochran Rd. in
51 audience and conversed with the Browns about changes to subdivision agreement. Changes include:
52 Driveway for Lot 2
53 Vehicle parking for Lot 2 will now be across the road on parcel owned by Bressor until new driveway
54 built at 298 Cochran Rd.

1 One principal structure and one accessory structure allowed per lot. Restrictions on the amount of trees
2 removed.

3 No build area removed.

4 Lot 2 would include a no build area near the road.

5

6 Mr. Brown speaks about the changes that are requested would make both parcel owners happier with
7 the arrangement.

8

9 Question about the shared driveway from Mr. Pedersen. Mr. Bressor, or new owners, plan to get a
10 permit from ZA for a driveway. Question about shared maintenance. It is in the agreement says Mr.
11 Brown. Maria Brown mentions the new Warranty Deed speaks to the driveway maintenance.

12

13 Ms. Anand questions about the original intention of the agreement. Mr. Bressor talks about how they
14 have changed their mind about the agreement. Ms. Anand questions about curb cut. Mr. Bressor
15 responds that shared access driveway.

16

17 Questions from the audience:

18 Audience member, Jack Linn, speaks about erosion concern. Mr. Bressor says that the driveway would
19 not extend to house because it is too steep.

20

21 Mr. Bender questions about permit needed from ZA. ZA says that would have to meet the Road
22 Standards.

23

24 Shared maintenance portion. Maria Brown questions about whether with the maintenance agreement
25 requires them to be libel for 298 maintenance. She believe not.

26

27 Potential buyer of 298 Cochran Rd., Sasha Morey, says that agreement with Bressors for parking across
28 Cochran is for 5 years. Plans on getting new permit for driveway.

29

30 Question on deer-yard by Ms. Anand. Mr. Bressor does not think it was an issue in the previous
31 decision. Ms. Anand does not believe the deeryard would be negatively affected.

32

33 Motion by Mr. Pedersen to close hearing and move to deliberative session. Motion passed 4-0. Mr.
34 Sunshine recused.

35

36

37 **Other Business:**

38 -Andrew Powers- Application # 17-100 for a Sketch Plan Review for a proposed multi-unit building or
39 Planned Unit Development, Residential at Parcel ID # TL0051, located at 51 Tilden Lane, Richmond,
40 located within the High Density Residential Zoning District.

41

42 Mr. Powers would like guidance. Submitted plan from September is not what is now proposing. He would like
43 to find out if a multi-use building is allowed under RZR. Mr. Sunshine asks him to explain his research. Mr.
44 Powers says that various towns have interpreted Section 4.6.1 (existing small lots) of RZR differently. He talks
45 about Town Plan and need for more housing in the village area.

46

47 Ms. Anand questions if lot was in existence prior to zoning. Yes, long before zoning, developed with house.

48

49 Question from Board regarding Permitted Use v. Conditional Use – would ZA approve. ZA states No. Would
50 have to get Conditional Use approval from town. Would have to meet current setbacks. Currently not meeting
51 town setbacks.

52

1 Fred Wadlington- duplex owner on Millet St. Questions about number of bedrooms in triplex. Mr. Sunshine
2 responds that as long as meets RZR requirements can have as many as want. No drawings presented by applicant.
3

4 Kathy Sikora- many neighbors are concerned but couldn't make it. Would like more information. DRB responds
5 that no decision will be granted tonight this is only a discussion.
6

7 Mr. Wadlington- worried about drainage. Mr. Powers plans to address it in design.
8

9 Mr. Sunshine questions would DRB considered triplex as conditional use. Mr. Pederson talks about neighbor
10 issues in Section 5.6 . In a vacuum yes- Mr. Dyer. Mr. Sunshine say DRB process would address section 5.6,
11 encourages a chat with neighbors. Ms. Sikora worries about increase in neighbors, noise, and lack of sunlight.
12

13 Mr. Powers questions ambiguity in definition of section 4.6.1.
14

15 Board would consider application.
16

17 Minutes to be approved:
18

19 October 11, 2017- motion to approve minutes with no changes. Motion passes 5-0.
20

21 Mr. Pedersen moves to move into deliberative session. Mr. Dyer seconds.
22

23 Application 17-132 approved 4-0, 1 abstain- Mr. Sunshine
24

25 Application 17-131 denied appeal 4-0, 1 abstain- Mr. Sunshine.
26

27
28 Adjourn:
29

30
31
32 David Sunshine offered a motion to adjourn the meeting at 9:00 pm and was seconded by Roger Pedersen and
33 the motion carried 5-0.
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35
36

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