

Richmond Development Review Board  
 REGULAR Meeting  
 APPROVED MINUTES FOR May 13, 2020 MEETING

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6	Members Present:	David Sunshine (Chair); Padraic Monks; Roger Pedersen; Matt Dyer
7		(Vice-Chair); Gabriel Firman
8	Members Absent:	Alison Anand (Alternate)
9	Others Present:	Suzanne Mantegna (ZA/Staff); Dan Noyes; Bryan Currier; Lucie
10		Whiteford; Marilynne Johnson; Yana Walder; Rich McClain; Robert &
11		Kathleen Landry; Peter Halverson; Geoff Urbanik; Wright Preston;
12		Josh Arneson (Town Manager); Bob & Joy Reap; Gabriel Firman;
13		Brendan O'Reilly; Ed Grimley; Tyler Billingsley (East Engineering); Bill
14		Eschholz; Paul Parker

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16 David Sunshine opened the meetings at 7:05 pm.

18 Mr. Sunshine requested participants sign in or identify themselves and provided an overview  
19 of what an interested party is and stated the procedures for the meeting.

21 Staff asks interested parties to email me their address.

23 **Public Hearings:**

24 **Noyes Properties, LLC-** Application 2020-031 for Final Subdivision for a 5-Lot subdivision  
25 (creation of 4 new lots) at 198 Railroad St, Parcel ID RR0198, in the Village/Commercial (V/C)  
26 Zoning District.

28 Bryan Currier and Dan Noyes sworn in. Presenting 5-lot Final Subdivision for 3 new building  
29 lots off new road. Have had road name, Whistle Stop Ln, approved by Selectboard. Have  
30 worked with Town W&S Dept. and they approved plans with minor changes. Development  
31 will be on top of thirty-foot plateau surrounded by 100-year floodplain and Class II wetlands  
32 on the western side.

34 Questions from the board:

35 Mr. Sunshine sees they have submitted draft road, deed and easement language. Are they  
36 waiting for DRB approval to apply for State permits? Mr. Currier states that they have applied  
37 for all permits except Act 250 including Water and Wastewater. Mr. Sunshine asks if they  
38 will need a General Construction Permit. Are they disturbing more than an acre? Mr. Currier  
39 states that he doesn't believe that they will be disturbing more than an acre but will double  
40 check. They have applied for a Stormwater Permit. Mr. Currier states they will apply for a 90-  
41 12 if needed.

43 Mr. Pedersen has a question about deed provision that the will grantee not oppose any  
44 development on Lot 5. Not sure if that belongs in the deed. Discussion w/ Mr. Sunshine  
45 regarding if it may or may not be enforceable. Mr. Pedersen has never encountered before in  
46 a deed. Just curious. Mr. Noyes states it a negotiation piece in the sale.

48 No more questions from the board:

50 Questions from the public:

51 None

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1 Vote to approve Application 2020-031 by Mr. Monks and seconded by Mr. Dyer with conditions  
2 in Staff report. Passed 5-0-0.

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4 **Noyes Properties, LLC-** Application 2020-032 for Site Plan Review for a 7,000 sq. ft. Office,  
5 Business or Professional, at Lot 1, 198 Railroad St, Parcel ID RR0198, in the  
6 Village/Commercial (V/C) Zoning District.

7  
8 Mr. Noyes and Mr. Currier still under oath. Site Plan application for 7,000 sq. ft. office building  
9 on Lot 1. Lot 1 is 2.1 acres and meets all the lot dimensions for the district. Maximum of 40  
10 employees. Max height 35 feet. Will have municipal services. Staying out of wetland buffer  
11 and floodplain and all the buildings will be out of those natural resources.

12  
13 Discussion regarding Staff comments:

14 Sidewalk and/or curbing along Whistle Stop Lane is required in Public Standards- only the  
15 Selectboard has authority to grant waiver. Mr. Currier will seek waiver.

16  
17 Parking- Mr. Monks ask why it deviates from the standards. Mr. Currier want the building to  
18 be at the top states grading of lot best since the existing grade is from back to front and putting  
19 parking in the rear would create drainage issues. They can more easily access lot as  
20 proposed. Different world on top of the plateau- 25-30' higher than surrounding land. The lot  
21 is not on a public roadway. Probably visible from Route 2. Mr. Sunshine for residential tries  
22 to discourage parking in front but is okay. Mr. Noyes says that there is a wonderful view of  
23 Camel's Hump. Mr. Sunshine asks how visible to neighboring apartments. Mr. Currier says  
24 he does not feel that it would be too visible.

25  
26 Security or traffic study- Mr. Sunshine asks Staff about traffic study done for Buttermilk and  
27 what it said. Staff said she would have to confirm but it didn't say any change was need for  
28 Building 1 of their development. Mr. Currier states that peak pm trips will be between 10-20  
29 pm trips. Mr. Pedersen confirms that proposed use will not be requiring visitor traffic like an  
30 insurance company. Mr. Currier states that the use will not be retail but business office. Mr.  
31 Sunshine ask Mr. Noyes if he has a proposed purchaser in mind. Mr. Noyes answers yes.  
32 Mr. Pedersen would like to know that there will not be a lot of traffic coming into or out of  
33 parcel. Mr. Noyes conducted traffic study years ago. Not a good spot. Railroad can't stop  
34 traffic there and as far as he knows they never have had an accident. Mr. Sunshine says than  
35 may want a response from police if a) can service and b) if any concerns about traffic. Mr.  
36 Pedersen states that this will not be the last use in the area, could get worse. Okay for today.

37  
38 Mr. Sunshine has question for ZA about security. ZA explains this is an option to ensure  
39 infrastructure is built to Standards. Mr. Sunshine states that he has never know Mr. Noyes  
40 not to do something he said he would do. No DRB members have concern.

41  
42 Lighting- lights should be cut-off or motion sensor. Mr. Currier says they will be downcasting.  
43 He checks to make sure the lights are compatible. Mr. Noyes expresses concern about safety.  
44 Mr. Monks believes that regulations require that they are either motion sensors or timer.  
45 Leave it up to the applicant to determine which is best.

46  
47 Landscaping- Mr. Sunshine asks if plan is to keep existing trees. Mr. Currier states they plan  
48 on keeping as many trees as possible especially on the steep slopes. Mr. Monks asks if there  
49 a tree clearing limit. Mr. Currier states that is not on plan now. Mr. Noyes states that the  
50 plateau is mostly clear now. Mr. Sunshine confirms the Applicant would only cut necessary  
51 vegetation for the road. They agree.

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2 Additional screening- Mr. Sunshine confirms that the applicant would like to leave the site  
3 alone for views of Camel's Hump with no additional screening. No comments.  
4

5 No other questions from the board.

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7 Public- none.  
8

9 For decision:

10 Mr. Sunshine state he would like to see motion sensors on the lights. Mr. Noyes ask if the  
11 DRB wants them all to be on sensors. Mr. Dyer require motion sensor lights but leave up to  
12 Applicant to choose. Mr. Pedersen proposes that lights provide visibility after dark. Mr. Monks  
13 believes that lighting should be cut off. Regarding 4.11.3 - ZA states that lights should be off  
14 when the business is not open.  
15

16 Motion by Mr. Pedersen to approve with conditions discussed. Seconded by Mr. Dyer. By 5-  
17 0-0  
18  
19

20 **Kathleen & Robert Landry/ Court Street Associates-** Application 2020-033 for Conditional  
21 Use Review for a change in use from an Inn to commercial use for Professional Offices at 191  
22 East Main St, Parcel ID EM0191, in the Residential /Commercial (R/C) Zoning District.  
23

24 Yana Walder for Court Street Associates sworn in. Looking to purchasing property to add  
25 office use. Single office for very small businesses, one-person or two-person business.  
26 Therapists, IT folks. People would have individual offices but would share office, but common  
27 areas shared by the landlord.  
28

29 Questions from the board-

30 Mr. Pedersen comment regarding non-professional site plan. Ms. Walder states that the cost  
31 would be \$4500 and would like to go through the process and see if it is possible before  
32 spending the money.  
33

34 Mr. Monks what is the status of the driveway. Ms. Walder states that she has called VTrans  
35 but no one has gotten back to you. Not sure if this will be an issue Mr. Monks not sure if DRB  
36 has power to approve change from 20' to 9.5'. Ms. Walder asks if that is this requirement is  
37 only for new construction. Has not come across this before. There is a stone retaining wall  
38 and thinks that the use would be minor. Mr. Pedersen express concern about what the use  
39 will be. Ms. Yalder states that it is usually used by small office use with good connection. Mr.  
40 Dyer state by granting the change of use might be an issue for future users of the space. Mr.  
41 Sunshine what are the special circumstances. Ms. Walder states that it is an amazing building,  
42 want to preserve building. Mr. Pedersen asks if it the DRB can restrict. ZA says Professional  
43 Office use is what is requested.  
44

45 Kathy Landry- owner of Inn. Business is not sustainable at the moment especially during  
46 Covid-19. See this as something the DRB can do to help their neighbors. That is the special  
47 circumstances.  
48

49 Ms. Walder states that they own many buildings across Vermont and intend to preserve  
50 character and give use.  
51

1 Mr. Sunshine maybe discuss in deliberative.

2  
3 Mr. Dyer is the 20' driveway even possible. Ms. Walder states it is possible but may be  
4 expensive. There is water service. Mr. Firman states that he thinks it would be out of  
5 character. Thinks that it is okay as is. ZA remarks that Animal Hospital had to increase to 20'

6  
7 Mr. Monks question about where handicapped parking will be. Ms. Walder says that it will be  
8 in the back of the building on upper left by a handicapped accessible entrance.

9  
10 Questions from the public:

11 Joy Reap- totally support the Inn and change to office space but does have concerns about  
12 the driveway, they had to B-71 entry. Thinks it is a great project.

13  
14 Paul Parker- next door neighbor. Wondering about site changes and will the parking be  
15 expanded and paved. Ms. Walder states that they don't usually pave driveway unless there  
16 are drainage issues. Mr. Parker states that there have been a problem with wash out and the  
17 Landry's have recently paved a section. He is wondering if how much they are expanding the  
18 lot coverage. Ms. Walder replies behind the building. Mr. Sunshine asks Mr. Parker if he has  
19 seen the site plan. He has not. Ms. Walder say the area near the barn would need to be  
20 improved and parking curb stops will be added. Mr. Parker asks if the applicant has  
21 calculated the maximum number of ins-outs of the parking lot in a day. Ms. Walder states that  
22 they never had a problem in other locations. Mr. Sunshine asks if they have determined how  
23 many trip ends. Ms. Walder asks per day or hour.

24  
25 Robert Landry, Innkeeper, sworn in. Had just over 500 bed nights in 2019. 3-4 rotations. Mr.  
26 Pedersen asks how many rooms and how many cars on a typical day. Mr. Landry states that  
27 they have 6 rooms and 6 baths, but only rent out. Mr. Landry states that would be about 25-  
28 35 trips on the busy days.

29  
30 Mr. Parker wondering if there will be a dramatic increase in use. If every office sees someone  
31 every hour that could be 64 trips. Ms. Walder says that generally the traffic is not every hours  
32 but every hour and a half. Mr. Parker state that there could be trouble with people getting in  
33 and out of lot. Mr. Parker ask if any retail use. Mr. Sunshine replies that they would have to  
34 come back for that use. ZA states that it is allowed but would be a conditional use.

35  
36 Mr. Monks asks about increasing driveway, is there any way to increase the driveway. Ms.  
37 Walder says between the walls could be increase to 11.5 easily. Mr. Monk asks if there is a  
38 way to add a lane midway up the driveway. Ms. Walder states they are open to it. Mr.  
39 Sunshine states it is up to the Applicant to provide answers.

40  
41 Motion to enter deliberative session by Mr. Dyer, seconded by Mr. Firman. Passed 5-0-0

42  
43 Mr. Dyer recused from the next application since he is an abutter. Mr. Sunshine is also an  
44 abutter but not recusing since activity is hundreds of acres away from his property. Public  
45 asked if anyone has an objection. None stated.

46  
47 **Town of Richmond-** Application 2020-039 for Conditional Use Review to change in use to  
48 an Outdoor Recreational Facility, and a variance from the front setback from 55' to 35' from  
49 the centerline of East Main St for a parking lot at 1129 East Main St, Parcel ID 1129, in the  
50 Agricultural/Residential (A/R) Zoning District.

51

1 Pete Halverson, Geoff Urbanik, Wright Preston members of the Andrews Community Forest,  
2 sworn in. Change in use to outdoor recreation, want to increase parking lot and add trails.  
3

4 Mr. Halverson provided sketch plan, the original subdivision in 2013 requires DRB approval  
5 for any Land Development.  
6

7 Question from board:  
8 Mr. Sunshine plan to increase parking as shown on plan. Mr. Halverson states that there are  
9 two drivers to expanding parking. To add parking for buses and to increase the number of  
10 spaces for cars. Reason for the variance is that there is a significant amount of ledge that  
11 limits where parking can go.  
12

13 Mr. Sunshine ask ZA if there is a standard for how wide the driveway should be. ZA states  
14 that requirement for commercial driveway is 20' minimum 36' maximum. How much room  
15 does a school bus need? Mr. Halverson says at least 12'. The Applicant confirms that the  
16 current driveway is approximately 13'.  
17

18 Mr. Sunshine states that variances are tough for DRB to grant, can't give relief from something  
19 that you have created. Mr. Halverson states that the ledge was already there, it is a natural  
20 obstacle and meets the five variance requirements. Mr. Sunshine asks if there is any other  
21 way to meet regulations. Mr. Halverson replies not without substantial cost. He would imagine  
22 they would have to blast to remove.  
23

24 Mr. Pedersen asks how many spaces will be added. Mr. Halverson says there will be a net  
25 gain of three. Seven plus the school bus. Four existing. Mr. Pedersen confirms that the  
26 Variance is to accommodate buses. Mr. Halverson states that the proposed bus parking area  
27 is relatively flat. Mr. Preston states that there are a Class III wetlands to the west of the parking  
28 area.  
29

30 Mr. Preston states there are two chunks of ledge, one north of the existing parking area below  
31 the kiosk and the second towards the west is a large ledge that goes up to Route 2.  
32

33 Mr. Sunshine ask if it is the testimony of the applicant that if the driveway was wider that be  
34 an issue. Mr. Halverson states that he thinks that they can expand from 13'-20' away from  
35 the neighbor. Mr. Preston states that 13' is working today without issue, fairly level with decent  
36 sightlines. Mr. Sunshine asks if school buses have already accessed property. Mr. Preston  
37 replies not yet, don't want school bus to back into Route 2.  
38

39 Mr. Pedersen ask about comment in staff report about landscaping. Mr. Halverson states that  
40 no additional trees are planned.  
41

42 Comments from the public-  
43

44 Matt Dyer- fully support this as an abutter. He has seen buses there in the summer but difficult  
45 to turn around, but width is fine. Expanding the parking in general, he has never seen cars  
46 enter and exit at the same time. At most 5 cars parked there. Does appear in practice to work  
47 if only 13' instead of 20'.  
48

49 No more questions from the public.  
50

1 Mr. Sunshine reviews variance criteria- B- because of the physical conditions there is no  
2 possibility to be built in strict conformity. You could conform but you would have to blast. Mr.  
3 Halverson would have to defer to an engineer if viable.

4  
5 Mr. Pedersen brings up ZA comments about if the DRB wants to review future trails on site.  
6 ZA asks what would they like- every new trail or just adding buildings. Mr. Pedersen does not  
7 see that trails require DRB review, nor a small shed, but wouldn't larger buildings cause them  
8 to return. ZA says it depends on if there is an approved Site Plan. Mr. Halverson hopes the  
9 ACF, as the governing body, can determine what can be brought forward per zoning  
10 regulations and not have to go to the DRB. Mr. Pedersen states that they can't delegate  
11 authority. Mr. Preston states that original subdivision stated that all land development required  
12 DRB review. They would like the DRB to allow the committee to only have to work with the  
13 ZA and determine return to DRB as needed.

14  
15 Mr. Dyer, wearing both hats, states what they are asking for is similar to other applicants of  
16 lots from the Andrews Subdivision- that anything that traditionally doesn't need to go in front  
17 of the DRB is reviewed administratively but if determined to require DRB review then they  
18 would return.

19  
20 Mr. Sunshine states that when the DRB first reviewed the subdivision they were looking at the  
21 lots being developed and that is why they put that requirement in. Mr. Preston states that was  
22 good decision at that time, but now it is a forest. Mr. Halverson would like the DRB to codify  
23 that going forward

24  
25 Joy Reap asks does the DRB have a say in the types of use. ZA says no, up to the ACF and  
26 the landowner to determine. Mr. Preston states that there are two use documents that  
27 determine how use property- current management plan and conservation easement

28  
29 Bob Reap ask can we ride bikes on the property. Can we mountain bike on it. Mr. Preston  
30 state that it will be a non-motorized trail, walking and biking.

31  
32 The DRB does not determine the use, it is up to the landowner and the ACF.

33  
34 No further questions from board or public.

35  
36 Motion by Mr. Pedersen to enter deliberative session, seconded by Mr. Monks. Passed 4-0-  
37 1.

38  
39 Mr. Dyer rejoins board. Mr. Firman recused from the next application.

40  
41 **Nakatomi Plaza, LLC-** Application 2020-040 for Conditional Use Review to add a fourth  
42 dwelling unit on the second level of an approved Mixed-Use PUD at 39 Bridge St, Parcel ID  
43 BR0039, in the Village Downtown (VD) Zoning District.

44  
45 Gabriel Firman sworn in. Language missing from the zoning that would allow for 4<sup>th</sup> unit. Now  
46 regulations have changed to allow 4<sup>th</sup> unit. Everything else is the same as previously  
47 proposed.

48  
49 Mr. Sunshine confirms that DRB has approved 3 units and he is asking for a 4th. Mr. Pedersen  
50 asks Mr. Firman to explain the rounding. ZA explains that section 3.10.3 allows for rounding

1 rule. Mr. Sunshine states that if this was in place previously then they could have approved.

2 Mr. Firman confirms.

3  
4 Mr. Pedersen brings up staff report concern about parking spaces with adding the 4th unit.  
5 Mr. Firman is still planning on leasing spaces for the 4 units. Brendan O'Reilly from Buttermilk  
6 completely agreeable to leasing spaces from Buttermilk.

7  
8 Mr. Sunshine need to revise water and sewer service letter to reflect 6 bedrooms for 4 units.  
9 Mr. Firman states he will amend.

10  
11 Question from the public:

12 None

13  
14 Motion to approve by Mr. Dyer with conditions, seconded by Mr. Monks. Approved 4-0-1

15  
16 Mr. Firman rejoins board.

17  
18 **Buttermilk, LLC-** Application 2020-041 for Conditional Use Review to modify approved patio  
19 and to add a pent roof on patio at 20 Jolina Ct, Parcel ID BR0125, in the  
20 Residential/Commercial (R/C) Zoning District.

21  
22 Brendan O'Reilly sworn in. Submitted new site plan today that shows a paved ADA sidewalk.  
23 Five-foot sidewalk with 7" curb will meet in front of building. Storm sewers. Adding poured in  
24 place storm sewer. Adding pent roof with reclaimed slate. Got rid of stairs in front. Adding  
25 more landscaping.

26  
27 Tyler Billingsley, Town Engineer, submitted plan meets public specs. Transition to Bridge St.  
28 is okay, only minor issue regarding storm drain catch basin. The plan submitted today meets  
29 ADA, and Town specs. Mr. Sunshine confirms that Mr. Billingsley is comfortable with what is  
30 submitted according to his area of expertise. Only minor tweak for the catch basin.

31  
32 Mr. Pedersen confirms that the stairs as shown on the plan are not planned. Mr. O'Reilly says  
33 they are not needed but may eventually want to add them. Ramp layout is a little different.  
34 Getting rid of stairs.

35  
36 Mr. Pedersen asks if there is an entrance on Bridge St. Mr. O'Reilly says Raymond James  
37 space has entrance off Bridge St. but also has access to shared hallway.

38  
39 No more questions from the board.

40  
41 Public comment-

42 None

43  
44 Mr. O'Reilly wonders how long they have to get a zoning permit after approval. ZA says two  
45 years to get a permit and can get an extension for a year.

46  
47 Mr. O'Reilly explains the landscape is changed from plan to the

48  
49 Motion to approve by Mr. Pedersen, seconded by Mr. Monks. Vote 5-0-0.

50  
51 **Other Business:**

- 1 *Minutes to be approved-* April 8, 2020 moved to next month
- 2
- 3 Mr. Sunshine asks ZA about other items for discussion and will there be a busy May meeting.
- 4
- 5 Motion to enter deliberative session at 9:07 pm. by Mr. Pedersen, seconded by Mr. Dyer.
- 6 Passed 5-0-0.
- 7
- 8 DRB moved to continue deliberative session at 9:35 pm to Friday at 9:00am.
- 9
- 10 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB