

Richmond Development Review Board
REGULAR Meeting
UNAPPROVED MINUTES FOR NOVEMBER 13, 2019 MEETING

6	Members Present:	David Sunshine (Chair); Matt Dyer (Vice-Chair); Padraic Monks; Roger
7		Pedersen
8	Members Absent:	Gabriel Firman; Alison Anand (DRB alternate)
9	Others Present:	Suzanne Mantegna (ZA/Staff); Ruth Miller for MMCTV Comcast 15; Bryan
10		Currier; Paul O'Leary; Dan Noyes; Erin Sepic; Lou Borie; Ken Bisceglia;
11		Wright Preston; Aaron Worthley; Jonathan Low; Elizabeth & Robert Low;
12		Pamela Gude; Gary & Jean Bressor; Jim Cochran & Callie Ewald; Brian
13		Carpenter

14
15 David Sunshine opened the meetings at 7:04 pm and requested participants sign in and provided an
16 overview of what an interested party is and stated the procedures for the meeting.

17
18 Public Hearings:

19 Noyes Properties, LLC- Application 2019-111 for Sketch Subdivision Review for a proposed 4-lot
20 subdivision (creation of 3 new lots), located at 198 Railroad St., Parcel ID RR0198, in the
21 Village/Commercial (V/C) Zoning District.

22
23 Bryan Currier, from O'Leary-Burke, and Dan Noyes address the DRB. Mr. Currier explains the plans
24 for the project. There will be 3 new commercial lots that vary in size. The area sits on a plateau. Has
25 plans for 6000 sq. ft. buildings. They have had State wetland come out and the State did not see that
26 the proposed development would impact the wetlands. The lots lay just outside the Village Downtown
27 District.

28
29 Questions from the Board-

30 Mr. Sunshine ask about the maintenance of road. Mr. Noyes explains that he owns the road but that
31 the Town maintains it since Richmond Rescue is at the end of the road.

32
33 Mr. Currier addresses Staff comment regarding the size of the right-of-way and that per Section 4.1 of
34 the Zoning Regulations a 30' right-of-way is allowed. ZA explains that the Public Infrastructure
35 Standards require a 60' and that the Selectboard, and not the DRB, can grant waivers.

36
37 Mr. Currier explains that they plan to come back for preliminary and final combined subdivision
38 approval along with, possibly, site plan approval for one of the lots. Mr. Sunshine explains that the
39 DRB is discouraging applicants from trying to combine preliminary and final since applicants rarely
40 have everything that is required.

41
42 Mr. Pedersen expresses concern about the right-of-way size. Mr. Sunshine states that that approval is
43 out of the DRB's hand.

44
45 Mr. Sunshine ask if gas is there already. Mr. Noyes replies yes, to the Rescue building. Rescue put
46 new gas line and installed a boot, at Mr. Noyes request, last year.

47
48 Mr. Pedersen ask if this is outside the Village Area. Mr. Currier explains that the boundary is between
49 the existing lot and the new lots on the plateau.

50

1 Mr. Currier states that this will be under Act 250 review. Mr. Sunshine asks why. Mr. Currier explains
2 that the 3.79 acres where the new lots will be, were acquired by Mr. Noyes by a boundary line
3 adjustment from 92 Church St. The Church St. parcel is under Act 250.

4
5 Mr. Pedersen asks what is there now. Mr. Currier states there are some trails but undeveloped lot.

6
7 Mr. Monks notes that the lots will be close to residences across railroad tracks and that the applicant
8 might want to provide some landscaping.

9
10 Mr. Sunshine ask if stormwater will be an issue. Mr. Currier does not believe so.

11
12 No further questions from the Board.

13
14 Questions from the public- None

15
16 Mr. Sunshine states that it is an exciting project that the Town could use, since there is not a lot of
17 developable commercial land in the Village.

18
19 No decision issued since only a sketch application.

20
21 Erin Sepic- Application 2019-116 for Conditional Use Review to re-establish commercial use as the
22 primary use for a parcel, located at 1151 West Main St., Parcel ID WM1151, in the
23 Agricultural/Residential (A/R) Zoning District.

24
25 Erin Sepic sworn in. She explains that the property was a single-family dwelling and when she
26 purchased the property it was converted to professional office. Due to personal reasons, she converted
27 the house back to a single-family dwelling with a Home Occupation. Now is planning on selling parcel
28 to a colleague who wishes to use the parcel as a professional office.

29
30 Questions from the Board:

31 Mr. Sunshine asks if there will be any exterior changes to the building. Ms. Sepic replies no.

32
33 Mr. Sunshine ask if there plenty of parking. Ms. Sepic replies yes, there are plenty of spaces.

34
35 Ms. Sepic addresses Staff comments regarding need for State Water and Wastewater permit or
36 exemption. She had a conversation many years ago with State, but had no documentation. Generally
37 the flow is reduced with going from residential to commercial. She has contacted the State for WW
38 exemption.

39
40 Mr. Sunshine asks if there is good information about the septic and where it is. Ms. Sepic says that the
41 septic is on Jeff Palin's lot (Fieldstone Office Building) across the street. That is where the well is as
42 well. Mr. Sunshine asks if she has started process from the State. Ms. Sepic replies yes, but hasn't
43 been able to connect yet.

44
45 Mr. Pedersen asks if it is currently being used as a residence. Ms. Sepic replies yes.

46
47 Questions from the public:

48 None

49 No further questions from the Board or public.

50

1 Mr. Monks moves to approve with condition to get waiver/exemption and zoning permit. Mr. Pedersen
2 seconds. Passed 4-0.

3
4 Ms. Sepic asks what that means time wise. Mr. Sunshine explains the process. ZA explains that a
5 zoning permit is required for the Change of Use.

6
7 Richmond Land Trust- Application 2019-117 for Conditional Use Review in the Special Flood Hazard
8 Area for a dam replacement, located at 2203 Wes White Hill Rd (Gillett Pond), Parcel ID WW2203, in
9 the Agricultural/Residential (A/R) Zoning District.

10
11 Jeremy Hoff, a work colleague of Mr. Sunshine, is involved with the Land Trust. Mr. Sunshine is
12 willing to be recused but thinks he could render an unbiased judgement, but if someone thinks he should
13 recuse he will. (Nobody offers comments.)

14
15 Lou Borie of Richmond Land Trust, Aaron Worthley of Friends of Gillett Pond, and Ken Bisceglgio of
16 Weston and Sampson are sworn in. Mr. Borie explains that the dam has been in existence for over 100
17 years. Initially to serve as an auxiliary source of water for the hydro dam on Huntington Gorge but was
18 only used for 10 years. Now the dam and pond provide year-round recreational use.

19
20 In 2013, the dam was damaged due to severe storms. At that time, the Girl Scouts owned the property
21 and were going to remove dam. A group formed in 2015, Friends of Gillett Pond, to save the dam
22 which worked with the Land Trust to purchase the land. The RLT is currently working to design a
23 replacement. They just today received the Dam Safety permit from the State. Expect to receive Army
24 Corps permit shortly, as well as the Shoreland Permit.

25
26 Questions from Board:

27 Mr. Sunshine ask if there where there any contingencies with the Dam Safety Permit. Mr. Bisceglgio
28 says no. Mr. Monks happened to see it and states that there were minor conditions.

29
30 Mr. Borie explains that the Army Corps required that the historic significance of the dam be looked at.
31 It was determined by State Historic Preservation Office that the condition of the dam was so
32 deteriorated that it had lost historic significance. Mr. Sunshine asks if the dam is made of timber. Mr.
33 Borie states it is stone.

34
35 Also planning on building a small parking lot. Currently no parking for people who enjoy Gillett Pond.
36 Mr. Sunshine asks ZA if the size of the parking lot was determined by regs. ZA replies no.

37
38 Mr. Bisceglgio describes the construction of the dam. Same alignment of the existing dam. Part will be
39 constructed on bedrock and part on till. To have the dam meet the standards for retaining water, requires
40 that the dam be longer than the existing. The historic level of the pond was approximately 2' higher
41 than existing level. Mr. Worthley states that they believe that the historic level was measured pre-2013
42 storm.

43
44 Mr. Sunshine asks if there will be some mechanism for raising or lowering water level of pond. Mr.
45 Bisceglgio replies yes there will be some mechanism but will generally be set. Mr. Sunshine asks who
46 determines if water is raised or lowered. Mr. Bisceglgio states that would only need to be done if doing
47 maintenance. The water level will fluctuate with weather. The geometry of the dam increases the size
48 of the pond by 1.5 feet, but would still be below historic size of pond.

49
50 Mr. Dyer ask if the old dam get completely removed and then you just let the stream flow naturally.
51 Mr. Bisceglgio explains that they will initially add a port-a-dam upstream while under construction.

1
2 Mr. Sunshine asks the cost of the project. Mr. Borie states 750K including all permitting, construction
3 and design work.

4
5 Mr. Pedersen ask where does the outlet go. Mr. Borie replies to just above the Huntington Gorge.

6
7 Mr. Monks asks if the new dam will raise the water 1.5' higher than existing. Mr. Bisceglia says the
8 new dam will be 3' higher, but will be stepped.

9
10 Mr. Dyer ask about if there is a flood would the water flow over the dam. Mr. Bisceglia says yes.

11
12 Mr. Borie explains that the center section of the new dam will be about the same level of the current.

13
14 Mr. Sunshine asks who will be responsible for the dam and parking lot maintenance. Mr. Borie states
15 the Richmond Land Trust.

16
17 Mr. Borie states that RLT has been approached by Richmond Fire Department about the possibility of
18 adding a dry hydrant in the vicinity of the dam. They are not averse to adding. Mr. Sunshine ask ZA
19 would that require a return to DRB. ZA replies that she did not think so.

20
21 Mr. Sunshine addresses Staff comment about trees. Mr. Borie planning on removing and allowing to
22 revegetate, not planning on adding new trees. Mr. Dyer states that he conducted the site visit today and
23 that most trees are small.

24
25 Mr. Sunshine asks about a large rain event like last week, would the water just flows through the dam.
26 Mr. Borie replies yes.

27
28 Mr. Borie asks Mr. Bisceglia if the dam was designed to withstand a 100 year flood. He replies yes.
29 Not designed as an impoundment but as a continuous release.

30
31 Questions from public:

32
33 Jonathan Low- took pictures from Nov 1 event. The water was breaching dam but the dam held and
34 stopped extra water from the gorge.

35
36 Mr. Dyer asks how big the culvert under the road is. Jon Low replies about 8'.

37
38 Bob and Ruth Low offers evidence that they are in favor of replacement.

39
40 Pamela Gude asks what the life expectancy of the new dam is. Mr. Bisceglia the life of the dam is at
41 least 50 years with no maintenance.

42
43 Mr. Sunshine asks Mr. Bisceglia how they plan to deal with the beavers. Bob Low states that the
44 beavers haven't been there for several years.

45
46 Jon Low states that it is his understanding that trees are not desirable near the dam. Mr. Bisceglia agrees
47 that trees are not desired near the dam and that State Dam Safety Section inspect regularly and would
48 remove trees.

49

1 Mr. Sunshine ask if they would have to do work around the perimeter. Mr, Worthley ask if he means
2 further up the pond. Mr. Sunshine replies yes. Does the permit allow or require maintenance around
3 the pond. Mr. Borie replies no.

4
5 No further questions from the Board or public.

6 ZA comments that State suggested site plan with SFHA delineated.

7
8 Motion to approve Application 2019-117 with condition that site plan with SFHA delineated and all
9 permits received, submitted by Mr. Pedersen. Seconded by Mr. Dyer. Passed 4-0

10
11 Peaceable Kingdom- Application 2019-118 for a Subdivision Amendment for Preliminary Review,
12 located at 4 Cochran Rd, Parcel ID CO0004, and 69 Thompson Rd, Parcel ID TR0069, in the
13 Agricultural/Residential (A/R) Zoning District.

14
15 Gary & Jean Bressor sworn in. Made some changes based on sketch plan. Have reduced the number
16 of units to 6. The blue garage would be torn down and new unit added. Staff pointed out that # of lots
17 would be over the number allowed in regs. Existing yellow house will be a unit then another unit beyond
18

19 Questions from the board:

20 Mr. Sunshine confused, thought Carpenter house would be single-family dwelling. ZA states that it
21 has been permitted as a duplex since 2017.

22
23 Mr. Bressor states that the existing barn will remain, there will be common land owned by all units and
24 share maintenance of Peaceable Street buy those who access it. Mr. Bressor has reduced the number
25 of dwelling units from 8 to 6.

26
27 Mr. Sunshine states would like to see new packet of covenants with final. Mr. Bressor says that they
28 should be similar to previous submission.

29
30 Mr. Pedersen asks a question about Peaceable Street and the access for unit 4, 5 and 6. Potentially lot
31 6 would be accessed from there and Lot 6 owner would maintain barn. Mr. Bressor says yes, but not
32 intending to sell that lot. Explains the snow storage area would remain. Mr. Sunshine asks if the snow
33 storage in the southwest corner. Mr. Bressor replies yes.

34
35 Mr. Sunshine asks if he is setting up an association for maintenance of lawn and common area. Mr.
36 Bressor replies yes, and that they are trying to keep the fees low. Trying to have units match the
37 architecture around the green. With units 4 and 2 completely done and unit 1 at the sheetrock stage
38 there will really only be two more dwellings that he intends to build.

39
40 Mr. Monks question about ownership of duplexes. Discussion about duplex and not being a
41 condominium. ZA states that Sadlar Meadow is a PUD only.

42
43 Questions from the public:

44 None.

45
46 No further questions from the Board or public.

47
48 Staff comment about WW permit. Mr. Bressor thought ZA automatically receives but Staff hadn't. He
49 can supply to staff.

50

1 Motion to enter deliberative session for Application 2019-118 by Mr. Monks. Mr. Dyer seconded.
2 Passed 4-0.

3
4 Mr. Bressor would like to get on December DRB meeting. ZA states that the deadline is Friday.

5
6 James Cochran, Thomas & Alexis Cochran and Roger & Jennifer Brown- Application 2019-119 for
7 Final Subdivision Review for a 2-lot subdivision (creation of 1 new lot), located at 530 Milkweed Lane,
8 Parcel ID MK0530, in the Agricultural/ Residential Zoning District.

9
10 Jim Cochran and Callie Ewald sworn in. Hoping to build their house and need to subdivide from parent
11 parcel. Explains about the creation of the various lots.

12
13 Questions from the Board:

14 Mr. Sunshine asks about where the driveway would be. Ms. Ewald explains that it is on the second
15 sheet.

16
17 Mr. Cochran addresses Staff comments that there needs to be a right-of-way agreement between Lot
18 1A and 1B, for 1B to access lot. Mr. Dyer states that he conducted the site visit in the summer and
19 makes sense where driveway will be located.

20
21 Mr. Pedersen clarifies if this is final subdivision approval they are seeking, then DRB should be able
22 to review. Mr. Sunshine states could be a condition of approval. Mr. Pedersen states that he is not sure
23 if the road maintenance agreement lets the applicant achieve what they want to achieve.

24
25 Mr. Monks asks about when before the DRB for preliminary, there was a question about the grade of
26 the driveway, has that been addressed. Mr. Cochran replies no. They thought that since Tom Cochran
27 was able to build they thought that the driveway would not need to be improved. Mr. Cochran hoping
28 that DRB will answer question if it must improve. The area above the Brown house does meet road
29 specifications but lower part does not. Mr. Cochran hoping that only upper section would need to meet
30 specifications. Mr. Monks thought that the whole driveway needed to be brought into conformance.

31
32 Mr. Pedersen asks about the driveway layout on the plat. Need something that shows the lots and the
33 driveways. Discussion that they don't have the final plat, maintenance agreement, and right-of-way
34 agreement.

35
36 Mr. Pedersen asks who owns the proposed driveway that accesses the new lot. Mr. Cochran replies
37 that the three families own it. Mr. Pedersen clarifies that it is a private road, and maintenance is shared
38 between lots. Who owns the road? Mr. Cochran and Ms. Ewald reply that the three families own. The
39 road to the lower section, who owns this. Who does it affect? ZA states that the road is a private road
40 that is considered a shared driveway.

41
42 Discussion about where lots are. Mr. Pedersen asks who owns the lower lot. Mr. Cochran replies the
43 three owners. The lower lot is not owner by a single owner. Mr. Pedersen is trying to make sure that
44 in the future all future owners will have access.

45
46 Mr. Sunshine suggest to the DRB to continue the hearing to the December. Discuss in deliberative
47 session and let them know what they would like to see. Mr. Cochran asks if the DRB has a sense of
48 what is needed. Mr. Sunshine states a final plan and plat, driveway in the correct location, ROW
49 agreement, and road maintenance agreement.

50
51 Questions from the public:

1 None
2 No further questions from the Board or public.
3
4 Motion to continue hearing and enter deliberative session for Application 2019-119 by Mr. Dyer, with
5 Mr. Pedersen seconded. Passed 4-0
6
7 Ms. Ewald has a question about road maintenance agreement and needs to be notarized and recorded.
8
9 Discussion about the lower section of the driveway. Mr. Sunshine asks if that would be a lot of work.
10 Mr. Cochran replies yes, hoping that the new lot would be grandfathered since Tom Cochran's house
11 was not required to conform. There is a ledge band that would need to be blasted. The grade is about
12 15% sustained for over 600'. Also the power and utility lines follow the road and that would need to
13 be modified.
14
15 **Other Business**
16
17 *Minutes to be approved:*
18
19 October 9, 2019- vote to approve with changes. Passed 3-0 (Sunshine, Pedersen, Monks) by Mr.
20 Pedersen, seconded by Mr. Monks.
21
22 *Adjourn:*
23
24 Mr. Monks voted to adjourn meeting and enter deliberative session at 8:50 pm. Passed 4-0.
25 Mr. Dyer voted to come out of deliberative session at 9:35.
26
27 Application 2019-118 preliminary approval with submission of covenants and WW permit, Units 1 &
28 2 on one lot for final.
29
30 Continue Application 2019-119 to December 13, 2019 meeting for final. Need to bring driveway up
31 to standards, plan with conditions, right of way agreement for shared driveway with MK0811, and
32 shared road maintenance needs to be clearer.
33
34 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB