

1
2 Richmond Development Review Board
3 REGULAR Meeting
4 UNAPPROVED MINUTES FOR May 13, 2020 MEETING

5
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

15
16 David Sunshine opened the meetings at 7:05 pm.

17
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.

20
21 Staff asks interested parties to email me their address.

22
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.

27
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 will
31 be on top of thirty-foot plateau surrounded by 100-year floodplain and Class II wetlands on
32 western side.

33
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.

42
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.

47
48 No more questions from the board:

49
50 Questions from the public:

51 None

52

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.

3
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 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
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. Can more easily access lot as proposed.
20 Different world on top of the plateau- 25-30' higher than surrounding land. The lot is not on a
21 public roadway. Probably visible from Route 2. Mr. Sunshine for residential tries to
22 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 and that Buttermilk about initially to be Roger would like to know that there will not be a lot
33 of traffic coming into or out of parcel. Mr. Noyes conducted traffic study years ago. Not a
34 good spot. Railroad can't stop traffic there and as far as he knows they never have had an
35 accident. Mr. Sunshine says than may want a response from police if a) can service and b) if
36 any concerns about traffic. Mr. Noyes states that he doesn't know if there has very been an
37 accident. Mr. Pedersen states that this will not be the last use in the area, could get worse.
38 Okay for today. Mr. Sunshine

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

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

48
49 Landscaping- Mr. Sunshine asks if plan is to keep existing trees. Mr. Currier states they plan
50 on keeping as many trees as possible especially on the steep slopes. Mr. Monks asks if there
51 a tree clearing limit. Mr. Currier states that is not on plan now. Mr. Noyes states that the

1 plateau is mostly clear now. Mr. Sunshine confirms the Applicant would only cut necessary
2 vegetation for the road. They agree.

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

6
7 No other questions from the board.

8
9 Public- none.

10
11 For decision:

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

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

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

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

30
31 Questions from the board-

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

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

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

50

1 Ms. Walder states that they own many buildings across Vermont and intend to preserve
2 character and give use.

3
4 Mr. Sunshine maybe discuss in deliberative.

5
6 Mr. Dyer is the 20' driveway even possible. Ms. Walder states it is possible but may be
7 expensive. There is water service. Mr. Firman states that he thinks it would be out of
8 character. Thinks that it is okay as is. ZA remarks that Animal Hospital had to increase to 20'
9

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

12
13 Questions from the public:

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

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

27
28 Robert Landry, Innkeeper, sworn in. Had just over 500 bed nights in 2019. 3-4 rotations. Mr.
29 Pedersen asks how many rooms and how many cars on a typical day. Mr. Landry states that
30 they have 6 rooms and 6 baths, but only rent out. Mr. Landry states that would be about 25-
31 35 trips on the busy days.

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

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

43
44 Motion to enter deliberative session by Mr. Dyer, seconded by Mr. Firman. Passed 5-0-0

45
46 Mr. Dyer recused from the next application since he is an abutter. Mr. Sunshine is also an
47 abutter but not recusing since activity is hundreds of acres away from his property. Asked if
48 anyone has an objection. None stated.

49
50 **Town of Richmond-** Application 2020-039 for Conditional Use Review to change in use to
51 an Outdoor Recreational Facility, and a variance from the front setback from 55' to 35' from

1 the centerline of East Main St for a parking lot at 1129 East Main St, Parcel ID 1129, in the
2 Agricultural/Residential (A/R) Zoning District.

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

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

9
10 Question from board:

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

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

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

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

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

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

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

44
45 Comments from the public-

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

51

1 No more questions from the public.

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

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

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

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

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

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

33
34 The DRB does not determine the use, it is up to the landowner and the ACF.

35
36 No further questions from board or public.

37
38 Motion by Mr. Pedersen to enter deliberative session, seconded by Mr. Monks. Passed 4-0-
39 1.

40
41 Mr. Dyer rejoins board. Mr. Firman recused from the next application.

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

46
47 Gabriel Firman sworn in. Language missing from the zoning that would allow for 4th unit. Now
48 regulations have changed to allow 4th unit. Everything else is the same as previously
49 proposed.

50

1 Mr. Sunshine confirms that DRB has approved 3 units and he is asking for a 4th. Mr. Pedersen
2 asks Mr. Firman to explain the rounding. ZA explains that section 3.10.3 allows for rounding
3 rule. Mr. Sunshine states that if this was in place previously then they could have approved.
4 Mr. Firman confirms.

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

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

12
13 Question from the public:

14 None

15
16 Motion to approve by Mr. Dyer with conditions, seconded by Mr. Monks. Approved 4-0-1

17
18 Mr. Firman rejoins board.

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

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

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

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

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

40
41 No more questions from the board.

42
43 Public comment-
44 None

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

48
49 Mr. O'Reilly explains the landscape is changed from plan to the

50
51 Motion to approve by Mr. Pedersen, seconded by Mr. Monks. Vote 5-0-0.

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Other Business:

Minutes to be approved- April 8, 2020 moved to next month

Mr. Sunshine asks ZA about other items for discussion and will there be a busy May meeting.

Motion to enter deliberative session at 9:07 pm. by Mr. Pedersen, seconded by Mr. Dyer.

Passed 5-0-0.

DRB moved to continue deliberative session at 9:35 pm to Friday at 9:00am.

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