

1
2 Richmond Development Review Board
3 REGULAR Meeting
4 UNAPPROVED MINUTES FOR October 14, 2020 MEETING

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); Ravi Venkataraman (Town
10 Planner/Staff); MMCTV; Jason Harvey; Tyler Scott; Don Palmer; Kevin
11 Brennan; Roger Kohn; Brad Stetler; George McCain; Adam Wood;
12 Lauck Parke; Jason Harvey; Rodrique Spinette; Molly Lawney; Rowan
13 Lawney; David

14
15 Mr. Sunshine opened the meeting at 7:01 pm.

16
17 Mr. Sunshine requested participants sign in or identify themselves since we are via zoom
18 and provided an overview of what an interested party is and stated the procedures for the
19 meeting.

20
21 **Public Hearings:**

22
23 **168 River Road, LLC- Continued Application 2020-088** for Conditional Use and Site Plan
24 Review for an addition to an existing garage in the Flood Hazard Overlay District at 168
25 River Rd, Parcel ID RI0168, in the Commercial (C) Zoning District.

26
27 Jason Harvey, owner of Paterson Fuels, and Tyler Scott, Scott + Partners, sworn in.
28 Applicant has submitted Elevation Certificate, cost proposal and the certified drawings.

29
30 Questions from the board- Mr. Monks asked if the State has commented on items submitted
31 by the applicant. ZA confirms what was submitted and that the State has issued approval.
32 Mr. Sunshine asks if all the issues have been resolved. Mr. Harvey states that the last item
33 requested by the State was the height of the electrical box. He confirmed the height was at
34 least 1' above Base Flood Elevation. Mr. Scott states that the BFE is 14" above the slab of
35 the garage. Mr. Sunshine asks how high the electrical box is. Mr. Harvey replies that it is 3'
36 above the slab.

37 Mr. Pedersen ask if the issue about the value of the improvement versus the value of the
38 structure was resolved. Would this be a Substantial Improvement? ZA confirms that it would
39 be a Substantial Improvement but the section of the regulations requires the same
40 documents and construction methods for both an addition and a Substantial Improvement.
41 Additionally, the State has approved the documents.

42 Tyler Scott- insulated flood vents that open under pressure. These are automatic and
43 certified by FEMA and exceed FEMA regulation.

44 Mr. Monks confirms that the drawings prepared by licensed architect. Yes- Tyler Scott is a
45 licensed architect.

46
47 Questions from the public: None.

48
49 Mr. Pedersen moves to approve with conditions as laid out in staff report. Mr. Dyer
50 seconded. Passed 5-0-0.

51
52 Mr. Sunshine appreciates that Mr. Harvey got the additional documents.

1
2 **Donald & Laurel Palmer, Trustees of the Palmer Family Trust- Reopened Application**
3 **2020-106** for an appeal and variance request of the Zoning Administrator's determination
4 that a driveway is a roadway, located at 640 Palmer Lane, Parcel ID PA0640, in the
5 Agricultural/ Residential (A/R) Zoning District.

6
7 Don Palmer, Kevin Brennan, Roger Kohn, Brad Stetler, Rodrique Spinette, were sworn in.

8
9 Kevin Brennan provided an overview of the questions the DRB posed, the appellant's
10 responses, and a response to the staff report. Rodrique Spinette provided an overview of
11 the subject property and the adjoining property, and the wetlands on the properties.

12
13 Questions from the board- Mr. Sunshine asked if it was common a wetlands determination
14 to be different today from an evaluation made 12 years ago. Mr. Spinette said that such a
15 change was not common, because the wetland ecology of the land do not tend to change,
16 but signs of hydrology do change over time. Mr. Kohn commented that the DRB is looking
17 for clarification on whether the Palmers did due diligence when it subdivided the properties.
18 Mr. Monks asked Mr. Spinette that because the wetland was not mapped into the significant
19 wetland inventory in 2008, whether the wetland was not considered a Class II wetland at
20 that time. Mr. Spinette affirmed. Mr. Monks asked if the classification of the wetlands
21 currently is due to changes in the wetlands rules since 2008. Mr. Spinette affirmed, adding
22 that the changes to the rules occurred in 2010. Mr. Sunshine asked if there were no Class II
23 wetlands on the parcel in 2008. Mr. Spinette said that there were Class II wetlands on the
24 parcel at that time but were not mapped. Mr. Monks clarified by stating that there were Class
25 II wetlands at that time on the property but could not have been identified and classified as
26 Class II wetlands at that time due to the rules in place. Mr. Pedersen asked for the reasons
27 for subdividing the parcel and why access was not contemplated at the time. Mr. Palmer
28 said that his intent was not to build houses, but to divide the properties based on the town
29 line in order to sell the house in Richmond. Mr. Brennan added that Mr. Palmer had access
30 to the property in Hinesburg in 2008.

31
32 No more questions from the Board.

33
34 Question from public: Ms. Mantegna said that the 2002 subdivision decision recognized that
35 no access to the 42.3 acre parcel was possible within the Town of Hinesburg. Mr. Sunshine
36 asked if the appellant's request from 2002 affects their current request. Ms. Mantegna
37 affirmed. Mr. Brennan responded that at that time, no wetlands were mapped, and currently,
38 no new access could be created and only the existing access could be improved. Mr.
39 Pedersen asked if there were any subdivisions of the parent parcel prior to 2002. Ms.
40 Mantegna affirmed that there were subdivisions prior to 2002. Mr. Pedersen asked for
41 clarification on the location of previously subdivided portions within Richmond and its
42 access. Mr. Palmer said that access to those lots in Hinesburg and Richmond is provided by
43 Palmer Road. Lauck Parke said that he would like to support the appellant's request.

44
45 Motion by Mr. Dyer to move the item into deliberative session. Mr. Monks seconded. Passed
46 5-0-0.

47
48
49 **Peggy Farr Revocable Trust- Reopened Application 2020-111** for Preliminary
50 Subdivision Review for a 4-lot subdivision (creation of 3 new lots) and a variance request at

1 180 East Hill Rd, Parcel ID EH0180, in the Agricultural/Residential (A/R) Zoning District.
2 Continued to December 9, 2020.

3

4 Motion to continue to December 9th DRB meeting by Mr. Dyer. Seconded by Mr. Pedersen.
5 Passed 5-0-0.

6

7 **Falcon Property Management Partners-** Reopened Application 2020-113 for Site Plan
8 Review for the relocation of three mobile home sites within Riverview Commons Mobile
9 Home Park, MHP Zoning District. Parcel ID#FL0068, for sites LW0023, LW0029 and
10 MW0455 to location between MW0217 and MW0267.

11

12 George McCain, consultant for the applicant, sworn in.

13

14 Mr. Sunshine states that the DRB wanted to make sure that the individual mobile home
15 homeowners that were affected were notified. Mr. McCain confirms that letters were sent to
16 all and provided to ZA.

17

18 Questions from the Board: Mr. Sunshine says there was some question of not 100% sure of
19 where the mobile home units will go. Mr. McCain states that they do know where they will
20 go, a site on Meadow Lane as show on Sheet C-1 Site Plan. The have a grading and
21 erosion control plan prepared. Mr. Sunshine asks ZA if the affected homeowners were
22 notified. ZA states that she sent the warning to all affected sites. Mr. Sunshine asks ZA if
23 she has heard anything from the mobile home owners.

24

25 Mr. Pedersen asks if the MH sites are individually owned or are they leased. Mr. McCain
26 replies that he is not sure, both model exist and he is not sure what Falcon does. Mr.
27 Pedersen asks if the leases for only a specific site and if the moving of the sites would be in
28 conformity with the leases that they have. Mr. McCain not sure, he hasn't seen the lease,
29 but he assumes that there is some provision that the site owners must be given a certain
30 period of time before it can happen. Mr. Sunshine states that the leases he has seen are
31 for lot so and so. Mr. Pedersen just wonders if the landowner move them at will. Mr.
32 Sunshine asks if this is the DRB's or the owner's problem. ZA states that the lawyer
33 provided letters and hopes that he has reviewed the leases. Mr. Monks states that maybe in
34 the decision there can be a provision that this approval will not modify a provision of the
35 lease.

36

37 Questions from the public: none

38

39 Motion to approve with conditions in staff report by Mr. Monks. Mr. Pedersen seconded.
40 Passed 5-0-0.

41

42 **Adam Wood & Elyse Parente- Application 2020-128** for after-the-fact Conditional Use
43 Approval for mudroom expansion and covered porch additions to a principal structure within
44 the Flood Hazard Overlay District located at 46 Old Brooklyn Ct, Parcel ID OB0046, in the
45 Agricultural/ Residential Zoning District.

46

47 Adam Wood sworn in. Mr. Wood explains that in 2015 submitted an application for an
48 addition to residence at 46 Old Brooklyn Court for a substantial improvement. After approval
49 did get a permit for what was approved but added additional improvements (porch and
50 mudroom expansion) that they did not get a permit for. Looking for approval after-the-fact
51 for the work that was done. Total sq. ft. added 458 sq. ft. (Mudroom 148 sq. ft. Porch 351

1 sq. ft.). All were constructed to FEMA standards (at least 1' above BFE), concrete footings
2 uplift and no enclosed spaces underneath.

3
4 Questions from the Board: Mr. Monks confirms that site plans were not prepared by
5 engineer or architect. Mr. Wood says that is correct but they have been constructed to
6 FEMA standards. Construction of the original structure was designed by engineer and
7 inspected by registered surveyor. Mr. Pedersen confirms that the work has been completed,
8 correct? Mr. Wood replies yes. Mr. Pedersen asks ZA if the comments by the Regional
9 Floodplain Manager on September 30th were answered in the affirmative. ZA explains that
10 there were questions that ZA sent to Applicant and ultimately the State stated that the work
11 as proposed would meet the bylaws.

12
13 Questions from the public: none

14
15 Mr. Monks moves to enter deliberative session. Mr. Firman seconded. Passed 5-0-0.

16
17 Mr. Wood wonders if there are no interested parties can the DRB waive if no one has made
18 a comment, can the 30-day appeal period be waived. Mr. Sunshine thinks that it is per State
19 law that there is 30-day appeal period and they don't have the power to waive. Mr. Wood is
20 fine with that.

21
22 **Other Business:**

23 *Minutes to be approved:*

24 August 12, 2020 motion to approve with no changes by Mr. Pedersen. Seconded by Mr.
25 Dyer. Passed 3-0-2. Mr. Sunshine and Mr. Firman recused.

26
27 September 9, 2020 motion to approve with no changes by Mr. Monks. Seconded by Mr.
28 Pedersen. Passed 4-0-1. Mr. Dyer recused.

29
30 Application 2020-128-Move to enter deliberative session at 8:03 pm by Mr. Pedersen,
31 seconded by Mr. Monks. Passed 5-0-0.

32
33 Motion to approve Application with the condition that the zoning permit application have
34 plans submitted as required in Section 6.8.16e)3. Passed 5-0-0.

35
36 Adjourn at 8:46 pm by Mr. Pedersen. Seconded by Mr. Dyer. Passed 5-0-0.

37
38 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB and
39 Ravi Venkataraman, Town Planner