

2 Richmond Development Review Board
3 REGULAR MEETING MINUTES FOR September 9, 2020

4 Members Present: David Sunshine, Roger Pedersen, Gabe Firman, Padraic Monks,

Members Absent: Alison Anand, Matt Dyer

Others Present: Suzanne Mantegna (Zoning Administrator/Staff), Ravi Venkataraman (Town Planner/Staff), David Palmer, Kevin O’Neal, Roger Kohn, Brad Stetler, George McCain, Jay Renshaw, Katelyn Esterby, Neil Preston, Patty Gilbert, Kevin Brennan, Chase Rosenberg, Jill Danilich, Luke Cady, Peter Swaine, Chris Leavitt

6
7 David Sunshine opened the meeting at 7:03 pm.

8
9 Sunshine requested participants sign in or identify themselves since we are via Zoom and provided
10 an overview of what an interested party is and stated the procedures for the meeting.

11
12 **168 River Road, LLC- Continued Application 2020-088** Continued to October 14, 2020 hearing

13
14 Sunshine moved to continue Application 2020-088 to the October 14, 2020 hearing, Roger Pedersen
15 seconded. Voting: unanimous. Motion carried

16
17 **Patricia Gilbert- Application 2020-094** for an Amendment to an approved Subdivision to change the
18 driveway location for Lot 4 from Beatty Lane to Palmer Lane located at 345 Beatty Lane, Parcel ID
19 BE0345, in the Agricultural/Residential (A/R) Zoning District.

20
21 Patty Gilbert sworn in. Gilbert requested to amend the location of the driveway in order to enter the
22 property from Palmer Road instead of Beatty Lane as originally proposed.

23
24 Questions from the board -

25 Sunshine asked if the amendment would affect Lot 4 only. Gilbert affirmed. Sunshine asked if any land
26 development had commenced. Gilbert said the driveway went up 500 feet to bring tubing for power, but
27 no electrical, and the driveway is currently going onto Palmer Road. Sunshine asked if Beatty Lane is a
28 private road. Gilbert affirmed, adding that she has the ROW through that road and that Lots 4, 3, and 2
29 owns some of the ROW. Sunshine asked if the zoning ordinance states that a lot can only have one
30 access. Zoning Administrator Suzanne Mantegna said with this amendment, only one access will be
31 created to the lot. Roger Pedersen said he was confused by drawing and was unsure about the location
32 of proposed driveway. Mantegna identified the current driveway configuration and the proposed
33 driveway location. Gilbert said that the adjustment to the location of the driveway would be by 20 feet.

34 Sunshine asked if does Palmer Lane where lots 1 and 4 meet. Mantegna said yes and no, the improved
35 portion does, the unimproved portion turns a hard right and connects to Williams Hill Road. Don Palmer
36 said that it looks like Gilbert is using his driveway, and explains road configuration of Palmer Lane.
37 Mantegna said no, and explains driveway configuration. Pedersen asked if Beatty Lane continues past
38 Gilbert’s subdivision and serves other subdivisions. Gilbert said that the road dead ends at Lot 3 but has
39 the potential to continue. Pedersen asked if the maintenance agreement enclosed for Beatty Lane from
40 where it leaves Palmer Road. Gilbert affirmed. Pedersen asked if the shaded area was the proposed
41 driveway. Mantegna affirmed. Pedersen said that that proposed driveway crosses Lot 4 and another
42 property, and asked whose property is that. Mantegna said that its a public ROW. Gilbert said it’s the old
43 town road. Mantegna identifies the ROW on screen and the overlap of Palmer Road and driveway.
44 Gilbert said her proposed driveway would take a part of the Palmer Lane ROW to create access to her
45 lot. Sunshine asked if any of the proposed improvements would block the public’s ability to use the
46 ROW. Gilbert said no, and that there would be demarcations indicating her driveway. Mantegna said
47 that Gilbert received an access permit and had discussed this with Highway Department Foreman Pete

48 Gosselin.

49

50 Questions from the Public -

51 Chase Rosenberg said that he is speaking on behalf of trails committee and community members
52 regarding the town ROW, stating that Trails Committee is interested in improving town ROW for
53 recreation and nonmotorized usage, and asked if it were possible to create a footpath on the old ROW
54 would be maintained. Sunshine said he also received email from Tyler Meritt on same subject and
55 asked Rosenberg if he was comfortable with what he heard. Rosenberg affirmed. Gilbert supported the
56 idea. Chris Leavitt said Lauck Parke had access closed as ancient roads and asked if that was still
57 valid. Mantegna said that was part of Williams Hill Road and not part of current conversation. Leavitt
58 said he was under impression that that town ROW is closed. Mantegna said she was of the
59 understanding that its a public ROW. Padraic Monks said that regarding this road and ancient roads, he
60 was unsure what had happened in this case. Sunshine said that Leavitt should ask Town Manager
61 about it. Kevin O'Neal asked about the status of the trails. Sunshine said that that was not not pertinent
62 to this application, and that is a conversation for the Town Manager. Pedersen asked if Sunshine
63 reviewed the amended maintenance agreement. Sunshine affirmed, saying that it was based on length
64 of the road, the road can be expanded, no ratios to accommodate additional extensions are included in
65 the agreement, and that the agreement is from the approval in 2017.

66

67 Padraic Monks made a motion to approve application 2020-094 with the conditions listed in the staff
68 report, Pedersen seconded. Voting: unanimous. Motion passed

69

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

73

74 Suzanne Mantegna, Zoning Administrator, will not be staff to the DRB for this hearing since her
75 determination is being appealed. Ravi Venkataraman, Town Planner and Acting Zoning Administrator,
76 will be staff for this hearing.

77 Don Palmer, Kevin Brennan, Evan Fitzgerald, sworn in

78

79 Questions from the board-

80 Don Palmer stated that he has owned the property for 8+ years, overviewed the history of ownership on
81 property, acknowledged the wetlands on the property, overviewed of history of application, identified the
82 old agricultural road with a culvert, said he doesn't understand wetland classification as it dries out
83 every summer, said he had the State review the property in response to ZA comments, and requested
84 approval of the ROW because state approved the ROW proposal. Kevin Brennan brought attention to
85 the subdivision plat from 2002 in Hinesburg, saying that Palmer has properties in Hinesburg and
86 Richmond, that he did road improvements in 2012 in response to logging activities, that Palmer is
87 looking to sell property, that the Zoning Administrator advised that a town access permit cannot be
88 approved, said the town attorney provided an opinion. Brennan requested a variance to access the
89 Hinesburg land, for consider of Section 6.9 in light of Dowd application with road as construction.
90 Brennan said the State said it would approve the road. Brennan said no construction proposed is
91 proposed, but that improvements will be made to meet state requirements. Brennan reviewed exhibits 1
92 and 2. Sunshine asked for clarification on location of existing roadway as the white line. Brennan
93 affirmed. Pedersen asked if it provided access to the Hinesburg parcel. Brennan affirmed. Pedersen
94 asked if the Hinesburg parcel was subdivided. Brennan affirmed. Pedersen said access must have been
95 discussed. Brennan said Hinesburg approved the subdivision with the condition that that parcel cannot
96 be severed from ownership until access is granted. Sunshine asked if during the subdivision process in
97 2002, was there access to the Hinseburg portion without ROW. Brennan said no, and that the only
98 primary access is via Palmer's own land on existing agricultural road. Evan Fitzgerald said that his firm
99 was retained by Don palmer for wetlands delineation, that he delineated the entire parcel, that the state
100 and the Army Corps of Engineers affirmed their delineation. Fitzgerald said that the State focuses on
101 avoidance and minimalization efforts—whether there is another access to the site to avoid impact to the

102 wetland. Fitzgerald said that this location would have the most minimal impact on the wetland, as there
103 would not much wetland impact but would impact buffers. Sunshine asked for clarification about the
104 wetland impact. Fitzgerald said that 1100 square feet of road would impact the wetland, that restoration
105 work would need to be involved per state requirements in order to maintain the existing hydrology.
106 Fitzgerald proposed to upsize existing culverts to mitigate impact. Fitzgerald said that more than one-to-
107 one restoration mitigation would be involved. Fitzgerald said there is a delay in review process, but that
108 expects a wetland permit. Sunshine asked about existing width of current road. Fitzgerald said 16 feet
109 of road fill would be involved, the proposal would increase the road width to 18 feet, and the travel
110 surface currently is 14 feet. Sunshine asked how many lots would the driveway serve. Fitzgerald said it
111 would serve four lots. Pedersen asked if these lots were separate lots, aside from the 42-acre lot, or if
112 these lots would be within the existing 42-acre lot. Brennan said it would be for the 42-acre lot.
113 Sunshine asked for clarification on the appellant's argument. Brennan said he was arguing for a
114 variance first, and if variance cannot be granted, he will argue that Section 6.9 not applicable because
115 its an existing road and no new construction will be involved. Monks asked if the two-foot increase in
116 road width would be within wetland and buffer or for entirety of the road. Fitzgerald said the scope is for
117 wetlands not outside the wetlands. Brennan said the goal to sever ownership by creating access and by
118 addressing wetland concerns. Fitzgerald overviewed the variance criteria, and the historical practice of
119 traversing wetlands. Sunshine asked for clarification on subdivision (a) of the variance criteria, asking if
120 the situation is unique because the access goes over wetlands. Fitzgerald affirmed. Brennan said that
121 any access point will be through wetlands, and that he is requesting the minimum variance.

122

123 Suzanne Mantegna was sworn in.

124

125 Mantegna said that she is the Zoning Administrator for both Richmond and Hinesburg, that she spoke to
126 appellant regarding the application, and that wetlands are not an issue in Hinesburg but an issue in
127 Richmond. Mantegna said that the state allows municipalities can have a more restrictive bylaws and
128 Richmond has a more restrictive bylaw. Mantegna said that the Hinesburg subdivision decision did not
129 state that access had to come through Richmond, but that access must be provided. Pedersen asked if
130 the appellant requested for a driveway or a roadway through the wetland. Mantegna said the request
131 was to satisfy Hinesburg DRB approval condition specifically. Pedersen asked if the basis of the
132 decision is that access is a roadway and therefore cannot be built through the wetlands. Mantegna
133 affirmed. Monks referred to development over time as provided in the packet, pointing out that in 2009,
134 there was no roadway but in 2012, there was a roadway. Monks asked if there was some amount of
135 recent development. Mantegna affirmed that the development of the roadway is a recent development,
136 has not been there historically and created recently after the subdivision. Mantegna added that she
137 talked to the State, and the State said that the road should have been removed when the logging
138 activities finished and wasn't removed. Sunshine asked the applicant if they were aware of the
139 requirement to remove the roadway after logging activities are finished. Fitzgerald said not that he
140 remembers, and that Tina Heath from the State did not mention it. Monks said that one does not need a
141 wetland permit for logging activities, but he is unsure about the removal of road after logging activities.
142 Monks asked for clarification on when the road was built. Brennan said there was known historical
143 access from previous owners, and in 2012 the road was improved for logging activities.

144

145 Questions from the public-

146 Brad Stateler said that he has lived on Sherman Hill Road for 35 years, that he is buying the lot for two
147 houses for his two daughters, and that he began the subdivision process in Hinesburg. Roger Kohn said
148 that the provision of a variance is for scenarios like this case and that variance criteria is met. Pedersen
149 said that the issue is Suzanne's decision, and asked for clarification on variances. Sunshine pointed to
150 Section 8.4.5. Venkataraman clarified that variances can only be sought via the appeal process as a
151 relief. Gilbert said that for her, it was easier to put driveway through buffer, but she was not allowed to in
152 2017. Brennan said that Gilbert had alternative access but that the appellant has no alternative. Gilbert
153 asked if whole length of driveway or section after mobile home would be improved. Mantegna said that
154 if the roadway serves more than four lots, then it must meet rural road standards.

155

156 Pedersen made a motion to enter deliberative session on item, Monks seconded. Voting: unanimous.

157 Motion passed.

158

159 **Peggy Farr Revocable Trust- Application 2020-111** for Preliminary Subdivision Review for a 4-lot
160 subdivision (creation of 3 new lots) and a variance request at 180 East Hill Rd, Parcel ID EH0180, in the
161 Agricultural/Residential (A/R) Zoning District.

162 Sunshine said he was recused for this item. Pedersen accepted the chair role for this item

163

164 Jay Renshaw, Chuck Farr sworn in

165

166 Questions from the board -

167 Renshaw said that the sketch plan was proposed on July 8th, and that he has returned for preliminary
168 plan approval. Renshaw said that the proposal is the same layout as presented at Sketch Plan,
169 consisting of single-family homes located in a meadow. Renshaw said he was keeping impervious area
170 under an acre, with a compact design but are stuck at Section 6.9 regarding the wetland buffer. Renshaw
171 said he was not impacting any wetland, is proposing 15 foot shared driveway for access, which would
172 be impacting 1375 square feet of buffer. Renshaw said he is working with Gilman Briggs Environmental,
173 has contacted Tina Heath, received a verbal ok from state, received the Town attorney and Zoning
174 Administrator's opinion and is now requesting variance. Chuck Farr said he had wetland delineated, and
175 contacted Tina Heath. Farr said he is proposing three residential lots on 10 acres and 210 acres for
176 logging, is hoping to use access through wetland to separate the integrity of the lots, wants to keep
177 options open on 210 acres, and intends for no harm to the wetlands. Renshaw said he hopes to work
178 through this challenge, move forward. Renshaw said that he is in line with state General Permit
179 requirements. Renshaw reviewed staff comments and said the issues on large animal habitat has been
180 resolved and the driveway grades can be in conformance. Monks asked if Renshaw is limiting analysis
181 to the project area. Renshaw affirmed, as the goal is to separate residential the neighborhood from
182 forestry activities.

183

184 Questions from the public-

185 Pete Swaine said the goal is to retain forest management plan, and asked what would happen to the
186 forest management plan when the land is conveyed. Farr said that the goal to list the property with
187 preference to keep entire farm intact but he not sure if he can control that. Renshaw requested the
188 option to continue the application, and said he would like the ability to revise the application according to
189 the board's comments. Pedersen asked if it could be facilitated procedurally. Mantegna said it could be
190 and asked Venkataraman for suggestions. Venkataraman said it can be, either through a motion for a
191 continuance or a request to reopen the hearing during deliberations.

192

193 Pedersen made a motion to move the item to deliberative session, seconded by Firman. Voting:
194 unanimous. Motion carried.

195

196

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

200

201 George McCain sworn in

202

203 McCain said that he will be relocating existing units in Riverview Commons mobile home park, including
204 moving two mobile home units out of the floodplain, 455 Meadow Lane to new location and extending
205 water and wastewater systems without increasing demand. Sunshine asked for a description of the
206 existing conditions and proposed conditions. McCain said that the Lower Circle area is fairly flat, and
207 Meadow Lane on a knoll. McCain said that the mobile home units will be moved out to an existing
208 plateau, and that he will be adding fill to sloped area to create an even area for mobile home unit.
209 McCain said he noted in staff report for erosion control, and that in response he will be installing a silt
210 fence and that all construction will be according to EPSC manual. Sunshine said that a previous

211 proposal at mobile home park did not notify residents, and asked if the residents been notified. McCain
212 said that one unit has already been removed, and was unsure if items have been discussed with the
213 residents. Pedersen asked if there are people living the units that are going to be relocated. McCain
214 said that one unit is vacant, and that he is unsure if other two units are occupied.

215
216 Monks made a motion to move the item to deliberative session, seconded by Pedersen. Voting:
217 unanimous. Motion carried.

218

219

220 **Other Business, Correspondence, and Adjournment**

221

222

223 Monks made a motion to enter deliberative session, seconded by Pedersen. Voting: unanimous.

224 Motion carried. The DRB entered deliberative session at 9:17 pm.

225

226 Monks made a motion to move out of deliberative session and adjourn the meeting, seconded by
227 Pedersen. Voting: unanimous, Motion carried.

228

229 Meeting ended at 9:56 pm

230

231 Respectfully submitted by Ravi Venkataraman, Town Planner