

around by the hardware store but do not utilize the internal roads associated with condo development to the east. It was also noted that the road is not a public road but a right-of-way. Currier noted that the parking lot associated with the new market has been designed to accommodate associated commercial traffic with ingress off of Railroad and egress through Whistle Stop.

Monks had questions about the landscaping plan. It was explained that the plan was revised after submission with the HVAC pad moved south from the previously cited northern area. Sunshine asked about further noise mitigation besides cedar fencing with Currier stating the fencing and plantings are to mitigate noise. Further discussion centered around spec sheets from the manufacturer and the system at 10 feet should create 72 dBA and as the pad is 60 feet from the property line the manufacturer's representative stated that 56 dBA would be generated; it was noted by Currier the town regulations allow 60 dBA. Currier also stated that there would be no issue with a condition of approval that the dB level, at the property line, should be the required 60 dBA level and that future noise mitigation could be explored but felt that should not be necessary. Sunshine noted that the actual location of the pad would be greater than 60 feet from Richmond Village to the north of the tracks and the existing residential units on Railroad. Schnakenberg asked if there was any associated mechanical deafening for the HVAC system and Currier responded that there was not. Currier stated the existing Richmond Market HVAC unit was closer to the railroad street residential units. Noyes stated as much as he wishes to do the right thing, there are no trees with the existing unit and this is a commercial district with train traffic. Monks question what the existing units' noise level is and Noyes responded that before the fence was put up and the trees grew they barely passed the required level.

Sunshine referenced staff notes concerning curb cuts and Currier explained that one cut is off of Railroad and three off of Whistle Stop Lane and as such was designed to handle traffic conflicts. Monks asked staff about the need for a waiver on private roads and Osborne responded that the waiver is for the use and appears to be needed as designed. Sunshine stated that the cuts are needed to alleviate a more adverse parking conditions and the board concurred.

Sunshine asked about sidewalks. Currier responded that the sidewalks are approximately 440 ft long, proposed to paint the blacktop from the end of the existing sidewalk by the last RM stall in order to designate where the sidewalk continues as there is the exiting loading dock to contend with. The concrete sidewalk is continued up to the entrance with a "5 foot greenbelt" planned for the north side of Railroad Street. Noyes commented but was indiscernible.

Sunshine moved onto the parking associated with the project and it was discussed that the regulations allow for 56 spaces with the applicant stating 75 are proposed, that the regulations dictate the use as retail and that a grocery store would require additional spaces for that specific use. The board appeared to have no issue with the proposed spaces. Discussion moved on to lighting with Sunshine noting that the fixtures were downcast cutoff in nature as per the regulations. Timers for lighting was discussed with the applicant stating that the energy code requires after dusk photocell capabilities and motion sensors. The lighting is typically dimmed to 10% for security purposes. Sunshine questioned if the lighting will be on all night at a low level with applicant concurring. Monks asked if the parking lot lighting could be off at night and the applicant stated if that is what the board wished that could be entertained.

Monks brought up landscaping referencing the regulations that state a dense visual screen between parking areas and noted that what was proposed are deciduous tree and asked if evergreens could be incorporated to achieve a more robust screening effect with the applicant answering in the affirmative. Applicant discussed the fact that there is an elevation difference that mitigates any screening to the north. Monks reference the traffic study and the point at which the number of trips are calculated, either Railroad Ave or Bridge Street with the response being Bridge; that response alleviated Monks concern.

Sunshine inquired about the existing building and the potential to increase traffic with a change in use, Noyes responded that the lumber business would go away on the new RM parcel and the building could potentially house the hardware business but no plans are finalized. Currier did point out the Traffic Study utilized the same level of trips associated with a supermarket at that building and that any change of use would most likely be less. Osborne stated that any change of use would result in the need for a revised traffic study.

Monks reference staff notes on lighting and the statement that proposed illumination exceeds town standards. Currier responded that the issue of illumination referenced is associated with vertical surfaces, staff agreed. Hours of operation will remain the same.

Public comment discussed with attention to truck idling at night with Noyes responding that he requires notification of truckers on arrival and that trucks be shut off. Other locations for night idling discussed but Noyes does not allow the practice in general. However, that is not to say it does not happen but requesting long haul truckers to stop idling has been difficult.

Concerning Engineer review, the board discussed what needed review. Monks stated a summary of the stormwater proposal may be helpful and that the public might benefit from an overview. Sunshine asked Monks if the review by the state would be encompassing enough to satisfy any Town Engineer review and Monks replied that the State and Town standard are different; discussion ensued on the potential differences with this redevelopment.

Sunshine asked about Fire and Rescue, Osborne stated that the plan has been presented to Water and Sewer as well as to first responders, no response at this time.

Public comments requested: Lisa Lavoie offered concerns about lighting and the fact that Noyes was responsive to past concerns. Wanted to reserve the right as an interested party.

Sunshine brought up signage. Discussion ensued with little issue to proposed signage.

Board voted to move to deliberative session, so voted.

CU 2021-04 **Nakatomi Plaza/The Big Spruce** **7:34-9:05**

Applicant seeks after the fact approval for an outdoor seating area that was built beyond what was approved by DRB application 2019-126. As per Section 5.3.4 DRB approval required for any changes or modifications to approved permits. Further, property is currently under an Order to Remedy and section 8.2.2(e) of the Richmond Zoning Regulations apply. Village Downtown (VD) Zoning District at 39 Bridge Street, Parcel ID BR0039.

Motion to go into Deliberative Session (Unanimous)

Motion to approve CU 2021-04

Introduced by David Schnakenberg, seconded by Matt Dyer with the following conditions:

- 1. No approval given for door ingress or egress onto abutters land**
- 2. Existing structure to be place solely on applicants property**
- 3. As-built survey to show compliance with #2 above**

Approved 5-0 (Dyer, Pedersen, Schnakenberg, Sunshine and Monks)

Denied: None

Abstained: None

Notes on Nakatomi Plaza: Application was moved on the agenda. Chair described project and noted the applicant was not present. At this point the chair opened the proceeding for public comment.

Vincentios Zachary, neighbor to The Big Spruce, recognized as an interested party and sworn in by the Chair. Zachary informed the board of his confusion as to why the application is on the agenda when his issues regarding the proposal were not addressed. Sunshine discussed the purpose of the review and that the board is considering the proposal at hand. Zachary continued that grievances such as trespass, vandalism and theft have not been taken into account. Zachary addressed the revised submittal and took issue with the applicants written statement that he will move the structure onto his property, specifically the trespass issue and the fact that he will not allow continued trespass moving forward; stated that the board did not want to be complicit with this action. Sunshine responded that the board is not complicit, trespass is not a consideration of the board and that issue can be taken up in another venue. Sunshine continued that the board has noted the issues and that the applicant was cited for his actions. Zachary discussed the height of the structure, permeability associated with fill and the fact that water is being shed onto his property resulting in an environmental issue.

Sunshine solicited additional public comment, none ensued.

Board voted to move to deliberative session, so voted.

If you read this far give me an oye.

**Decisions rendered on the following applications: The Big Spruce
Continuations: Richmond Market**

Meeting minutes of September 8, 2021 approve unanimously.

**Motion to adjourn
Approved unanimously**

Adjourn: 8:52 pm