

Richmond Development Review Board  
 REGULAR Meeting  
 APPROVED MINUTES FOR SEPTEMBER 9, 2015 MEETING

---

6	Members Present:	David Sunshine, Chair; Mike Donohue, Cara LaBounty, Ian Bender,
7		Roger Pederson
8	Others Present:	Niels Rinehart, Zoning Administrative Officer, Ruth Miller for
9		MMCTV Comcast 15; see attached list

---

12 Sunshine opened the meeting at 7:10 PM and reviewed the agenda.

14 Sunshine opened the PUBLIC HEARINGS

16 First Hearing for 290 Cemetery Road – Application # 15-079, Applicant Dennis and Connie Doherty  
 17 for Preliminary and Final Subdivision Review for a 3-lot subdivision located at parcel CE0290  
 18 located within the Agricultural/Residential Zoning District.

20 Sunshine sworn in Dennis Doherty

22 Doherty explained that he was providing all 13 items as requested by the DRB. Doherty then  
 23 proceeded to review each of the 13 items. Item 1 (ANR Project Review Sheet): according to an  
 24 Agency of Natural Resources Project Review Sheet dated May 9, 2008, the location does not fall  
 25 under Act 250. The Board reviewed Item 1. Item 2 was an Erosion Control Plan dated September 3,  
 26 2015. Doherty explained to the Board that according to a State of Vermont document (3-9020), the  
 27 project area ranks as low risk for erosion. Doherty offered the board an appendix from the state  
 28 document that listed requirements for a project to be ranked as low risk.

30 Sunshine stated that since Doherty would be disturbing more than acre, that he would need a general  
 31 permit from state. Doherty agreed that he will need a general permit.

33 LaBounty asked if Doherty had described in the site plan how he would fulfill #6 on the Erosion  
 34 Control Plan. Doherty replied that does not provide this information on the site plan but expects that  
 35 erosion control matting or an equivalent will be needed.

37 Doherty produced Item 3, a road profile for the proposed driveway.

39 LaBounty asked for clarification of the numbers on the profile, explaining that they were too small  
 40 and asking if Doherty had a larger version of the file so that they could be read with greater ease.

42 Doherty explained that the slope does not exceed 10 percent.

44 Doherty produced Item 4, a Homeowners Association for the proposed subdivision that spells out a  
 45 maintenance agreement.

47 Sunshine questioned the fourth paragraph, asking how an agreement would work if only one or two  
 48 lots sell, but not all three lots?

50 Doherty answered that he is currently the owner of the property and will build a house on one of the  
 51 lots. He will construct a septic system and that will be included in the sale of the next lot.

1  
2 Doherty produced Item 5, and updated site map that reflects the installation of a culvert.

3  
4 LaBounty asked for the name of the engineer who prepared the profile and the name of the engineer  
5 who prepared the drainage plan.

6  
7 Doherty replied that no engineer prepared the drainage plan but that he would provide the name of the  
8 engineer for the profile.

9  
10 LaBounty asked if an engineer designed the drainage system, asking if it was a 25-year flood system  
11 or a 100-year flood system, etc.

12  
13 Doherty said that this information was not requested.

14  
15 LaBounty said that this information is part of the town regulations.

16  
17 Both Items 6 (Plat Plan illustrating location of septic easement) and 7 were produced for the Board.

18  
19 Item 8 included site plans that reflect mitigation of impacts to the deeryard.

20  
21 LaBounty asked that the final plat have the deeryards marked and labeled.

22  
23 Doherty said he could mark the location of the deeryard on the final plat, or could he not that the  
24 entire property lies within a deeryard. He added that this issue was not listed in the requirements.

25  
26 LaBounty clarified that the plans must explain that the property lies within a deeryard. She also asked  
27 why there was no protection for the deeryard in Lot 1?

28  
29 Doherty asked if she was requesting that more land be protected. He said that the amount of disturbed  
30 land would total 1.4 acres. Doherty produced a map illustrating additional proposed protection areas.  
31 The map consisted of the site plan map with hand-written notes. Doherty explained that he would be  
32 happy to amend the deed to further protect the property if that would satisfy the board.

33  
34 Sunshine asked where the current septic system was located in Lot 1. Doherty indicated where the  
35 system currently sits and indicated that it was a mound system.

36  
37 Doherty presented Item 11, the letter of approval from the Fire Chief. Item 12 required the  
38 homeowners' association pursuant to the state wastewater permit. Doherty stated that this item was  
39 the same as the Item 4. Item 13 required a listing of all potential users of the access. Doherty provided  
40 a draft listing and stated that the owners of Lots 1, 2, and 3 would pay for 100% of the maintenance.  
41 Doherty concluded by asking if there were any questions regarding any of the submitted items. He  
42 also asked that if the DRB cannot approve the proposed subdivision now, could the DRB consider  
43 approving it with conditions.

44  
45 Pedersen asked for clarification on the location of the driveway. Pedersen then asked that if someone  
46 buys Lot 2, then what portions of the driveway would the owner of Lot 2 be responsible for? Doherty  
47 explained that the owner of Lot 2 would be responsible for a third of the driveway (pointing out the  
48 portion for Pedersen) and responsible for a half of another portion of the driveway (pointing out the  
49 remaining portion for Pedersen).

50

1 LaBounty asked if Lockwood’s lot didn’t make the fourth lot, therefore requiring the construction of  
2 a road. Doherty said that Lockwood never uses it. Pedersen said that the easement was non-exclusive.  
3 If it was exclusive then it’s only serving three lots.

4  
5 Sunshine stated that the town had consulted with the legal staff at the VLCT and the town lawyer and  
6 they were in agreement that the three lot owners could share access to the driveway. Sunshine  
7 questioned whether Lockwood’s lot would count as a valid lot according to the town’s definition of a  
8 lot. LaBounty suggested that the lot could be a pre-existing lot. Doherty raised the point that  
9 Lockwood is not applying.

10  
11 Suzanne Self asked if she wanted to purchase land behind her house, would the current driveway be  
12 available? LaBounty answered that we don’t know and therefore cannot answer.

13  
14 LaBounty made the motion to close the hearing and move to deliberative session, second by Bender.  
15 All in favor. So voted.

16  
17 Second Hearing for 952 Kenyon Road – Application # 15-075, Applicant Dawn Tatro/Slyvan Knoll  
18 Subdivision for Final Subdivision Review for a 9-lot subdivision located at parcel KR0952 located  
19 within the Agricultural/Residential Zoning District.

20  
21 David Sunshine sworn in Tom Wawrzeniak.

22  
23 Wawrzeniak stated that the DRB had asked that the applicant address 11 items. Wawrzeniak began by  
24 presenting a revised project narrative and revised drawings. Item 1 consisted of a road maintenance  
25 agreement. Wawrzeniak questioned why the DRB had asked for a 30-foot wide driveway, stating that  
26 he had proposed a 12-foot wide driveway. LaBounty explained that the right-of-way should be 30 feet  
27 wide, not the traveled portion. Therefore Wawrzeniak was permitted to remove request to provide a  
28 30-foot wide driveway. Wawrzeniak also explained that he replaced ‘eight lots’ with ‘nine lots’  
29 within the project narrative. He also said that C5-01 should illustrate where the Agency of Natural  
30 Resources indicates the boundaries for deeryards.

31  
32 For Item 2, Wawrzeniak described changing the width of the right-of-way to 60 fet with a 60-foot  
33 radius at the cul-de-sac.

34  
35 LaBounty raised the point that all project plans still carried ‘8 lots’ in the title. Wawrzeniak explained  
36 that he would submit corrected plans with the mylars.

37  
38 Item 3, the wastewater permit, would take another week to 10 days to submit, since the Department of  
39 Environmental Conservation is backed-up. Wawrzeniak asked if the permit could be conditional in  
40 the final.

41  
42 Item 4 was already answered.

43  
44 Item 5 was completed through changing the culverts to 18 inches.

45  
46 Item 6 was previously addressed.

47  
48 In answer to Item 7, Wawrzeniak explained that the project narrative presents a sequence to the  
49 construction.

1 LaBounty asked if the applicant intended to set-up an association to maintain the road. Wawrzeniak  
2 explained that the Tatros would maintain the road. LaBounty asked what would happen if the Tatros  
3 left and moved on? Wawrzeniak explained that he has urged the Tatros to create an association.  
4 Sunshine agreed that an the creation of an association would be important since it would create a  
5 device for someone to take charge. Wawrzeniak said that he would discuss the question with the  
6 Tatros and thought that they could derive the appropriate language. LaBounty suggested that they  
7 might want to tighten up the language, possibly including percentages of responsibility. Sunshine  
8 added that the Tatros might not need to revise the language, but they needed a vehicle to carry out the  
9 language. LaBounty explained that such an arrangement was not a requirement and perhaps it could  
10 be included in the deed. Wawrzeniak said that he would encourage the Tatros to do so, stating that he  
11 thought an association would be best.

12  
13 LaBounty made the motion to close the hearing and move to deliberative session, seconded by  
14 Donohue. All in favor. So voted.

15  
16 Approve Meeting Minutes: August 12, 2015

17 Donohue made a motion to approve the Minutes, seconded by LaBounty, all in favor. So voted.

18  
19 Went to Deliberative Session.

20  
21 Respectfully submitted by Niels Rinehart, Zoning Administrative Officer/Staff to DRB