

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

Members Present:	David Sunshine, Chair; Cara LaBounty; Ian Bender; Matt Dyer; Mike Donohue; Roger Pedersen (Alternate)
Others Present:	Niels Rinehart, Zoning Administrator; Ruth Miller for MMCTV Comcast 15; John Pitrowiski ; Dennis Doherty; Tom Desautels; Cathy Desautels; Bill Lockwood; Gabriel Firman

Sunshine called the meeting to order at 7:05pm.

290 Cemetery Road – Application # 15-114: Applicants Dennis and Connie Doherty for Preliminary and Final Subdivision Review for a 3-lot subdivision located at parcel CE0290 located within the Agricultural/Residential Zoning District.

David Sunshine swore in John Pitrowiski and Dennis Doherty.

Pitrowiski introduced himself and explained that Tom Wawrzeniak has been working with Dennis on the proposed subdivision and that he had developed plans for the project. However Wawrzeniak was away on vacation and that he had asked Pitrowiski to work on the Doherty project in his absence.

Pitrowiski provided a brief description of the proposed subdivision, discussing the proposed sizes of the new lots, the upgrading of the driveway to meet the town’s specifications, and that a single septic system would serve all three lots with provisions made for a reserve area.

Cara LaBounty asked why the proposal included a backup for the septic system since the regulations were changed in 2007 and that therefore a backup system wasn’t required. Pitrowiski said that yes, a backup system was not required. Sunshine explained that the backup system exists because the septic system was installed before the changes to the regulations. Pitrowiski said that they could apply for an amendment and Doherty explained that since there is an existing permit, he was not going to ask for a new one.

Pitrowiski said that he had looked at the site and he discussed the proposed erosion control plan, making references to the site plan. He explained that Wawrzeniak anticipated some earth work and so he had specked out the erosion control measures. Pitrowiski continued that the existing road is about 16 feet wide and was in good shape. He said the road will be expanded to 28 feet, although Dennis had sought a waiver. Broad grass shoulders flank the existing driveway, measuring about six to eight feet on either side. The intended construction methods will include box cutting out the space needed and then filling it in with gravel. Pitrowiski also explained that although Wawrzeniak had proposed additional work to the driveway, Pitrowiski thought that the existing swales were sufficient. Therefore Pitrowiski said he doesn’t think as much work will be needed as Wawrzeniak had proposed, since the existing swales are quite a distance from the center line of the road. Wawrzeniak’s plans include designs for silt fencing, netting, and check dams to address potential erosion issues. Pitrowiski added that he believes that the existing vegetation should remain. He also investigated the culvert running under Cemetery Road, explaining that water coming down the east side of the driveway would discharge across the road through the culvert. Water discharging on the other side of the road would discharge following the ditch that ran along the road. According to Pitrowiski, Warzeniak provided pre- and post-development calculations for a 25 year storm event. Pitrowiski explained that the total new impervious area was

1 under one acre and so therefore Doherty does not need a state permit, but that despite not needing a
2 permit, he is proposing all the measures that would be implemented if a permit was required.

3
4 Sunshine brought up the wastewater permit, explaining that the wastewater permit dated to 2008 and
5 that it covered three lots. He asked if the lot was now formatted the same as the map presented for the
6 2008 permit. Doherty explained that the septic plan is the same although he discussed a minor
7 adjustment in the boundary line but that the difference probably existed because it was a pre-boundary
8 survey. According to Doherty, he spoke with the State and was told the differences in the acreage were
9 not sufficient to cause a change in the original plan. He offered that he could procure a letter from the
10 State verifying what he's been told, stating that the state might ask for a minor amendment to reflect
11 the change in acreage.

12
13 Pitrowiski explained how Wawrzeniak's plan addresses the questions that the DRB had raised about
14 the deeryards. Sunshine asked where the no-cut zones were mapped and Pitrowiski indicated where the
15 no-cut zones lay on the map.

16
17 Pitrowiski returned to the erosion plan, explaining that the intent was to minimize disturbance by
18 building one house at a time and to install erosion control measures prior to disturbance. He also
19 discussed the importance of checking downstream to insure there were no problems and that once
20 stabilized, they would remove the measures. Sunshine asked who would police these proposals.
21 Pitrowiski explained that typically the engineer would stop by periodically and that he would be out
22 there himself, including that he was required to look at the septic system. He added that he might not
23 be able to look at the site after every major rain storm.

24
25 Sunshine reviewed the homeowner's association document and said that Doherty would likely have to
26 redo the homeowners' form. Sunshine suggested that Doherty consult with his attorney on what to do.

27
28 LaBounty asked about the narrowest traveled portion along the existing driveway. Pitrowiski said that
29 the narrowest point was about 16 feet and that the existing driveway looked to be of a similar width the
30 entire way up from Cemetery Road, including that the entrance was a good bit wider.

31
32 Doherty asked if the application fee could be waived stating that he could have produced the requested
33 materials within 45 days if he'd been given the opportunity. LaBounty said that the DRB would look
34 into it. Doherty also asked if the DRB could please let him know as soon as possible if anything was
35 needed. LaBounty said that the DRB would let him know, explaining that she did not need anything.

36
37 William Lockwood asked if the proposed upgrade to the driveway would permit construction on a
38 fourth lot. LaBounty explained that the Selectboard had waived the ROW width requirement but that
39 the Selectboard did not waive the width requirements for the utilized width.

40
41 Sunshine asked if the Selectboard accepted the erosion control plan on Monday. Doherty said that yes
42 the Selectboard had accepted the erosion control plan.

43
44 Gabriel Firman asked if anything had been done to address the possible impacts to wildlife caused by
45 destruction to the deeryard. Doherty explained that the deeryard was marked on the map that the
46 proposed impacts fall within requirements set by the State. Firman followed that his real concern was
47 about the proposed increase in septic use, explaining that the existing tank was very close to his pond.
48 He said that his family swam in the pond and so he was concerned about possible contamination.
49 Pitrowiski explained that the existing system is a conventional in ground system and that there are
50 requirements about proximity to lakes and rivers. The presumption is that if a proposed system meets
51 the setbacks that then there should not be any problems. Pitrowiski then discussed some of the specifics

1 concerning the required setbacks and filter equipment. He explained that there are many studies that
2 are taken into account and that the methods employed greatly diminish the threat of contamination.

3
4 Firman question the impact of the proposed subdivision to the aesthetic of the neighborhood. He said
5 that he believed the proposed plan breaks from the neighborhood's aesthetic since a three lot
6 subdivision would be different from everything else in the neighborhood, changing how things felt and
7 looked. He said that he believes Doherty is moving and so now he's making a quick cash grab. He
8 concluded by asking who was going to enforce the proposed construction.

9
10 Sunshine asked if there were any additional questions from the board. He then made a motion to move
11 to deliberative session to discuss if the application was complete, but not to close the hearing.

12
13 Motion by Matt Dyer to enter deliberative session seconded by Mike Donohue. All in favor. So voted.

14
15 Those in attendance exited the room and the DRB went into deliberative session to determine if the
16 Doherty application was complete.

17
18 Motion by LaBounty to come out of deliberative seconded by Donohue. All if favor. So voted.

19
20 Those in attendance returned to the room.

21
22 LaBounty asked if the road will be centered and that the DRB wanted to make sure that the proposed
23 improvements to the existing driveway would not encroach outside of the 50-foot ROW. Pitrowski
24 explained that Wawrzeniak had designed erosion control measures that went into another property.
25 However Pitrowski believed that if they box-cut, the proposed construction would not require going
26 out of the ROW. LaBounty asked if they would be able to shift the road if they needed to because of
27 encroachment. Pitrowski explained that they would not need to center the road. Sunshine asked that if
28 they had to, would they be able to move if the erosion control measures required it. Pitrowski explained
29 that they would have no need to move and that they understood that they could not. He suggested a
30 provision that the boundaries be marked.

31
32 Motion by LaBounty to accept the application complete seconded by Donohue. All in favor. So voted.

33
34 **461 Williams Hill Road – Application # 15-115:** Applicants Thomas and Catherine Desautels for Site
35 Plan Review for a bed and breakfast located at parcel WH0115 located within the
36 Agricultural/Residential Zoning District.

37
38 Sunshine swore in Tom and Cathy Desautels.

39
40 T. Desautel explained that they are proposing to put in a bed and breakfast within their home and that
41 they had no plans to modify anything. Since a B&B requires a conditional use review, they have come
42 before the DRB. C. Desautel followed by saying that since their five daughters have moved out, they
43 have a lot of extra space.

44
45 LaBounty asked if the septic system could handle the change in use since it was designed for a four-
46 bedroom house. T. Desautel said that they are simultaneously going through State permitting but that
47 as they understood, they would not be required to change their existing septic system. He added that
48 the Fire Marshal will be coming to their house to check for access and egress. C. Desautels explained
49 that the septic will experience less usage now since that their daughters have all moved out. She also
50 said that the Health Department will be coming out next Wednesday for an inspection and that they
51 will look at the toilets, cleanliness, that there is a window in each room, and other requirements.

1
2 Roger Pedersen asked about parking. C. Desautels explained that they will now have less need for
3 parking than they used to and so they do not see any potential issues with parking.
4

5 LaBounty asked if the applicants had spoken with their neighbors. C. Desautels said that they had and
6 that none of the neighbors had any problems with the proposal.
7

8 Sunshine explained the problem that the deed prohibited any commercial enterprise at the Desautel
9 home. He asked if the Desautels had been able to secure a waiver. C. Desautels answered that they
10 received it yesterday although they still needed some signatures. She also explained that the waiver was
11 only for a B&B and not for any other commercial purpose.
12

13 Sunshine asked if the driveway was gravel and in decent shape. The Desautels said that yes, it was.
14 LaBounty asked if an applicant for a B&B would have to get a different access permit. The Desautels
15 said that as far as they knew, they didn't. Sunshine asked for clarification as to where the driveway
16 went and the Desautels used a map to answer. Pedersen asked who owned the land that the driveway
17 cut through. The Desautels explained that they do not own the land but that they have a ROW. Pedersen
18 followed by clarifying that the owners of the ROW were listed as abutters.
19

20 Sunshine asked if the Desautels were planning on any signage, explaining that they would need a
21 separate permit for signage. He followed by asking where they advertised. The Desautels said that they
22 used AirBnB. C. Desautel asked if they could write the name of their B&B on their mailbox. Sunshine
23 said he didn't know.
24

25 C. Desautel said that she believes that by offering rooms, their B&B will fill a void in Richmond
26

27 Motion by LaBounty to close the hearing and enter deliberative seconded by Mike Donohue. All in
28 favor. So voted.
29

30 Motion by Sunshine to accept minutes from November 11, 2015 seconded by Roger Pedersen. All in
31 favor. So voted.
32

33 Respectfully submitted by Niels Rinehart, Zoning Administrative Office/Staff to the DRB