

Richmond Development Review Board
REGULAR Meeting
APPROVED MINUTES FOR DECEMBER 11, 2019 MEETING

Members Present:	David Sunshine (Chair); Matt Dyer (Vice-Chair); Padraic Monks; Roger Pedersen; Gabriel Firman
Members Absent:	Alison Anand (DRB alternate)
Others Present:	Suzanne Mantegna (ZA/Staff); Marie Thomas for MMCTV Comcast; Gary & Jean Bressor; Alison Anand (Planning Commission); Ed & Susan Wells; Lars Whitman; Gabriel Firman

David Sunshine opened the meetings at 7:04 pm and requested participants sign in and provided an overview of what an interested party is and stated the procedures for the meeting.

Public Hearings:

Peaceable Kingdom- Application 2019-128 for a Subdivision Amendment for Final Review, located at 4 Cochran Rd, Parcel ID CO0004, and 69 Thompson Rd, Parcel ID TR0069, in the Agricultural/Residential (A/R) Zoning District.

Gary & Jean Bressor sworn in. He states that they submitted covenants, and made some changes based on preliminary review. He has talked to Town Water & Sewer about project. Has not submitted to State yet to revised WW application. Waiting for final approval. Mr. Bressor addresses the Staff Report comment regarding if the Town water letters need to be revised again. Mr. Bressor says he would like to keep allocation as is, to allow for potential zoning increase of density, also wants to add bathroom in barn. He states that the State is fine with having excess capacity.

Questions from the board:

Mr. Sunshine has question about declarations did and if Mr. Bressor wrote them or his lawyer. Mr. Bressor states that he wrote some and lawyer finished. Mr. Sunshine believes that need something about consideration mentioned per State statue. Question about Section 1A- Home Occupations, are there some that ZA approves. ZA says yes

Mr. Sunshine says that under section 2C, should have formula for how to figure out cost. Mr. Bressor states that the lawyer worried that would make the structure too close to a condo, but an example would be helpful.

Mr. Sunshine says that #9- association, might want it to state an unincorporated association. Also, liens- should state that you can recover your attorney’s fees or you can’t recover per State law.

Mr. Pedersen asks how is the common land is to be titled. Mr. Bressor replies that the homeowner’s association will own it. Mr. Sunshine asks if it will be a separate taxable entity and if he has talked to lister. Mr. Bressor replies yes, he has talked to the lister and that it would be untaxed. His lawyer thought an undivided interest in the entity would be best.

Mr. Pedersen question about DRB procedure and if an applicant is required to return to the DRB if the declarations are amended. Mr. Bressor believes that if submittals are changed then they have to return to DRB per approval. Mr. Pedersen states his belief that the DRB/Town have no control over the declaration once it is approved by the DRB. Why does the DRB even look at them? Mr. Sunshine states that they can build something into the decision but it would be difficult to enforce. Mr. Firman asks if this is something that the Planning Commission should change. Mr. Sunshine thinks that the

1 DRB can address this in their decision but do the DRB really want to review every change- no, and also
2 it would be very hard to police. Mr. Monks states that the regulations are general in what is required
3 for covenants.
4

5 Mr. Monks asks if the State said they weren't interested in Mr. Bressor amending WW permit. Mr.
6 Bressor replies no, they have to amend since they are changing route of service to units. State would
7 have been fine with the old Service Capacity letter from the Town as long as the number of units was
8 sufficient for the number of units planning to build.
9

10 Mr. Sunshine confirms that applicant will be applying to amend State WW permit. What is the
11 applicant doing about the Town Service letter. ZA replies he wants to retain capacity. Mr. Sunshine
12 asks what is the Town policy for capacity letters. ZA states that the Applicant would only pay once the
13 permit is applied for, but retains the capacity.
14

15 No more questions from public or board.
16

17 Deliberative session by Mr. Dyer, seconded by Mr. Firman. Passed 5-0.
18

19 Gabriel Firman steps down for next application.
20

21 Gabriel Firman and Lars Whitman- Application 2019-126 for Conditional Use Review for a Mixed-use
22 Planned Unit Development to add four apartments on the second level, located at 39 Bridge St., Parcel
23 BR0039, in the Village Downtown Zoning District.
24

25 Mr. Firman and Mr. Whitman sworn in. Mr. Sunshine asks if the building was purchased by an LLC.
26 Mr. Firman replies that he mistakenly didn't apply under the LLC, which is Nakatomi Plaza LLC. Mr.
27 Sunshine references earlier discussion before the meeting began and the need for a continuance. Mr.
28 Firman brings Mr. Whitman up to date on the pre-DRB discussion.
29

30 Mr. Firman states that has spent the better part of two years to explore the idea of 39 Bridge St
31 renovation to add dwelling units. The second level has been mostly vacant for the last 10 years. At
32 that time the Town Plan hadn't passed, so no changes allowed to zoning to add dwelling units. Now
33 Town Plan has passed and zoning regulations have been updated (new Village Downtown Zoning
34 District/VDZD). Mr. Whitman states that the VDZD helps to bring the other parcels in downtown more
35 in compliance with the regulations.
36

37 Mr. Sunshine states that they can hear the application tonight but will continue to when the ordinance
38 is updated. He thinks that new PC chair has desire to move things along. Mr. Sunshine ask Alison
39 Anand, Planning Commission (PC) member, her opinion. She replies yes, but things take time in PC.
40 Mr. Whitman states that he believes that it was the PC intention to add the rounding to the VDZD. ZA
41 explains that Jolina Court Zoning District (JCZD) was to be passed first, not VDZD. Rounding was
42 part of the JCZD packet.
43

44 Mr. Firman states that the intention of the VDZD regulation to allow 4 units at 39 Bridge.
45

46 Mr. Sunshine asks about parking. Mr. Whitman says that they have talked to Pete Gosslin (Town
47 Highway Foreman) about parking in the Depot St. lot. Mr. Dyer asks if they can't have parking on the
48 side or back of the lot. Mr. Firman says no, not desirable and also planning on having side porch.
49 Additionally, adding more parking would affect lot coverage.
50

1 Mr. Whitman asks about the parcel and if it is exempt from parking requirements. ZA states that the
2 new regulations require new dwelling units to provide a plan, but if it stayed commercial it would be
3 exempt.
4

5 Mr. Sunshine brings up that new Compatibility section of ordinance and asks the applicant to discuss
6 how does his project addresses this section of the regulation. Mr. Firman and Mr. Whitman discuss
7 how they are planning on retaining the metal siding. They are changing some windows (making the
8 opening smaller) and adding a wrap-around deck. They will also move the door location to the south
9 side there will be no door on Bridge St. There will be a Creeme window on the Bridge Street side.
10 Basically, rebuilding the building from the inside out.
11

12 Mr. Pedersen confirms that the steps to the dwelling units will be on the back. Mr. Firman replies yes.
13 Not sure what color they are painting it yet. Discussion about building and what is required in the
14 regulations. ZA states that color is one items that the DRB will look at. Discussion about how the
15 buildings in Town were built.
16

17 Mr. Monks states that how the regulations are written, they (the DRB) do need to review color. Maybe
18 bring a range of color options at next meeting. Discussion about the process for approval of the district.
19

20 Mr. Firman discusses other changes to the building. The windows on parking lot side (north) are
21 removed to add a walk-in cooler. Some other windows will be in the same location but will be smaller/
22 raise the sill heights so not an issue with furniture. Mr. Firman believes that the metal siding is still
23 available. Wants to create vibrancy in downtown. Mr. Firman states that the building was already a
24 restaurant, and that would be the same.
25

26 Other questions from the Board- none
27

28 Questions from public- Ms. Anand states that she is glad to hear he is keeping siding heard it was
29 historic building. ZA states that the building is not on the National Register but is part of the historic
30 district that is on the State Register. Mr. Sunshine asks if there are any restrictions regarding with being
31 in a historic district. ZA states that there is nothing in Town regulations that address historic structures.
32

33 Mr. Firman mentions that there will be an increase in water capacity. He has talked to Josh (Town
34 Manager) about increasing capacity.
35

36 Motion to continue to January 22 by Mr. Pedersen, seconded by Mr. Monks. Passed 4-0.
37

38 Mr. Sunshine states that it is an exciting project and he is looking forward to seeing the finished project.
39

40 Other Business:
41

42 *Minutes to be approved-* November 13, 2019, passed with changes. Passed 4-0-1 (Firman recused).
43

44 Eric and Patricia Woods extension- asking for a 6-month extension. ZA mentions that they will be
45 returning in January. DRB grants 6-month extension. Passed 4-0-1 (Firman recused).
46

47 Mr. Firman returns to the DRB.
48

49 James Cochran continuance- Application 2019-119, asking for a continuance to January 22 meeting.
50 Granted.
51

1 DRB calendar- discussion about possible issues with calendar. Veteran’s Day on Wednesday in
2 November, will discuss when closer to the date.
3
4 Discussion of draft Jolina Court ordinance- Mr. Sunshine would rather see uses that are not allowed as
5 opposed to list of all allowed uses. Mr. Monks would like if the regulations gave the DRB flexibility
6 that could approve similar uses.
7
8 Ms. Anand, PC member, states that she is curious about the idea of un-allowed uses regulated only.
9 But not sure if the PC will move that way.
10
11 Mr. Pedersen states that applicants will try to make their plan wedge into the ordinance. What is the
12 DRB’s function if they don’t have the latitude to make a decision regarding a specific use. If you have
13 too many things listed as conditional use then could be a problem that the applicant will have to return
14 to the DRB for every time they want to change the use. Mr. Dyer states that the joint meeting with the
15 PC, he thought the DRB was asking for more clarity. The more specific and clear the ordinance is
16 written, then the easier the DRBs job is. Mr. Monks thinks they could allow ZA to make some decisions
17 or allow greater discretion to DRB if something is similar. Mr. Firman states that current ZA capable
18 of discretion but maybe not all will be and that Town Plan should be the guide for the DRB.
19
20 Definition of dwelling units- discussion.
21
22 Conditional uses in JCZD- discussion.
23
24 Discussion about rounding-up for dwelling units. ZA states she did not think a good idea to have for
25 all districts. Think should limit to JC and VD. DRB members discuss ramifications and how not clear.
26 Mr. Sunshine will send comments to PC.
27
28 Discussion about definitions- pharmacy and medical marijuana exclusion. Determined that if in the
29 future marijuana is allowed recreationally would be allowed under retail, but pharmacy can’t have a
30 medical marijuana dispensary.
31
32 More discussion about separating Residential Density Calculation to only be for JC and VD.
33
34 Adjourn:
35 Move to enter deliberative session at 8:37 by Mr. Pedersen seconded by Mr. Dyer. Passed 5-0.
36
37 Exit deliberative session at 8:47 by Mr. Dyer.
38
39 Application 2019-128 approved with all proposed conditions and standard conditions from Staff Report
40 by Mr. Dyer, seconded Mr. Firman. Passed 5-0.
41
42 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB