

**RICHMOND DEVELOPMENT REVIEW BOARD  
REGULAR MEETING  
APPROVED MINUTES FOR FEBRUARY 8, 2012 MEETING**

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Members Present: David Sunshine, Chair; Stephen Ackerman, Lori Cohen, Jason Webster  
Members Absent: Brian Werneke, Vice-Chair  
Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Aron Meinhardt, taping for MMCTV  
Comcast 15; Cara LaBounty; Mark Fausel

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Sunshine called the meeting to order at 7:06 p.m.

Sunshine requested that everyone sign in and that, if someone wishes to have interested party status, each person should speak during the hearing.

Public Hearing

1, Richard and Mary Houle - Application #12-001 for conditional use review for an "as built" replacement of a mobile home (principal structure) and the elevation and expansion of an existing garage with new breezeway within the FEMA Special Flood Hazard Area, per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District), at 2666 Cochran Road (parcel CO2666) within the Agricultural Residential zoning district.

Gent distributed to the DRB members a copy of a letter from Mary Houle (dated February 7, 2012) regarding details of the proposed project. Sunshine recognized LaBounty as the owner representative. He reviewed the power of attorney document and noted that the power of attorney document does not contain any specific reference to the Development Review Board (DRB) or to any other Town of Richmond boards. Sunshine requested that the owners provide a new document with a paragraph and signatures that authorizes LaBounty to represent them with the DRB proceedings. Sunshine then swore in LaBounty.

LaBounty described the application request. She said that the original mobile home was demolished in the Irene flooding and has been replaced with a new mobile home. Houle and LaBounty have worked with Chris Haggerty (Button Professional land Surveyors) and Erik Sandblom (KAS engineering). They have followed the regulations for constructing the slabs and for anchoring the mobile home and fuel tanks. Temporary steps have been placed in the front and rear of the mobile home for access, which will be replaced after the DRB and zoning process. LaBounty said that the applicants request a small deck on the front of the house and a new breezeway and relocated/enlarged garage in the rear. She noted that the garage may need to be rebuilt, depending on its condition. LaBounty said that a permit must be received by the town for the garage and the rest of the project, in order for the FEMA Increased Cost of Compliance (ICC) coverage process to move forward. She added that there are other steps for the ICC, but the first is to get the needed zoning permits.

LaBounty discussed the breezeway, which is a 10 foot by 14 foot living space area with an outside deck and stairs. The garage is for cars and for a personal use crafts and stain glass studio. She added that, if ICC funding and insurance payments are not received, the renovation (for the breezeway and garage) may not proceed. Sunshine brought up the question about whether the electrical service for the garage and breezeway will be underground in a conduit since it is not shown on the site plan. LaBounty replied that the electrical service will be underground from the pole and will not daylight until above the Base Flood Elevation (BFE). Sunshine replied that an elevation certificate will be needed. Cohen noted that the breezeway will be the same height as the garage and LaBounty indicated that the breezeway and garage will be at least one foot above the Base Flood Elevation.

Webster brought up a question about the foundation under the breezeway. LaBounty said the Houles are discussing the installation of an 8 foot frost wall at a certain height. The basement (lowest floor) will be filled and the slab for the breezeway will have fill inside it. There will be no basement and all storage will be above the Base Flood Elevation. Webster pointed out that there will be fill with that construction. LaBounty replied that her interpretation of the no net fill provisions of Section 6.8.15.m) apply to filling open land only, as when someone wants to relocate soil material to build up to a higher elevation. She noted that the fill will come from off site. Cohen said that she cannot find LaBounty's interpretation in the regulations, and believes that there is a net increase in fill with this project. LaBounty replied that the structure fills to a certain height. Cohen agreed, but said the footprint of the structure is larger, when considering the square footage of the structure that was removed and the expansion of the structure along with the breezeway and garage

1 addition. LaBounty agreed that the expansion of structures would apply to the no net fill provision. Webster  
2 brought up the comparison of the On the Rise application several years ago, in which any expansions  
3 beyond the existing structure for ramps, stairs, etc. were included in the calculation for no net fill. He stated  
4 that, in the case of the Houle garage, the garage could be elevated on the exact same footprint without  
5 including that in the no net fill calculation, but any additional footprint and fill around the new foundation  
6 would count in the net fill calculation. In addition, there will have to be an increase in the height of the  
7 driveway to enter the garage. Webster added that, for the bakery, the certification letter from the applicants  
8 documented that a comparable amount of fill was removed. He stated that the removal of fill can involve  
9 scraping a narrow but wide swath, not necessarily digging a hole. Webster confirmed with LaBounty that a  
10 specific calculation regarding the amount of fill is done to verify how much fill is added (e.g., fill added to the  
11 original footprint, driveway, etc). LaBounty asked if fill materials can be removed from an adjacent property  
12 and Gent confirmed that is the case.

13  
14 LaBounty stated that the overall driveway is not being elevated, only the portion leading to the garage. The  
15 DRB concluded there are two general areas with new fill: 1) the driveway extension and ramps leading up to  
16 the location of the garage and all around the garage; 2) any portion of the expanded footprints of the  
17 structures including the garage (i.e., the 13% expansion of the gross floor area). The DRB said that  
18 conditions will be added to the decision related to meeting the no net fill provision of the zoning bylaws,  
19 specifically to calculate the amount of new fill being added, as discussed above, and then removing a  
20 comparable amount of fill.

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22 LaBounty said that the propane and oil tanks have been anchored. The stairs leading to the oil tank for the  
23 oil delivery person are not part of the project and those stairs are not anchored. LaBounty acknowledged that  
24 an elevation certificate is needed for the breezeway, garage, deck, and fill. DRB Liaison Cohen said her  
25 primary concern was the net fill, which the DRB has addressed. Sunshine asked if there were any comments  
26 from the public and there were none. LaBounty said that she is concerned that the no net fill requirement  
27 may be a problem for other properties for applications that will be forthcoming, although noted it is not a  
28 problem for this parcel. Webster said the DRB operates under the standard that the no net fill provision is  
29 designed to increase the flood holding capacity and not lower it. LaBounty said that, in order to qualify for  
30 hazard mitigation grants, it is necessary to fill. For smaller parcels, there may be a problem in meeting the  
31 Richmond zoning regulations and elevating a structure (which requires some fill around the foundation).

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33 Motion by Webster, seconded by Cohen, to close the public hearing approve #12-001, with conditions.  
34 Voting: 4 in favor; 0 opposed; 0 abstentions.

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36 Sunshine again requested LaBounty to bring in a written authorization from the owners that LaBounty may  
37 represent them in the DRB hearing. LaBounty said she will do so.

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40 2. Other Business

41 Cohen briefly left the meeting.

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43 - *Meeting Minutes: January 11, 2012*

44 Motion by Ackerman, seconded by Webster, to approve the minutes as written. Voting: 3 in favor; 0  
45 opposed; 1 absent (Cohen).

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47 Cohen returned to the meeting.

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50 3. DELIBERATIVE SESSION

51 At 7:47 PM, motion by Webster, seconded by Ackerman, to enter deliberative session. So voted.

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53 At 8:13 PM, motion by Webster, seconded by Cohen, to come out of deliberative session. So voted.

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56 4. DRB ACTION: No actions were taken.

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58 5. Adjournment

59 At 8:14 PM, Cohen made a motion, seconded by Webster to adjourn the meeting. So voted.  
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