1 RICHMOND DEVELOPMENT REVIEW BOARD 2 REGULAR MEETING 3 APPROVED MINUTES FOR MAY 9, 2012 MEETING 4 5 6 7 Members Present: David Sunshine, Chair; Brian Werneke, Vice-Chair; Stephen Ackerman, Lori Cohen, **Fred Fortune** Members Absent: None 8 Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV 9 Comcast 15; Also see attached list. 10 11 Sunshine called the meeting to order at 7:04 p.m. 12 13 Prior to the start of the public hearings, the DRB began to review the draft minutes from the April 11, 2012 14 meeting. After a brief discussion, the review was postponed until the conclusion of the public hearings. 15 16 Sunshine said that, due to the busy agenda, the Board will be fairly strict on the time limits for each hearing. He 17 asked those attending each public hearing to sign in and reminded everyone that, if they wish to seek status as 18 an interested person, there are specific criteria, per the Richmond Zoning Regulations, Section 7, which he 19 reviewed. Sunshine then noted that anyone wishing to have interested person status should speak during the 20 hearing. 21 22 Public Hearings 23 1, William Donovan, Inc. (hearing continued) - Application #12-029 for conditional use review for a parcel 24 located at 282 River Road (RI0282) in the Commercial zoning district, per Richmond Zoning Regulations, 25 Section 5.6 (Conditional Use Review, including Site Plan Review) to add a fast-food restaurant (mobile truck) 26 as part of a mixed use of the property, and Section 4.9 (Non-Conforming Uses) to replace and to increase 27 the square footage of an existing non-conforming single family house. 28 29 Because the public hearing was continued, Norton remained under oath from the last DRB hearing. Norton 30 presented two documents during the public hearing: 1) a letter from William Donovan discussing the fact that 31 Norton is leasing property at the Lucky Spot and would like to replace the mobile home with a new double 32 wide mobile home. The letter also noted that the mobile home had been rented until the past winter when 33 there were plumbing problems. 2) Notes from a site visit by Lay LeClair of Brault Mobile Homes in 34 Colchester regarding how to make the mobile home and propane tank more flood resistant. 35 36 Norton briefly discussed each document. Werneke said it is critical to have documentation regarding when 37 the trailer was abandoned and the DRB confirmed such information must be provided. Werneke suggested 38 that any document that demonstrates the previous use of the mobile home as a residential use, such as an 39 electric bill or a cable bill, would be valuable. Norton said that he did not have access to that type of 40 information. 41 42 The DRB then discussed Donovan's letter. Sunshine and Cohen indicated that Donovan's letter does not 43 authorize Norton to represent Donovan during the DRB hearing. 44 45 Norton and the DRB discussed the plan for making the proposed mobile home and propane tank more flood 46 resistant. The plan is to follow the best option, namely to pour a steel-reinforced concrete foundation. The 47 model they want to install is approved for that type of foundation. In response from the DRB, Norton said that 48 there will be multiple access points beneath the mobile home to anchor it. For the propane tank, an 49 anchored slab would be installed. 50 51 Motion by Werneke, seconded by Ackerman, to close the public hearing and to go into deliberative session, 52 requiring that the applicant or co-applicant present written information (from Donovan or the previous tenant) 53 to the DRB regarding the date when the mobile home was vacated and a letter of authorization from 54 Donovan allowing Norton to serve a representative during the public hearing. Voting: 4 in favor; 0 opposed; 1 55 abstention (Fortune). 56 57 58 2. Ian Ryan (hearing continued) - Application #12-028 for parcel located at 32 Beaver Pond Hill Road (BV0032) 59 in the Agricultural Residential zoning district, for final subdivision review for a 2-lot subdivision (original lot

60 and 1 new lot). 1

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Because the public hearing was continued, Scott Homsted (engineering consultant) and Annie Dwight (attorney) remained under oath. Dwight said that, based on a request by the DRB during the April 11th public hearing, she has revised the proposed road maintenance agreement, which she previously sent to Gent. Dwight discussed the general standards in the agreement and noted that she has removed the reference to the Hubbard v. Bolieau case. The DRB required that the road maintenance agreement be written in such a way so that all owners with access to the road share equally in the maintenance of the road. Dwight said she will revise the agreement accordingly.

10 Homsted presented a letter from Ryan, which authorizes Homsted to represent him during tonight's hearing, 11 since Ryan is out of town. 12

Homsted said that the letters from the police chief, president of Richmond Rescue, and the Fire Chief have been obtained. The Planning Commission briefly discussed the letter from Fire Chief Tom Levesque, which noted that fire vehicles cannot pass each other on Beaver Pond Hill Road. Homsted said that the road length is about 500 feet, not 240 feet as stated in Levesque's letter. In response to a question from the DRB, Homsted said that the cost to upgrade the road to meet the town's rural road standards is cost prohibitive, and would likely cost \$50,000. He added that, if the road were required to be upgraded to a rural road, Ian has said that would be a "deal killer."

Motion by Werneke, seconded by Cohen, to close the public hearing and go into deliberative session. Voting: 4 in favor; 0 opposed; 1 abstention (Fortune).

25 26 3. Chittenden County Fish & Game Club (continued) - Application #12-025 motion to appeal and motion for stay regarding the February 21, 2012 Notice of Zoning Violation by the Zoning Administrative Officer related to the increased use of the shooting range at an outdoor recreation facility located at 1397 Wes White Hill Road (WW1397) in the Agricultural Residential zoning district.

Sunshine stated that the DRB has received a copy of the stipulation which includes an agreement for a mediation plan among the three parties (Chittenden County Fish and Game Club, neighbors, and the Town of Richmond).

Motion by Werneke, seconded by Ackerman, to continue the DRB hearing for #12-025 until August 8, 2012 to allow for a 90-day period of mediation among the three parties. Voting: 4 in favor; 0 opposed; 1 abstention (Fortune).

39 4. Robert & Christine Fischer – Application #12-045 for conditional use review for a new fence within the FEMA 40 Special Flood Hazard Area, per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District), 41 at 242 Bridge Street (parcel BR0242) within the Residential/Commercial zoning district. 42

43 Sunshine swore in Robert Fischer, who provided an overview regarding the background for the application. 44 In 2002, Fisher and his wife obtained a permit to construct a fence for the front of the parcel and along Esplanade. However, they installed only the front and corner posts and the zoning permit expired. At this 45 46 time, they want to continue the fencing along the south side (Esplanade Street) and north side (along the 47 neighbor's property). He noted that, there was a wire fence on the north side and clarified that the large 48 privacy fence along the northern property line belongs to the neighbor. Fischer said that the fence height will 49 be three feet and that there are a total of seven separate sections. 50

51 Ackerman said that he did a site visit and clarified that the corner section along Esplanade and Bridge 52 streets will be diagonal (angled) so as to not encroach on the corner. The corner section of the fence will be 53 8 feet in length. The fence along Esplanade will be located approximately five feet from the roadway. Fischer 54 discussed the anchoring system for the fence posts, referring to fence drawing #1 and #3 in the application. 55 The posts are cemented in place in post holes. He noted that, during tropical storm Irene, the water rose to 56 within 2 inches of the top of the existing fence, which is the same height as the new fence sections. 57

58 Sunshine opened the hearing to the public. No comments were offered. 59

60 Motion by Werneke, seconded by Cohen, to close the hearing and approve application #12-045. Voting: 5 in 61 favor; 0 opposed; 0 abstentions.

Fischer asked the DRB to waive the application fee, because of hardship. The DRB said they would discuss that request. Fischer said that they hope to have the fence installed by July 4th and the DRB said they would attempt to issue the decision in time for that to occur.

 <u>Vermont Agency of Transportation</u> – Application #12-050 for conditional use review (including site plan review), per Richmond Zoning Regulations, Section 5.5 (Conditional Use Review, including Site Plan Review), as related to Public Facilities and Utilities (Section 5.10.4), for an expansion of the existing park and ride facility off VT Route 2 and I-89, Exit 11 at 1610 Main Street (WM1610) within the Agricultural/Residential zoning district.

Sunshine swore in Ko Ishikura (Green International Affiliates, Inc. – consultant), Tim Bigelow (Green
International Affiliates, Inc. – consultant), Julie Riemenschneider (Green International Affiliates, Inc. –
consultant), and Wayne Davis (VTrans). Davis provided an overview of the project, noting that Green
International Affiliates, Inc. is serving as the design consultant. The purpose of the project is to increase the
size of the original park and ride to 158 spaces. The island (with a circle in the middle) for the CCTA bus
turn-around is sized in order to accommodate new 48-feet long CCTA buses. Davis noted that, although it is
not part of the application package being considered by the DRB, permanent signalization will be placed at
the southbound off ramp and the southbound on ramp. The park and ride entrance will be signalized as part

Ishikura introduced the Green International Affiliates, Inc. team and said that the company has a contract with VTrans to improve traffic and safety between Route 117 and the I89 southbound ramp, which includes the park and ride facility. He added that Green International Affiliates, Inc. believes the best approach to deal with the overflow parking situation is to expand and improve the current park and ride facility.

Bigelow discussed the history of the park and ride and the current facility layout. He said the existing park and ride, which was built in the late 1990s, provides 105 spaces with five handicapped spaces. As many as 150 cars actually park in the facility on any given day. With cars parking on the grass and other areas, there is a safety concern with the current situation. There is an existing bus shelter and the buses have difficulty 31 turning around in the current facility. Currently, stormwater collects in swales and flows untreated into a 32 wetland near the front of the property. The current facility lighting does not meet current efficiency 33 standards. Bigelow then went on to describe the new facility, with 158 spaces and six handicapped spaces. 34 The facility will expand on all four sides, with a retaining wall at the back of the bus turn-around area. A 35 guardrail will be added along Route 2 to the area of the I89 southbound ramp, which will prevent people from 36 parking on the grass. Trees will be planted along the outside of the perimeter to keep people from gaining 37 access from other points of entry other than the main entrance. The existing bus shelter will be replaced with 38 a new bus shelter which is similar in design to the one on Shelburne Road in South Burlington. A photo of a 39 similar bus shelter was distributed to the DRB. The stormwater from the park and ride facility will go into new 40 dry swales along the perimeter and will be treated. Any excess treated stormwater will enter a wetland on the 41 other side of the southbound entrance ramp. The stormwater system meets ANR stormwater regulations. He 42 next described the new LED lights, which will be energy efficient and will reduce light pollution. Bigelow 43 noted that the electrical conduit for the lights is built to withstand a flood situation. He discussed the 44 numerous state permits that are either approved or under review. Bigelow said that the anticipated 45 construction schedule will begin in early 2013 and will likely be completed during the full construction 46 season. 47

Riemenschneider, a landscape architect, then described the landscape plan for the expanded park and ride. Trees will be planted in the western area to screen the view from Route 2 and to provide some spatial definition between the road and the parking lot. Trees will be planted along Route 2 and the entrance and along the back of the facility. Virginia Creeper will be grown on the retaining wall. There will not be any vegetation on the islands between the rows of vehicles, rather there will be stamped concrete on a low curb. The bus turn-around will be flush at ground level for the turn around, but concave with stamped concrete in the center, which will assist with plowing in the winter, yet provide a clear demarcation for the turn-around.

In response to a question from the DRB, Davis discussed the turning radius for the new buses, signage along the perimeter of the bus turn around area, and enforcement of the no parking rules, which will involve the bus driver calling either the Richmond police department or the state police. Werneke asked if buses cold move around the parking lanes, which would allow for more parking spaces to be added. Davis responded that the buses cannot navigate around the parking perimeter due to the size of the buses. 1

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Ishikura added that the number of parking spaces is based on the project directive to accommodate the current overflow conditions, not to expand the facility beyond that.

The Virginia creeper and tree dimensions were discussed. Riemenschneider said that the retaining wall blocks will be hidden by the Virginia creeper, which also reduces the placement of graffiti. The creeper will screen the wall only in when the plan has leaves and has nice fall color. The growing zone for that plant extends into Canada. The tree dimensions were discussed: coniferous will be 2.5 to 3 inches and deciduous will be 6 to 8 inches. The DRB also reviewed the four U shaped bike racks.

10 Sunshine said that he did the site visit. He noted that a fence separates the park and ride from I89, which is 11 good for safety reasons. He confirmed that the height of the retaining wall is 4 to 5 feet. In response to a guestion from the DRB, Davis said that no fill will be added to the facility site. In fact, fill will be removed 12 13 since about 20 to 30 feet of the hill is being partially removed to accommodate parking spaces. 14

15 Ishikura discussed the phasing for the project. The lower section will be done first, then the top side, then the 16 middle area. There will always be about 80 spaces available for vehicle parking during the project. The major construction will take 4 to 5 months. In response to a question from Fortune, Ishikura said that Route 2 will 18 be widened and turning lanes added at the same time that the signals are placed in service. Davis said that 19 the project will likely be advertised and awarded this fall and the construction begin next year. 20

The DRB commended VTrans and the consulting team for their efforts.

Ishikura discussed the landscaping costs, which are about \$17,000. With a total project cost of \$850,000, the landscaping represents 2% of the total project costs. The traffic light portion of the project is not included in that total. With the Route 2 signalization improvements included, the total project package is \$1.8 million.

Sunshine opened the hearing to the public, Ann Bishop of Jericho spoke. She said she works in Montpelier and that the current parking situation is dangerous at the park and ride and it's difficult with buses backing out. She asked what happens if the expanded park and ride fills up. Davis responded that there are other potential sites being pursued in Chittenden County, not in Richmond. He noted that the Chittenden County Metropolitan Planning Organization completed a regional study for park and rides. Davis said that VTrans is actively pursuing property in Williston for a park and ride there and VTrans wants that to happen. He also pointed to the municipal park and ride program as a good tool to create new smaller park and ride facilities which reduce travel distance and allow people to commute closer to home.

Motion by Cohen, seconded by Werneke, to close the hearing and approve application #12-050. Voting: 5 in favor; 0 opposed; 0 abstentions.

40 6. 30 Main Realty LLC - Application #12-051 for an amendment to an approved site plan for parking area, 41 fence, shed and recycling/waste area, and landscaping at 30 West Main Street (parcel WM0030) within the 42 Village Commercial zoning district. 43

44 Sunshine recused himself from the public hearing because of a professional relationship with the applicant. 45 Werneke chaired the hearing and swore in Theriault, who said the reason for the amended site plan review 46 application is to get DRB approval for an as-built site plan for Richmond Family Medicine. Theriault 47 described some of the changes, including changes in the fence height in relation to a retaining wall, the 48 dimensions of the parking spaces, minor changes to the landscaping plan, and the location of accessory 49 structures. He clarified that the size of the parking spaces was altered because the DRB required the 50 installation of two handicapped spaces as part of its approval in 2011 for a site plan amendment. Gent 51 discussed changes in grade behind the building and the location of the retaining wall blocks. Theriault 52 confirmed that approval for the as-built will bring the site plan approval in conformance with how the project 53 was actually constructed. 54

Werneke opened the hearing to the public. No comments were offered.

57 Theriault made a verbal request for a waiver from the requirement that the site plan be prepared by a 58 professional. 59

60 Motion by Cohen, seconded by Ackerman, to close the hearing and approve application #12-051. Voting: 5 61 in favor; 0 opposed; 0 abstentions.

The DRB then took a five-minute recess.

7. <u>Greensea Systems Inc.</u> – Application #12-036 to appeal a March 12, 2012 Notice of Zoning Violation; Application #12-035 for a site plan amendment for a temporary concrete barrier; and Application #12-052 for a site plan amendment for a planter as a permanent traffic barrier in the driveway, a revised parking plan, and other site plan changes and for conditional use approval per Richmond Zoning Regulations, Section 4.8 (Setback Modifications) to construct steps within the front setback at 10 East Main Street (EM0010) in the Village Commercial zoning district.

Sunshine swore in Ben Kinnaman (owner), Roger Cohn (attorney), Don Welch (architect), Barbara Herrington (office manager), and Gwynn Zakov (Zoning Administrative Officer).

Zakov explained the reasons why she issued the notice of zoning violation in March. The violation notice came after quite a bit of back and forth actions and communications, which culminated when Greensea installed a concrete barrier that was not easily movable and Zakov's understanding that Greensea had no intention of removing it. The violation notice was done with respect to the barrier not being taken down. Zakov also reviewed the chronology of a previous notice of violation which was issued in November after Greensea installed cones to keep traffic from going through the property. In that instance, Greensea complied within a day.

Kohn stated that Greensea is sorry about the controversy and that the business wants to fit into the town. He added that no actions were done underhandedly and they communicated with town officials, however, the situation was dangerous and Greensea decided, after a near-accident, to install the Jersey barrier.

Kohn stated that the applicant wished to withdraw application #12-035 for a site plan amendment to construct a temporary concrete barrier because Greensea subsequently applied for a permanent plan via application #12-052. Kohn said that the applicant does not believe that the installation of the barrier is a violation of the original site plan. He also offered a legal opinion that the public does not have a legal right-ofway. The fact that the driveway has been used by the public does not make it a public right-of-way. There are no easements in the town records. For these reasons, Greensea does not believe there is a violation.

Sunshine said that there is no barrier shown on the original site plan approved by the DRB. Kinnaman said they applied as soon as they could since the DRB does not meet often. Kinnaman described a situation in November in which his two-year old son was almost hit by a vehicle cutting through the driveway to avoid the traffic light at Route 2. According to Kinnaman, Police Chief Buck said the police would not enforce the law because it is on private property and suggested that they put up the barrier. Cohen suggested that the police can issue a ticket for avoiding the traffic light.

Herrington said that Greensea did not assume the Jersey barrier would be permanent. Rod West of
Blackfork Towing installed the barrier for them.

Motion by Cohen, seconded by Ackerman, to close the hearing and go into deliberative session regarding the appeal of the notice of zoning violation, application #12-036. Voting: 5 in favor; 0 opposed; 0 abstentions.

The DRB then briefly discussed the second element of the notice of zoning violation, namely the use of small robots in the driveway. Kinnaman explained that the machines are underwater controlled robots, about the size of a small suitcase (about 12 inches by 6 inches). Kinnaman added that it did not occur to Greensea that they could not operate the robots outside of the building. He said they have received permission by Town Administrator Geoff Urbanik to operate the robots on volunteers green. He said that the building doors at 10 East Main Street are not large enough to accommodate larger machines.

The DRB went on to discuss application #12-052 for a site plan amendment for a permanent solution. Greensea presented a large version of a site plan, with numbers placed on the parking spaces (which are not shown on the site plan submitted with application #12-052). Welch described the proposed changes to the site plan. The plan is to turn a portion of the existing parking lot into a green area and to place a permanent barrier along Route 2. He noted that the three new parking spaces (13, 14, and 8) along the southeast corner measure a total of 27 feet, which is different than what Gent measured during an earlier site visit. He stated that there is handicapped parking in the municipal parking lot. Spaces 9 and 10 will be removed and new spaces 11 and 12 added. He said that VTrans is not concerned about those new parking spaces. In terms of the handicap parking space, he said there is a five foot area behind spaces 13 and 14 with room for a wheelchair to navigate. Sunshine asked whether, if the front part of the driveway is cut off, the plan would comply with Section 4.2 of the Richmond Zoning Regulations. He said he thinks a permanent easement would be needed, allowing Greensea to use the municipal parking lot as ingress and egress. Sunshine said he thinks this would need to be taken up with the Selectboard.

Kohn then suggested that Sunshine should consider recusing himself because of a conversation he had with the applicant earlier this spring. Sunshine responded that he spoke with Rod West and that he has made his decision in terms of participating in the hearing.

The DRB discussed whether Section 4.3 of the Richmond Zoning Regulations in terms of cutting off ingress and egress. Kohn said that the regulations do not require access on a lot and that the parcel has lot frontage. They have access from Main Street, but not vehicular access. The DRB decided to discuss this question further during deliberative session.

The DRB discussed the green space. Welch said the green space will be at ground level and that the pavement will be removed in those sections.

Gent reported that Road Foreman Peter Gosselin has reviewed the proposed site plan in terms of the proposed changes to the municipal parking lot. She indicated that Gosselin believes the use of the municipal lot will need approval from the Selectboard and that he had concerns about the how the changes might affect the ability of vehicles to turn around within the lot, among other potential issues

The DRB discussed further the easement for spaces 13 and 14 and whether the town could decide to remove the parking spaces. The DRB agreed that any plan might reserve the right for the town to remove those spaces.

Sunshine opened the hearing to the public.

Heston asked the DRB to be as objective as possible in rendering a decision for this application. She added that there may not be a consistent application of the bylaws in terms of signs.

Bressor, who noted he is on the Planning Commission, said he thinks this is an elegant solution to the problem and would be a huge improvement.

Jack Linn said he participated in the approval for the On the Rise bakery and noted that they had to put in the parking spaces for that business. He suggested that everyone should be treated equitably. In the case of the bakery, they did call in the use of publically available spaces. He said there are times when the parking spaces are used by the public for volunteers green. Werneke pointed out that the public spaces may also be used for the bakery.

Rod West stated that Mike Cuomo, the former owner of 10 East Main Street, suggested that there should be
a downtown parking district in which parking space requirements are waived, because there is no way to
provide them. The current situation is holding back the growth of business and makes it difficult for the DRB
to approve parking spaces.

Cohen said the proposed green space would be a huge improvement. However, she added that, based on a recent experience, turning left onto Bridge Street from the municipal parking lot is difficult and hazardous. Cohen also said that going out from East Main Street would be safer. She requested that Town Attorney Mark Sperry research the prescriptive easement issue. The other DRB members agreed to get a report from Sperry on that question. She said that there are other deterrents to cutting through the property such as speed bumps and enforcement.

Motion by Ackerman, seconded by Werneke, to close the hearing and go into deliberative session regarding
application #12-052. Voting: 5 in favor; 0 opposed; 0 abstentions.

8. OTHER BUSINESS *- Meeting Minutes: April 11, 2012* The DRB returned to its review of seconded by Werneke, to approve

The DRB returned to its review of the meeting minutes. Several edits were offered. <u>Motion by Cohen,</u> <u>seconded by Werneke, to approve the minutes as amended. Voting: 4 in favor; 0 opposed; 1 abstention</u> (Fortune).

9. DELIBERATIVE SESSION

At 9:45 PM, motion by Webster, seconded by Ackerman, to enter deliberative session. So voted.

At 10:00 PM, motion by Ackerman, seconded by Fortune, to come out of deliberative session. So voted.

10. EXECUTIVE SESSION: ANNUAL STAFF REVIEW

At 10:01 PM, motion by Ackerman, seconded by Cohen, to go into executive session to discuss the staff evaluation. Gent left at this time. At 10:12 PM, motion by Ackerman, seconded by Cohen, to come out of executive session.

Gent returned to the meeting at this time.

11. ADJOURNMENT At 10:13 PM, Ackerman made a motion, seconded by Cohen to adjourn the meeting. So voted.

Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

PLEASE SIGN IN Town of Richmond Development Review Board Public Hearing Attendance Sheet May 9, 2012 Agenda Item of Name PLEASE PRINT Address concern CCFBC TOWN OF Rible mone Town of Richmond 11-hr. JROAFRAN Administratile DFF. 'ce Richmond UT MATHEW NORTON 0544 ICLEBSOURSING TMSTR I.n.M 164 MATIN ST. CaLIFESTER 54A Star bird Kd Park + Ride Jerich, VT 05465 ALI 290 SOUTHUIEN RICHMOND NI S. Buruny 100 an Kya-NIGH Bob Fise 244 Br. 1 re 5140 Richeroud TAND (AVPENSED) RICALOS RICHADOND 30 Main ST. LINZILIA (g, FAMIN Maar Richmond aba 10 East main Greensea BOX. 310 9 RENSPH 05161 HINESDÍVA Ricidmonto NAMA MADIN reusi REPARBLE HILL RID ß Rod w. Minir eJ Granint-emotional 239 Littleton Road, Suita 3 Westford, 114 01886 Part & Lode Kura Shi Wi Ricmenschneider lſ ß SIGELOW 7 homas Pn-R VTrans Montpelier ino KRESSOR P.O. Box 1 401 Branest Rich Williams Hill Rd ACh LAIN