

**RICHMOND DEVELOPMENT REVIEW BOARD
REGULAR MEETING
APPROVED MINUTES FOR JUNE 12, 2013 MEETING**

Members Present: David Sunshine, Chair; Brian Werneke, Vice-Chair; Stephen Ackerman; Fred Fortune; Marvin Carpenter, Alternate DRB Member

Members Absent: one vacancy

Others Present: Cathleen Gent, Town Planner/Staff to the DRB; Ruth Miller, taping for MMCTV Comcast 15; *also see attached sign-in sheet.*

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

Sunshine welcomed the public and requested that everyone sign in. He encouraged people to speak during the hearing, if anyone has an interest related to a particular application. He explained that, if someone wishes to have interested person status for purposes of appealing a decision, that person must speak during the hearing or submit written comments about the project.

1. Public Hearing - Chittenden County Fish & Game Club (hearing 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 opened the hearing and noted for the record that the DRB has received a proposed decision and stipulation as to the proposed order related to the notice of violation and that the DRB received this proposal yesterday. Gent distributed hard copies of the proposal to the DRB. Sunshine said that the DRB will take the proposal into consideration. Sunshine announced that the DRB would not take testimony either in favor or opposed to the matter. He thanked the parties for their efforts in mediation and the agreement that has been presented to the DRB.

Motion made by Werneke, seconded by Fortune, to close the hearing for application #12-025. Voting: 4 in favor; 0 opposed; 0 abstentions.

A question was raised from the public as to how many days the DRB has to issue its decision. Sunshine said that the DRB has up to 45 days to issue its decision.

2. Public Hearing - Richmond Sherwood Forest Homeowners Association – Application #13-046 for a subdivision amendment to amend the Richmond Sherwood Forest Homeowners Association covenants to allow for up to nine “personal-use chickens.” The original covenants specify that any change to the covenants must be approved by the Town of Richmond.

Sunshine swore in Jayne Sheridan, Secretary of the Richmond Sherwood Forest Homeowners Association, and Cathy Aikman, member of the Richmond Sherwood Forest Homeowners Association. Sunshine explained that the homeowners covenants require that any changes must be approved by the Planning Commission. Because, the Development Review Board (not the Planning Commission) handles the applications for development now, Richmond Sherwood Forest Homeowners Association is coming to the DRB with a subdivision amendment to allow for personal use chickens. Sunshine suggested that the association consider changing the covenants so as to avoid coming to the DRB for any amendment change related to the covenants. Sheridan said that the homeowners association has approved the change to allow for up to nine personal use chickens and explained that 75% of the homeowners association members must approve any change to the covenants. For the proposed change for the personal use chickens, sixteen members approved the change, one opposed it, and three abstained.

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

Motion made by Werneke, seconded by Ackerman, to close the hearing for application #13-046 and to approve the application. Voting: 4 in favor; 0 opposed; 0 abstentions.

1 Sunshine explained the process for issuing the decision, which will be within 45 days, with the
2 additional mandatory 30-day appeal period after the decision is issued. Aikman requested that the DRB
3 issue the decision as soon as possible.
4

- 5 3. Public Hearing - Town of Richmond, Gary & Jean Bressor, and Richmond Historical Society –
6 Application #13-041 for conditional use review for proposed improvements within the FEMA Special
7 Flood Hazard Area, per Richmond Zoning Regulations, Section 6.8 (Flood Hazard Overlay District) at
8 431 Bridge Street (BR0431), owned by Town of Richmond; 401 Bridge Street (BR0401,c), owned by
9 Gary and Jean Bressor; and 457 Bridge Street (BR0457), owned by Richmond Historical Society. The
10 proposed improvements include a chlorine contact time project for the town-owned Water House and
11 relocating the Water House driveway. The parcels are in the Agricultural Residential zoning district.
12

13 Sunshine swore in Richmond Town Manager Geoffrey Urbanik, who provided an introduction about the
14 application. He said that Gary Bressor had asked the town to relocate the driveway, in light of flooding
15 from Tropical Storm Irene and other potential flooding problems including typical spring and fall flooding
16 when the driveway entrance floods. If the driveway is relocated, the numbers of flood-related problems
17 will be reduced, but not eliminated for the larger flood events. Sunshine said he was the DRB liaison for
18 the project and that there was standing water in the existing driveway during the site visit. Urbanik said
19 the existing curb cut will not be changed and the town plans to use the curb cut for the parking for the
20 Round Church. He added that the current lower portion of the driveway (closer to Bridge Street) will be
21 removed and that the telephone poles will be placed underground.
22

23 Gent distributed additional materials, specifically draft deed language. Peter Pochop, who is the project
24 manager with Green Mountain Engineering, said that the existing driveway gravel will be returned to
25 grass and that the Bressor driveway will remain in place. Sunshine pointed out that the driveway will go
26 through the existing Richmond Historical Society parking for the Round Church but that it might
27 eliminate one or two parking spaces only.
28

29 Sunshine opened the hearing to the public. Maureen Kangley from Cochran Road asked whether the
30 driveway is impacted with a major flood and Sunshine said it would flood in that situation. Kangley also
31 asked about how the project will be paid and Sunshine said that the DRB does not have any jurisdiction
32 over financing, and reviews projects to be sure they comply with the zoning regulations. He added that,
33 if approved, the application will need to go through other public hearings for financing, etc.
34

35 Jennifer Poehlmann from Baker Street spoke next. She said she is concerned about the financial
36 impact of the project. Werneke responded that the DRB is looking at three elements: the driveway,
37 digging up the area within the floodplain, and relocating utilities.
38

39 Heidi Bormann then asked about whether there are features which make the buried utilities safe during
40 a flooding event. Pochop indicated that the buried utilities are in a sealed conduit and there is no safety
41 risk to the public.
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43 Motion made by Fortune, seconded by Werneke, to close the hearing for application #13-041. Voting: 4
44 in favor; 0 opposed; 0 abstentions.
45
46

- 47 4. Public Hearing - Howard & Kimberly Whitcomb – Application #13-047 for conditional use review for an
48 accessory dwelling within a new accessory structure, per Richmond Zoning Regulations, Section 5.9,
49 located at 163 Valley View Road (parcel VR0163) in the High Density Residential zoning district.
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51 Sunshine recused himself from hearing #13-047 and Werneke chaired the hearing. Werneke swore in
52 Howard Whitcomb and Justin Willis (consultant). Willis said the accessory dwelling is proposed within a
53 new accessory structure beyond the existing garage and will house a one-bedroom in-law apartment.
54 Willis said that the only new lighting will be a porch light and that the wastewater permit is not in place
55 yet, although a water test has been obtained. There will be an amendment for Act 250 to amend the
56 wastewater line. Ackerman asked about the acreage and Willis said the parcel is 10.1 acres.
57

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

Motion made by Fortune, seconded by Ackerman, to close the hearing for application #13-047. Voting: 3 in favor; 0 opposed; 0 abstentions.

- 5. Public Hearing - Peggy M. Farr Revocable Trust – Application #13-037 for preliminary subdivision review for “Peggy M. Farr Revocable Trust” Huntington Road 4-lot subdivision (one original lot and three new lots) for a 125-acre parcel located at 400 Huntington Road (parcel HU0400,a) in the Agricultural Residential zoning district.

David Sunshine and Fred Fortune recused themselves from hearing application #13-037 and Werneke chaired the hearing. DRB alternate Marvin Carpenter joined the DRB to hear the application. Werneke swore in Chuck Farr and Mike Burke (consultant). Burke discussed the project. He said the application is for a preliminary four-lot subdivision for roughly 125 acres. Lot 1 is 1.6 acres and is configured around Peggy Farr’s existing house. Lot 2 is around the old farm house closer to the village (the Wortheim Farm), with an additional lot (Lot 3) located behind that. The remaining lands – Lot 4, about 124.4 acres -- will be used for farming. He then discussed the wastewater systems, noting that there is a replacement wastewater system for Peggy’s house and expects a municipal connection via a forced main, if it is necessary in the future. There is an existing water line to Peggy’s house and existing water and sewer to lots 2 and 3. There is no wastewater system planned for the remaining land because that will be used for farming. Burke discussed the fact that all lots have more than 10,000 square feet of developable land, as required in the zoning regulations. He added that Farr has applied for a FEMA Letter of Map Amendment to formally remove Peggy’s house and nearby lands from the FEMA Special Flood Hazard Area.

Ackerman asked about the remaining land parcel (Lot 4), specifically regarding the access. Burke said the highway access will be off Johnnie Brook Road and there is a 12-foot driveway right to the upper meadow there. Burke also said there will be deed language for the final subdivision application regarding access for Lot 3 over Lot 2.

Werneke opened the hearing for comments. Denise Curley, who lives at 72 Huntington Road, said that she is concerned about privacy for her back yard, as there is no fence along the back property line. Farr said there is no proposed screening but they are willing to do screening if needed.

Motion made by Carpenter, seconded by Ackerman, to close the hearing for application #13-037. Voting: 3 in favor; 0 opposed; 0 abstentions.

Sunshine and Fortune re-joined the DRB and Carpenter moved to the audience at this time.

Other business

- 6. Beverly F. Willis Trust – 840 West Main Street - Sketch Plan Review application

Justin Willis discussed the application with the DRB on behalf of his mother, Beverly. He said the house sits on just under 10 acres on Route 2 west of Richmond village. It’s a six bedroom house and Beverly has moved to Williston. Willis said that she is holding onto the property for a particular project, the Vermont State Police barracks, although that project has not gotten approved by the legislature. He added that, for this parcel, the defeat of the proposed zoning bylaws last fall has not helped the family move forward with any development plans since the proposed bylaws worked well with their future plans. Willis said the plan is to subdivide, specifically placing the existing house on a one acre parcel and keep 8.9 acres within a lot containing the barn and land. There is a drilled well for the house and a septic with an upgraded system via an easement on the larger barn lot. Willis added that there is a 60-foot wide easement on the large lot for the benefit of the house lot, for a right-of-way for potential development. He noted that the location of the right-of-way is the old Jericho Road, which still has good access and sight distance. Willis then discussed the wastewater system and said he would like to get a waiver from having to design a system, since it will be a formality in light of the fact that they do not know what the development will be on the larger lot. Sunshine said that the DRB has allowed applicants to not meet the required standards for wastewater systems when land will be used for agricultural purposes. Willis responded that the land will not be farmed. Gent pointed out that Section 420.3(1) does not require an approved system and that he could meet the standards with the work he has done to date in designing the wastewater system. The DRB discussed whether the village water and sewer

1 system might be extended out Route 2, and Willis said they would prefer not to go that route, based on
2 the scale of the development.

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4 There were no comments from the public. Since this was not a public hearing, there will not be any
5 decision issued by the DRB.
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8 7. MEETING MINUTES

9 Minutes of May 8, 2013 - Motion by Werneke, seconded by Ackerman, to accept the minutes without
10 amendments. Voting: 4 in favor; 0 opposed; 0 abstentions.
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13 8. DELIBERATIVE SESSION

14 Carpenter joined the DRB for the deliberative session.

15 At 8:10 PM, motion by Werneke, seconded by Ackerman, to go into deliberative session. So voted.

16
17 At 8:20, motion by Werneke, seconded by Ackerman, to come out of deliberative session.

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19 Motion by Carpenter, seconded by Ackerman, to approve application #13-037 for a preliminary
20 subdivision (Peggy M. Farr Revocable Trust). Voting: 3 in favor (Werneke, Ackerman, Carpenter); 0
21 opposed; 2 abstentions.
22

23 At 8:21, motion by Werneke, seconded by Ackerman, to go back into deliberative session. So voted.

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25 At 8:58 PM, motion by Werneke, seconded by Ackerman, to come out of deliberative session. So voted.
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28 9. DRB ACTIONS

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30 Motion by Ackerman, seconded by Fortune, to issue stipulation and decision for application #12-025
31 (Chittenden County Fish and Game Club). Voting: 4 in favor; 0 opposed; 0 abstentions.
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33 Motion by Werneke, seconded by Ackerman, to approve application #13-041 (Town of Richmond,
34 Bressor, and Richmond Historical Society). Voting: 4 in favor; 0 opposed; 0 abstentions.
35

36 Motion by Werneke, seconded by Ackerman, to approve application #13-047 (Howard and Kimberly
37 Whitcomb). Voting: 3 in favor (Werneke, Ackerman, Fortune); 0 opposed; 1 abstention (Sunshine).
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40 10. ADJOURNMENT

41 At 9:10PM, Ackerman made a motion, seconded by Werneke, to adjourn the meeting. So voted.
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43

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