

1                   **R I C H M O N D    D E V E L O P M E N T    R E V I E W    B O A R D**  
2                   **R E G U L A R    M E E T I N G**  
3                   **A P P R O V E D    M I N U T E S    F O R    J U L Y    1 0 ,    2 0 1 3    M E E T I N G**

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5 Members Present:     David Sunshine, Chair; Brian Werneke, Vice-Chair; Stephen Ackerman; Fred  
6 Fortune  
7 Members Absent:     one vacancy

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

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11 Sunshine called the meeting to order at 7:05 p.m.

12 Sunshine welcomed the public. He requested that everyone sign in. Sunshine noted that, if someone is  
13 present for a certain hearing and wishes to have interested party status for purposes of appealing a  
14 decision, that person must speak during the hearing or submit written comments about the project.

15                   **7:00 PM    Public Hearings**

- 16 1. Cindy and Terry Feloney – Application #13-055 (with co-applicant Martina Price) for Conditional Use  
17 Review (Richmond Zoning Regulations, Section 5.6) for a proposed change in use from retail to  
18 indoor recreation (dance studio) for a portion of the principal structure at 35 West Main Street (parcel  
19 WM0035) in the Village Commercial zoning district.

20 Sunshine swore in Cindy Feloney and Martina Price. Price provided an overview about the project.  
21 She said that the proposal is to use the portion of the building used previously as John's Shoe Shop  
22 as a dance studio for a variety of dance types and camps during school vacation weeks and summer.  
23 DRB project liaison Fortune said the project looks doable within the space. He noted that the site plan  
24 presented in the application was for a previous project and that some of the information needs to be  
25 updated to reflect the current application.

26 Price distributed a revised version of the site plan, with changes made in accordance with the  
27 proposed project. She noted that there is enough space to provide the needed parking spaces and  
28 that the site plan will be revised to show a handicapped parking space. Sunshine noted that there will  
29 be no changes to the outside of the building. In terms of hours, Price said classes may start in the  
30 morning, but that dance classes will end by 9 PM. Most classes will take place after school hours.  
31 Werneke asked about the location of the parking spaces and Price discussed the parking and location  
32 of dumpsters on the property. Feloney said there is one dumpster for the tenants at 35 West Main  
33 Street and there are other dumpsters for nearby property owners which can be removed to make  
34 more parking. Gent indicated that, for the existing building uses (residential and professional office)  
35 and for the proposed dance studio, that a total of 12 parking spaces are needed. Price indicated that  
36 they will provide a new site plan, if the DRB wishes to make that as a condition of approval. Ackerman  
37 asked about the number of students. Price said there will generally be 12 students, but the number  
38 might increase based on the type of dance class.

39 Sunshine opened the hearing to members of the public. There were no public comments.

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

42 Sunshine said that the decision will be issued within 45 days. Price asked if the written approval could  
43 be sooner since they are trying to get the business up and running. The DRB clarified that Price can  
44 begin advertising that the dance studio will open soon. Werneke added that Feloney and Price will  
45 also need a zoning permit and a certificate of occupancy before they begin the classes.

- 46 2. Jon Kart/Lauren Esserman and Gail Kirby – Application #13-056 for Conditional Use Review  
47 (Richmond Zoning Regulations, Section 4.8 – Setback Modifications) and a Variance request  
48 (Richmond Zoning Regulations, Section 8.4.5) to correct a property boundary and setback between  
49 44 Old Brooklyn Court (OB0044) and 46 Old Brooklyn Court (OB0046) in the Agricultural Residential  
50 zoning district.

1 Sunshine swore in Kart and Esserman. Kart described the application, which is to allow for a property  
2 line correction between 44 Old Brooklyn Court and 46 Old Brooklyn Court. He said the property line  
3 runs through the Kart/Esserman bathroom, although they were told when they bought the house that  
4 the property line was along an existing fence line. After Tropical Storm Irene, Kart hired a surveyor  
5 and learned that the property line runs through the house. This property line adjustment would affirm  
6 the correct line. He noted that the two houses will be at least five feet from the property line, which the  
7 DRB can approve. DRB project liaison Werneke said that the project seems straight-forward and that  
8 a variance is the only option for getting this approved. Sunshine added that, for this application, all  
9 five variance criteria appear to be met, which is difficult to obtain. Sunshine read the criteria and said  
10 that, for each one, the application satisfies the standard. Kart said that Kirby is out of state right now  
11 and that she signed the application. Gent referred to Section 4.8 regarding the utility room bumpout  
12 that was built after Tropical Storm Irene which contains a furnace, hot water tank, etc, which is above  
13 the base flood elevation. The DRB can approve that new utility bumpout location, since it will be at  
14 least five feet from the property line. Werneke pointed out that Section 8.4.5 for variances includes a  
15 process whereby the zoning administrator denies the permit and then the applicant can appeal to the  
16 DRB. This process was not followed with this application. Esserman said that they followed  
17 instructions from staff.

18 Sunshine opened the hearing to members of the public. There were no public comments.  
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21 Motion by Fortune, seconded by Werneke, to close the hearing and go into deliberative session for  
22 application #13-056. Voting: 4 in favor: 0 opposed; 0 abstentions.

- 23
- 24
- 25 3. Dennis Bender – Application #13-057 (with co-applicant Lucie Whiteford) for Site Plan Review  
26 (Richmond Zoning Regulations, Section 5.5) for a change in use to retail for a portion of an existing  
27 light manufacturing (bakery) facility at 44 Bridge Street within parcel BR0038 in the Village  
28 Commercial zoning district.

29 Sunshine swore in Lucie Whiteford, who has authorization to represent Dennis Bender. She said the  
30 retail portion of the space will be used for retail activity for the Andy Dandy's dog treats and potentially  
31 human treats. She said the retail area will include the front space of the floor. The retail hours will be  
32 between 9 AM and 6 PM, although it won't be open full time. She noted that all the changes are  
33 internal to the space. The DRB discussed traffic and loading. Whiteford said that the loading needs to  
34 be nearby and deliveries will be done by two primary vendors. One of the vehicles is an 18-wheeler  
35 and one is a box truck and that deliveries will probably be once a week. The vendor with the 18-  
36 wheeler (Hillcrest) will deliver on Wednesdays between 9 and 10 AM and the other vendor will deliver  
37 on either Tuesdays or Fridays from 1 to 4 PM. Whiteford said that there are no deliveries so this will  
38 be a new activity. Sunshine said that early morning hours are not busy on Bridge Street, specifically  
39 that 9 to 10 AM would be good. He also suggested that the box truck could have difficulty pulling into  
40 the alley behind the building to make deliveries. In response to a question from Ackerman, Whiteford  
41 said that they will use shelving or a counter to create the 10-foot retail space.  
42

43 Sunshine opened the hearing to members of the public. Heidi Bormann from the Economic  
44 Development Committee said that she owned the flower shop next door for a number of years and  
45 that 18-wheelers often parked in front. She said the box truck would fit in the alley.  
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48 Motion by Werneke, seconded by Ackerman, to close the hearing and to approve application #13-  
49 057. Voting: 4 in favor; 0 opposed; 0 abstentions.

- 50
- 51 4. Town of Richmond – Application #13-058 for Conditional Use Review (Richmond Zoning Regulations,  
52 Section 5.6) and Public Facilities and Utilities (Section 5.10.4) for a municipal parking facility at 53  
53 Depot Street (parcel DS0053) in the Village Commercial zoning district.

54 Sunshine swore in Town Manager Geoff Urbanik and Town Engineer Mike Weisel, who provided an  
55 overview of the project. Weisel noted that there will be a separate boundary line adjustment  
56 application through zoning administrator Neal Leitner to straighten out the boundary between 53  
57 Depot Street and Howard Novak's property on Bridge Street. Weisel then described the site plan for  
58 the parking facility layout, specifically the number of existing and proposed parking spaces, curbing,  
59

1 the rain garden, French drain, bicycle rack, and pervious pavers. Weisel noted that, even with the  
2 rain garden, French drain, and pervious pavement, there are times there will be runoff from parking.  
3 However, the situation will be much better than currently, because now the stormwater goes right  
4 into the ditch on the railroad property. Weisel noted that about 12 percent of the budget is for  
5 landscaping, which meets the requirements in the site plan review section. He discussed the lighting  
6 fixtures.

7  
8 Fortune asked if there are new provisions for pedestrians. Weisel said there are no new sidewalks,  
9 but there is an existing sidewalk on the north side of Depot Street. Weisel said that, based on a  
10 recent site visit, he counted about 27-28 vehicles parked along Depot Street and in the informal  
11 parking area, which is not all on the town property.

12  
13 Weisel said that the project will take about 60 days for construction and Urbanik added that parts of  
14 the parking area will be available during that time. Sunshine said that he likes the way that the  
15 stormwater will be dealt with. Weisel said that a paving project on Bridge Street will reduce the  
16 amount of water that comes from Bridge Street down Depot Street, which will also help with  
17 stormwater issues. Fortune suggested that there should be directional signs for traffic coming onto  
18 Depot Street and that he is concerned about pedestrians crossing Depot Street and vehicles coming  
19 from lower Depot Street, due to parked vehicles. Weisel said that the town could stripe out  
20 (eliminate) two parking spaces, not just the one space that they have currently striped out. Heidi  
21 Bormann thanked Weisel and Urbanik for the outreach and meetings with neighbors. She said that  
22 people generally like the plans. A questioner from the audience (Ian Foertsch) asked when the  
23 parking will be available and Weisel said the town is planning to build the parking facility this year.

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25 Motion by Werneke, seconded by Ackerman, to close the hearing for application #13-058. Voting: 4  
26 in favor; 0 opposed; 0 abstentions.

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28 5. Other Business

29 A. *Meeting Minutes: June 12, 2013*

30 Motion by Werneke, seconded by Ackerman, to approve the June 12, 2013 minutes, with one  
31 change. Voting: 4 in favor; 0 opposed; 0 abstentions

32  
33 Staff Report: June 26, 2013 – There was no discussion of the staff report

34  
35 New Business – Gent presented a letter from the Andrews family requesting that their technical review  
36 fee be refunded at this time. The DRB discussed this request, which happens regularly, and decided  
37 that the DRB has no authority to waive the fees and the process should go to the Selectboard.

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39 6. Deliberative Session

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

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42 At 9:03 PM, motion by Werneke, seconded by Ackerman, to come out of deliberative session. So voted.

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44 7. DRB ACTIONS

45 Motion by Werneke, seconded by Ackerman, to approve application #13-056 (Kart/Esserman & Kirby).  
46 Voting: 4 in favor; 0 opposed; 0 abstentions.

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48 Motion by Ackerman, seconded by Werneke, to approve application #13-058 (Town of Richmond)  
49 Voting: 4 in favor; 0 opposed; 0 abstentions.

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51 8. ADJOURNMENT

52 At 9:04PM, Ackerman made a motion, seconded by Werneke, to adjourn the meeting. So voted.

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

# PLEASE SIGN IN

**Town of Richmond Development Review Board  
Public Hearing Attendance Sheet  
July 10, 2013**