

Richmond Development Review Board
REGULAR Meeting
APPROVED MINUTES FOR OCTOBER 9, 2019 MEETING

Members Present:	David Sunshine (Chair); Padraic Monks; Roger Pedersen; Gabriel Firman
Members Absent:	Matt Dyer; Alison Anand (DRB alternate)
Others Present:	Suzanne Mantegna (ZA/Staff); Ruth Miller for MMCTV Comcast 15; Josi Kytle; Robert & Joy Reap; Kerry Walker; Josh Arneson; Kendall Chamberlin; Steven Palmer; Gary & Jean Bressor; Christopher & Deana Braves

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:

Town of Richmond- Application 2019-099 for Conditional Use Approval in the Flood Hazard Overlay District for water line improvements in the floodway, located at 286 Bridge St (Volunteers Green), Parcel ID BR0286, in the Agricultural/Residential Zoning District.

Josh Arneson, Steven Palmer, and sworn in. Steven Palmer from Green Mountain Engineering, the Town embarked on project to replace manageable portions of water system each year over the past several years. Tonight to talk about the portion that involves the bridge crossing.

Mr. Palmer explains that a portion of work is within the floodway/flood plain and what that means. Mr. Palmer explains that most information from a civil engineering perspective within SFHA is of interest.

Replacing 650' segment of waterline from bridge. Can see water and sewer lines hanging from below bridge, which is the main water line for the Town. It will tie back in at 401 Bridge. Replacing 8" main with a 12" main. Raising main to protect from chance of flood, attach to several I-beams under bridge.

Have been in touch with Floodplain Manager, who states

Questions from the Board-

Mr. Pedersen asks how much higher. Mr. Palmer explains that it will be 18" higher. 220' on bridge.

Mr. Sunshine asked if we are only approving the pipe and will construction be off of road. Mr. Palmer some of both. Will cross road.

Mr. Sunshine asked where will it end. Mr. Chamberlin, Water Sewer will end at Mr. Bressor's driveway.

Mr. Sunshine asks if it will close Bridge street. Mr. Palmer explains no, this project is being combined with another project up Bridge Street, but only this part is within the floodway.

No further questions from the Board.

Questions from the public-

Gary Bressor, whose driveway is the terminus, says there is a 2'x4' concrete utility pad. Mr. Palmer has located it and will be reaching out for construction easements shortly to all homeowners.

1 Motion to approve, with conditions in Staff Report, Application 2019-099 by Mr. Pedersen. Mr.
2 Monks seconded. Passed 4-0.

3
4 Gary & Jean Bressor- Application 2019-103 for Sketch Plan Review for possible changes to approved
5 PUD-R/Condo, located at 69 Thompson Rd (Parcel ID TR0069) and 4 Cochran Rd (Parcel ID CO0004).

6
7 Gary & Jean Bressor sworn in. Back again for Peaceable Kingdom. Reads quote about change.

8
9 Last time he was here David Sunshine suggested that he contact title insurance. He did and he found
10 out that title insurance companies don't like the condominium structure. Buyers are also wary of condo
11 projects.

12
13 Back this time to try to get rid of condominium structure. Changing number from 8 lots to 7. Reducing
14 portion of Peaceable Street. Doesn't have to remove barn.

15
16 Regulations require an association, but trying to set up with minimum regulations, care of common
17 area, Peaceable Street. Ownership of common area will be per association. Utility lines run in common
18 area.

19
20 Each lot can be one dwelling unit. Lot 7 can still be further subdivided. No accessory dwellings. No
21 further subdivision besides Lot 7. Lot 7 is allowed to be divided to a maximum of 14 units. Same
22 density of common area and Lots 1-6. Allows owners to know that it would never be denser than what
23 is allowed with the PUD. Zoning doesn't allow this yet. One acre can only have a single-family
24 dwelling.

25
26 Number of units' question- acreage currently allows 9 units. Board decided that can only be 4 duplex
27 and 1 single-family unit. Would rather do smaller single-family homes. Mr. Bressor quotes section of
28 PUD in zoning regulations that says DRB has power to change. Would only drive up the cost to have
29 it be a duplex/ add garage and would cut out share of market.

30
31 Richmond village has flipped to where over 50% of the units are rental units rather than owned homes.
32 Duplex more likely to be owned by investors where single-family homes are more likely to be owned
33 by the resident.

34
35 Earlier designs he brought in were small tidy homes around a green space, but with DRB decision had
36 to change design.

37
38 Mr. Bressor would like to come back in November with Prelim/Final. Same basic plan but reduced.

39
40 Questions from the Board:

41
42 Mr. Pedersen asks if he had his way would it be 5 single-family dwellings. No, carpenter house is a
43 duplex. Would like to have four more single-family dwellings. For a total of 6 dwelling units. And
44 Lot 7 would have no dwellings. Did not show anything on Lot 6 since he didn't have a design for it.

45
46 Has had two chances to sell unit 4, but had to turn down since it had to be a duplex and people didn't
47 want a duplex.

48
49 Mr. Monks does not share Mr. Bressor's reading of regs. Regulations limit on number of
50 structures/dwelling units. Can have 1 SFD or 1 duplex. With PUD it doesn't allow the greater number
51 of structures. Still beholden to A/R district. PUD can have denser structures, but not more structures.

1
2 Mr/ Bressor asks where does it say one single-family dwelling. Mr. Monks points to section 3.1- A/R
3 section. DRB cannot allow more structures than allowed in AR district.
4

5 Mr. Bressor worried that would end up with something like at the end of Pleasant Street, which he
6 doesn't think is desired. Would add extra cost.
7

8 Mr. Monks states that there are some duplexes that are nice. Mr. Bressor states that some people don't
9 like the idea of a party wall.
10

11 Mr. Monks states that you can have 5 single-family dwellings. Mr. Bressor states but then there could
12 be no more development on largest parcel.
13

14 Mr. Monks talks about the DRB desire to have a separate Preliminary and Final application. Mr.
15 Sunshine reiterates that he tells people that to combine Preliminary and Final, it needs to be perfect. If
16 you come for Preliminary first, usually have easier Final Subdivision.
17

18 Mr. Bressor states that was the feedback he wanted.
19

20 Mr. Firman states that he thinks that what Mr. Bressor says is valid. Mr. Firman encourages Mr. Bressor
21 to talk to the Planning Commission. He knows that the Planning Commission is willing to listen.
22

23 Mr. Pedersen asks if Mr. Bressor has recorded the Condo docs. Mr. Bressor replies he hasn't.
24

25 Questions from the public:

26 Chris Braves- appreciate the work that the DRB does, but doesn't think what Mr. Bressor is proposing
27 is bad.
28

29 Mr. Firman agrees but DRB has to rule on what is in the regulations.
30

31 No further questions from the Board or public.
32

33 Robert & Joy Reap- Application 2019-104 for Final Subdivision Review of Lot 4 (creation of one new
34 lot) located at 65 Willis Farm Rd, Parcel ID WI0065, in the Gateway Commercial Zoning District.

35 Robert & Joy Reap/ Kerry Walker- Application 2019-105 for Conditional Use & Site Plan Review to
36 add Personal Services, Office- Business and Office- Professional uses on Lot 5, located at 63 Willis
37 Farm Rd, Parcel ID WI0063, in the Gateway Commercial Zoning District.
38

39 Robert & Joy Reap and Kerry Walker sworn in. Ms. Reap explains they are coming before the board
40 for Final Subdivision approval and are requesting a waiver from the Lot Frontage requirement. Thinks
41 that everything brought up during Preliminary Review has been taken care of.
42

43 ZA mentions that State Water and Wastewater permit submitted is previous approval and not for Lot 5
44 amendment. Ms. Reap explains that they are waiting for the shared well with Lot 1 to be approved by
45 the State first. Which is approved by the State groundwater protection division. Once approved, they
46 then can apply for new WW permit.
47

48 Questions from Board:

49 Mr. Monks asks if Lot 1 well support all lots. Ms. Reap replies no, only Lot 1 and 5.
50

1 Mr. Firman ask why does it say Bakersfield on WW permit for Town. Ms. Reap say she thinks Mr.
2 Firman is looking at the WW permit that was corrected.

3 Questions from public:

4 None

5 No further questions from the Board or public.

6
7 Motion to approve Application 2019-104 with condition that WW permit is submitted by Mr. Monks.
8 Seconded by Mr. Pedersen. Passed 4-0

9
10 Application 2019-105 Conditional Use on Lot 5.

11 Ms. Walker is proposing to build new building on the 1- acre lot for a commercial multi-use building.

12
13 ZA explains that regulation state that only one use is allowed on a lot. However, in the Gateway Zoning
14 District a Commercial Multi-Use is allowed with Conditional Use Approval.

15
16 Pedersen asks ZA if parking meets requirements. ZA replies yes.

17
18 Mr. Sunshine confirms that the applicants are not planning on paving parking but keeping it gravel.
19 The Reaps reply that is correct.

20
21 Mr. Sunshine brings up the question regarding amount of landscaping in staff report. Ms. Reap thinks
22 the amount is sufficient.

23
24 Motion to approved Application 2019-105 by Mr. Pedersen. Seconded by Mr. Monks. Passed 4-0.

25
26 Buttermilk, LLC- Application 2019-106 for Conditional Use approval to add additional uses for
27 Building 1, located at 20 Jolina Court, Parcel ID BR0125, in the Village/Commercial Zoning District.

28
29 Mr. Sunshine says it was a long day (ribbon cutting ceremony for Building 1). Ms. Kytile agrees. Nice
30 day. Mr. Pedersen says that Mr. O'Reilly (Buttermilk co-owner) did a nice presentation.

31
32 Josi Kytile sworn in. Ms. Kytile explains how they need to add additional uses. Back in 2016 just had
33 a wide gamut of uses approved by the Selectboard. Now want to add uses that add as many uses as
34 possible.

35
36 Mr. Pedersen states that the DRB is struggling with not having zoning that matches what is proposed
37 in the space.

38
39 Mr. Monks question for ZA, what can ZA approve. ZA explains that all the uses proposed are
40 Conditional Uses.

41
42 Mr. Sunshine explains that usually CU approval is about traffic and parking.

43
44 Ms. Kytile explains that they want flexibility for adding tenants. Mr. Sunshine asks how can they will
45 manage the proposed parking. Ms. Kytile explains that most proposed uses are 3.5 parking spaces per
46 1000 sq. ft. Only restaurant use has 20 spaces per 1000/sq.ft.

47
48 Mr. Sunshine suggest that Ms. Kytile goes back to the planning commission and request additional uses
49 added to the zoning district. Ms. Kytile explains that they are having discussion with Planning
50 Commission.

51

1 Mr. Pedersen states that he is not sure what uses they (DRB) can approval.

2
3 Mr. Monks asks if an Applicant can add more uses without going to DRB. Mr. Sunshine explains that
4 the Planning Commission hasn't allowed that so far. Mr. Pedersen concerned that the use of space
5 could change with each tenant. Mr. Monks states have to project the worst-case scenario.

6
7 Discussion about which uses she is requesting the DRB to approve. Would be nice if the ZA could
8 approve more. Ms. Kytile suggest that the DRB talk to PC.

9
10 Mr. Sunshine states that the DRB doesn't have the authority to grant all the uses. ZA agrees.

11
12 Mr. Pedersen ask Ms. Kytile to tell the DRB what are her immediate needs. Ms. Kytile explains that
13 Business Office, Environment testing and office space, gym (already included under Personal
14 Services). Would like the option of short-term rental/Air BNB. Ms. Kytile knows that they're issues
15 with Air BNB taking housing stock. Discussion about Laundry Services. Mr. Pedersen asks if a
16 Laundromat is requested. Ms. Kytile explains no, laundry service in Building 1. Coin operated for
17 public and tenants.

18
19 Mr. Pedersen explains that he doesn't have problem to approve uses that she has a need for, but not
20 sure how DRB can approve other items. Would like the DRB to give the ZA approval to approve other
21 uses.

22
23 Ms. Kytile brings up State or community owned facilities use. Mr. Sunshine states that the DRB would
24 like to see exactly what were the State facilities prior to approval.

25
26 Mr. Pedersen states that the DRB is hesitant to approve all uses.

27
28 Mr. Sunshine states that he doesn't have problem with first two- but not sure about laundry services.
29 Could be dry cleaning and that is not what is allowed. Afraid about leaving it too open-ended. Only
30 plan for 4 machines that are coin-operated.

31
32 Mr. Pedersen address the items that the DRB agrees on now. What about the rest of the uses? ZA
33 states that the applicant wouldn't be getting a decision tonight

34
35 Mr. Sunshine states he is not sure how else to do it but piecemeal.

36
37 Mr. Firman need to give them flexibility. Mr. Pedersen states but you do want to give away too much
38 discretion. Mr. Monks states he is not comfortable with generic approval for all uses. Ordinance is not
39 meant for multi-use building.

40
41 Mr. Sunshine ask what are uses. Business office, Environmental testing facility, laundry, pharmacy,
42 educational/religious facility. ZA states that pharmacy is not an allowed use in current zoning district
43 but was allowed but unapproved in the interim zoning district.

44
45 Ms. Kytile states that she understands general approval is challenging, but wonders what specific thing
46 do you want. Mr. Sunshine say that she is hitting the nail on the head and that is why they are
47 conditional uses

48
49 Discussion about short-term rentals. Mr. Pedersen questions if the DRB can approve uses not on list.
50 ZA explains difference between.

51

1 Mr. Sunshine states that the DRB do not have authority to add a use to the use index. Ms. Kytle it
2 would have to be brought before the Planning Commission.

3
4 Questions from the public:
5 None.

6
7 No further questions from the Board or public.

8
9 Motion to enter deliberative session for Application 2019-106 by Mr. Monks. Mr. Firman seconded.
10 Passed 4-0.

11
12 Chris & Delana Braves- Application 2019-107 for Conditional Use approval to modify the side yard
13 setback, located at 124 Cochran Rd, Parcel ID CO0124, in the Agricultural/ Residential Zoning District.

14
15 Chris & Delana Braves sworn in. Cinder block garage over 50 years old. Setback of 5.5' from
16 boundary. Only .3 acres, it is a tight lot in the Ag/Res district, but really a village lot. Want to keep as
17 much of lawn as possible. Asking to keep 5.5' setback for new garage with workshop/storage. Don't
18 want to have to take up back area of lot, but are willing to give up some of their view. No have a
19 workshop in the one-bay. Would still like to have a workshop in new space and parking for cars.

20
21 Questions from the Board:
22 Mr. Sunshine asks if they have discussed it with all your neighbors. Mr. Braves states not all of them.
23 Have talked to the ones closest to the garage.

24
25 Mr. Pedersen asks ZA what is the setback. ZA answers 10' for an accessory structure. Mr. Braves is
26 asking for a 4.5' change in side setback.

27
28 Mr. Sunshine confirms with the ZA that the applicants would not be before the DRB if the setbacks
29 confirm. ZA agrees.

30
31 Mr. Firman confirms that the garage would go back 16'.

32
33 Mr. Sunshine asks how much further from the garage is the shed. Mr. Braves replies 25' of so.

34
35 Mr. Pedersen confirms that expanding non-conforming use.

36
37 Mr. Firman asks what did you discuss with neighbor. Mr. Braves told neighbor that extending the
38 garage but not an extensive talk.

39
40 Questions from the public:
41 None
42 No further questions from the Board or public.

43
44 Motion to approve Application 2019-107 by Mr. Firman, with Mr. Monks seconded. Passed 4-0

45
46 **Other Business**

47
48 Minutes to be approved:

49
50 September 11, 2019- vote to approve with changes. Passed 3-0 (Sunshine, Pedersen, Monks)
51

- 1 Adjourn:
- 2 DRB exited deliberative session at 9:20 pm.
- 3
- 4 Application 2019-106 to approve Buttermilk with business office, environmental testing within
- 5 building, educational facility, laundromat without dry cleaning by Mr. Pedersen. Mr. Firman
- 6 seconded. Passed 4-0.
- 7
- 8 Motion to adjourn the meeting at 9:25 pm by Mr. Pedersen and seconded by Mr. Monks. Vote 4-0.
- 9
- 10 Respectfully submitted by Suzanne Mantegna, Zoning Administrator/Staff to the DRB