

1
2
3
4

Richmond Development Review Board
REGULAR MEETING APPROVED MINUTES FOR September 9, 2020

Members Present: David Sunshine, Roger Pedersen, Gabe Firman, Padraic Monks,

Members Absent: Alison Anand, Matt Dyer

Others Present: Suzanne Mantegna (Zoning Administrator/Staff), Ravi Venkataraman (Town Planner/Staff), David Palmer, Kevin O'Neal, Roger Kohn, Brad Stetler, George McCain, Jay Renshaw, Katelyn Esterby, Neil Preston, Patty Gilbert, Kevin Brennan, Chase Rosenberg, Jill Danilich, Luke Cady, Peter Swaine, Chris Leavitt

5
6
7 David Sunshine opened the meeting at 7:03 pm.

8
9 Sunshine requested participants sign in or identify themselves since we are via Zoom and provided an
10 overview of what an interested party is and stated the procedures for the meeting.

11
12 **168 River Road, LLC- Continued Application 2020-088** Continued to October 14, 2020 hearing

13
14 Sunshine moved to continue Application 2020-088 to the October 14, 2020 hearing, Roger Pedersen
15 seconded. Voting: unanimous. Motion carried

16
17 **Patricia Gilbert- Application 2020-094** for an Amendment to an approved Subdivision to change the
18 driveway location for Lot 4 from Beatty Lane to Palmer Lane located at 345 Beatty Lane, Parcel ID
19 BE0345, in the Agricultural/Residential (A/R) Zoning District.

20
21 Patty Gilbert sworn in. Gilbert requested to amend the location of the driveway in order to enter the
22 property from Palmer Road instead of Beatty Lane as originally proposed.

23
24 Questions from the board -

25 Sunshine asked if the amendment would affect Lot 4 only. Gilbert affirmed. Sunshine asked if any land
26 development had commenced. Gilbert said the driveway went up 500 feet to bring tubing for power, but
27 no electrical, and the driveway is currently going onto Palmer Road. Sunshine asked if Beatty Lane is a
28 private road. Gilbert affirmed, adding that she has the ROW through that road and that Lots 4, 3, and 2
29 owns some of the ROW. Sunshine asked if the zoning ordinance states that a lot can only have one
30 access. Zoning Administrator Suzanne Mantegna said with this amendment, only one access will be
31 created to the lot. Roger Pedersen said he was confused by drawing and was unsure about the location
32 of proposed driveway. Mantegna identified the current driveway configuration and the proposed driveway
33 location. Gilbert said that the adjustment to the location of the driveway would be by 20 feet.

34 Sunshine asked if does Palmer Lane where lots 1 and 4 meet. Mantegna said yes and no, the improved
35 portion does, the unimproved portion turns a hard right and connects to Williams Hill Road. Don Palmer
36 said that it looks like Gilbert is using his driveway, and explains road configuration of Palmer Lane.
37 Mantegna said no, and explains driveway configuration. Pedersen asked if Beatty Lane continues past
38 Gilbert's subdivision and serves other subdivisions. Gilbert said that the road dead ends at Lot 3 but has
39 the potential to continue. Pedersen asked if the maintenance agreement enclosed for Beatty Lane from
40 where it leaves Palmer Road. Gilbert affirmed. Pedersen asked if the shaded area was the proposed
41 driveway. Mantegna affirmed. Pedersen said that that proposed driveway crosses Lot 4 and another
42 property, and asked whose property is that. Mantegna said that its a public ROW. Gilbert said it's the old
43 town road. Mantegna identifies the ROW on screen and the overlap of Palmer Road and driveway. Gilbert
44 said her proposed driveway would take a part of the Palmer Lane ROW to create access to her lot.
45 Sunshine asked if any of the proposed improvements would block the public's ability to use the ROW.
46 Gilbert said no, and that there would be demarcations indicating her driveway. Mantegna said that Gilbert

47 received an access permit and had discussed this with Highway Department Foreman Pete Gosselin.

48

49 Questions from the Public -

50 Chase Rosenberg said that he is speaking on behalf of trails committee and community members
51 regarding the town ROW, stating that Trails Committee is interested in improving town ROW for recreation
52 and nonmotorized usage, and asked if it were possible to create a footpath on the old ROW would be
53 maintained. Sunshine said he also received email from Tyler Meritt on same subject and asked
54 Rosenberg if he was comfortable with what he heard. Rosenberg affirmed. Gilbert supported the idea.
55 Chris Leavitt said Lauck Parke had access closed as ancient roads and asked if that was still valid.
56 Mantegna said that was part of Williams Hill Road and not part of current conversation. Leavitt said he
57 was under impression that that town ROW is closed. Mantegna said she was of the understanding that
58 its a public ROW. Padraic Monks said that regarding this road and ancient roads, he was unsure what
59 had happened in this case. Sunshine said that Leavitt should ask Town Manager about it. Kevin O'Neal
60 asked about the status of the trails. Sunshine said that that was not not pertinent to this application, and
61 that is a conversation for the Town Manager. Pedersen asked if Sunshine reviewed the amended
62 maintenance agreement. Sunshine affirmed, saying that it was based on length of the road, the road can
63 be expanded, no ratios to accommodate additional extensions are included in the agreement, and that
64 the agreement is from the approval in 2017.

65

66 Padraic Monks made a motion to approve application 2020-094 with the conditions listed in the staff report,
67 Pedersen seconded. Voting: unanimous. Motion passed

68

69 **Donald & Laurel Palmer, Trustees of the Palmer Family Trust-** Application 2020-106 for an appeal
70 and variance request of the Zoning Administrator's determination that a driveway is a roadway, located
71 at 640 Palmer Lane, Parcel ID PA0640, in the Agricultural/ Residential (A/R) Zoning District.

72

73 Suzanne Mantegna, Zoning Administrator, will not be staff to the DRB for this hearing since her
74 determination is being appealed. Ravi Venkataraman, Town Planner and Acting Zoning Administrator,
75 will be staff for this hearing.

76 Don Palmer, Kevin Brennan, Evan Fitzgerald, sworn in

77

78 Questions from the board-

79 Don Palmer stated that he has owned the property for 8+ years, overviewed the history of ownership on
80 property, acknowledged the wetlands on the property, overviewed of history of application, identified the
81 old agricultural road with a culvert, said he doesn't understand wetland classification as it dries out every
82 summer, said he had the State review the property in response to ZA comments, and requested approval
83 of the ROW because state approved the ROW proposal. Kevin Brennan brought attention to the
84 subdivision plat from 2002 in Hinesburg, saying that Palmer has properties in Hinesburg and Richmond,
85 that he did road improvements in 2012 in response to logging activities, that Palmer is looking to sell
86 property, that the Zoning Administrator advised that a town access permit cannot be approved, said the
87 town attorney provided an opinion. Brennan requested a variance to access the Hinesburg land, for
88 consider of Section 6.9 in light of Dowd application with road as construction. Brennan said the State said
89 it would approve the road. Brennan said no construction proposed is proposed, but that improvements
90 will be made to meet state requirements. Brennan reviewed exhibits 1 and 2. Sunshine asked for
91 clarification on location of existing roadway as the white line. Brennan affirmed. Pedersen asked if it
92 provided access to the Hinesburg parcel. Brennan affirmed. Pedersen asked if the Hinesburg parcel was
93 subdivided. Brennan affirmed. Pedersen said access must have been discussed. Brennan said Hinesburg
94 approved the subdivision with the condition that that parcel cannot be severed from ownership until access
95 is granted. Sunshine asked if during the subdivision process in 2002, was there access to the Hinesburg
96 portion without ROW. Brennan said no, and that the only primary access is via Palmer's own land on
97 existing agricultural road. Evan Fitzgerald said that his firm was retained by Don Palmer for wetlands
98 delineation, that he delineated the entire parcel, that the state and the Army Corps of Engineers affirmed
99 their delineation. Fitzgerald said that the State focuses on avoidance and minimalization efforts—whether
100 there is another access to the site to avoid impact to the wetland. Fitzgerald said that this location would

101 have the most minimal impact on the wetland, as there would not much wetland impact but would impact
102 buffers. Sunshine asked for clarification about the wetland impact. Fitzgerald said that 1100 square feet
103 of road would impact the wetland, that restoration work would need to be involved per state requirements
104 in order to maintain the existing hydrology. Fitzgerald proposed to upsize existing culverts to mitigate
105 impact. Fitzgerald said that more than one-to-one restoration mitigation would be involved. Fitzgerald said
106 there is a delay in review process, but that expects a wetland permit. Sunshine asked about existing
107 width of current road. Fitzgerald said 16 feet of road fill would be involved, the proposal would increase
108 the road width to 18 feet, and the travel surface currently is 14 feet. Sunshine asked how many lots would
109 the driveway serve. Fitzgerald said it would serve four lots. Pedersen asked if these lots were separate
110 lots, aside from the 42-acre lot, or if these lots would be within the existing 42-acre lot. Brennan said it
111 would be for the 42-acre lot. Sunshine asked for clarification on the appellant's argument. Brennan said
112 he was arguing for a variance first, and if variance cannot be granted, he will argue that Section 6.9 not
113 applicable because its an existing road and no new construction will be involved. Monks asked if the two-
114 foot increase in road width would be within wetland and buffer or for entirety of the road. Fitzgerald said
115 the scope is for wetlands not outside the wetlands. Brennan said the goal to sever ownership by creating
116 access and by addressing wetland concerns. Fitzgerald overviewed the variance criteria, and the
117 historical practice of traversing wetlands. Sunshine asked for clarification on subdivision (a) of the
118 variance criteria, asking if the situation is unique because the access goes over wetlands. Fitzgerald
119 affirmed. Brennan said that any access point will be through wetlands, and that he is requesting the
120 minimum variance.

121

122 Suzanne Mantegna was sworn in.

123

124 Mantegna said that she is the Zoning Administrator for both Richmond and Hinesburg, that she spoke to
125 appellant regarding the application, and that wetlands are not an issue in Hinesburg but an issue in
126 Richmond. Mantegna said that the state allows municipalities can have a more restrictive bylaws and
127 Richmond has a more restrictive bylaw. Mantegna said that the Hinesburg subdivision decision did not
128 state that access had to come through Richmond, but that access must be provided. Pedersen asked if
129 the appellant requested for a driveway or a roadway through the wetland. Mantegna said the request was
130 to satisfy Hinesburg DRB approval condition specifically. Pedersen asked if the basis of the decision is
131 that access is a roadway and therefore cannot be built through the wetlands. Mantegna affirmed. Monks
132 referred to development over time as provided in the packet, pointing out that in 2009, there was no
133 roadway but in 2012, there was a roadway. Monks asked if there was some amount of recent development.
134 Mantegna affirmed that the development of the roadway is a recent development, has not been there
135 historically and created recently after the subdivision. Mantegna added that she talked to the State, and
136 the State said that the road should have been removed when the logging activities finished and wasn't
137 removed. Sunshine asked the applicant if they were aware of the requirement to remove the roadway
138 after logging activities are finished. Fitzgerald said not that he remembers, and that Tina Heath from the
139 State did not mention it. Monks said that one does not need a wetland permit for logging activities, but he
140 is unsure about the removal of road after logging activities. Monks asked for clarification on when the road
141 was built. Brennan said there was known historical access from previous owners, and in 2012 the road
142 was improved for logging activities.

143

144 Questions from the public-

145 Brad Stateler said that he has lived on Sherman Hill Road for 35 years, that he is buying the lot for two
146 houses for his two daughters, and that he began the subdivision process in Hinesburg. Roger Kohn said
147 that the provision of a variance is for scenarios like this case and that variance criteria is met. Pedersen
148 said that the issue is Suzanne's decision, and asked for clarification on variances. Sunshine pointed to
149 Section 8.4.5. Venkataraman clarified that variances can only be sought via the appeal process as a relief.
150 Gilbert said that for her, it was easier to put driveway through buffer, but she was not allowed to in 2017.
151 Brennan said that Gilbert had alternative access but that the appellant has no alternative. Gilbert asked if
152 whole length of driveway or section after mobile home would be improved. Mantegna said that if the
153 roadway serves more than four lots, then it must meet rural road standards.

154

155 Pedersen made a motion to enter deliberative session on item, Monks seconded. Voting: unanimous.

156 Motion passed.

157

158 **Peggy Farr Revocable Trust- Application 2020-111** for Preliminary Subdivision Review for a 4-lot
159 subdivision (creation of 3 new lots) and a variance request at 180 East Hill Rd, Parcel ID EH0180, in the
160 Agricultural/Residential (A/R) Zoning District.

161 Sunshine said he was recused for this item. Pedersen accepted the chair role for this item

162

163 Jay Renshaw, Chuck Farr sworn in

164

165 Questions from the board -

166 Renshaw said that the sketch plan was proposed on July 8th, and that he has returned for preliminary plan
167 approval. Renshaw said that the proposal is the same layout as presented at Sketch Plan, consisting of
168 single-family homes located in a meadow. Renshaw said he was keeping impervious area under an acre,
169 with a compact design but are stuck at Section 6.9 regarding the wetland buffer. Renshaw said he was not
170 impacting any wetland, is proposing 15 foot shared driveway for access, which would be impacting 1375
171 square feet of buffer. Renshaw said he is working with Gilman Briggs Environmental, has contacted Tina
172 Heath, received a verbal ok from state, received the Town attorney and Zoning Administrator's opinion
173 and is now requesting variance. Chuck Farr said he had wetland delineated, and contacted Tina Heath.
174 Farr said he is proposing three residential lots on 10 acres and 210 acres for logging, is hoping to use
175 access through wetland to separate the integrity of the lots, wants to keep options open on 210 acres,
176 and intends for no harm to the wetlands. Renshaw said he hopes to work through this challenge, move
177 forward. Renshaw said that he is in line with state General Permit requirements. Renshaw reviewed staff
178 comments and said the issues on large animal habitat has been resolved and the driveway grades can
179 be in conformance. Monks asked if Renshaw is limiting analysis to the project area. Renshaw affirmed,
180 as the goal is to separate residential the neighborhood from forestry activities.

181

182 Questions from the public-

183 Pete Swaine said the goal is to retain forest management plan, and asked what would happen to the
184 forest management plan when the land is conveyed. Farr said that the goal to list the property with
185 preference to keep entire farm intact but he not sure if he can control that. Renshaw requested the option
186 to continue the application, and said he would like the ability to revise the application according to the
187 board's comments. Pedersen asked if it could be facilitated procedurally. Mantegna said it could be and
188 asked Venkataraman for suggestions. Venkataraman said it can be, either through a motion for a
189 continuance or a request to reopen the hearing during deliberations.

190

191 Pedersen made a motion to move the item to deliberative session, seconded by Firman. Voting:
192 unanimous. Motion carried.

193

194

195 **Falcon Property Management Partners-** Application 2020-113 for Site Plan Review for the relocation of
196 three mobile home sites within Riverview Commons Mobile Home Park, MHP Zoning District. Parcel
197 ID#FL0068, for sites LW0023, LW0029 and MW0455 to location between MW0217 and MW0267.

198

199 George McCain sworn in

200

201 McCain said that he will be relocating existing units in Riverview Commons mobile home park, including
202 moving two mobile home units out of the floodplain, 455 Meadow Lane to new location and extending
203 water and wastewater systems without increasing demand. Sunshine asked for a description of the
204 existing conditions and proposed conditions. McCain said that the Lower Circle area is fairly flat, and
205 Meadow Lane on a knoll. McCain said that the mobile home units will be moved out to an existing
206 plateau, and that he will be adding fill to sloped area to create an even area for mobile home unit.
207 McCain said he noted in staff report for erosion control, and that in response he will be installing a silt
208 fence and that all construction will be according to EPSC manual. Sunshine said that a previous
209 proposal at mobile home park did not notify residents, and asked if the residents been notified. McCain

210 said that one unit has already been removed, and was unsure if items have been discussed with the
211 residents. Pedersen asked if there are people living the units that are going to be relocated. McCain
212 said that one unit is vacant, and that he is unsure if other two units are occupied.

213
214 Monks made a motion to move the item to deliberative session, seconded by Pedersen. Voting:
215 unanimous. Motion carried.

216
217
218 **Other Business, Correspondence, and Adjournment**

219
220
221 Monks made a motion to enter deliberative session, seconded by Pedersen. Voting: unanimous.
222 Motion carried. The DRB entered deliberative session at 9:17 pm.

223
224 Monks made a motion to move out of deliberative session and adjourn the meeting, seconded by
225 Pedersen. Voting: unanimous, Motion carried.

226
227 Meeting ended at 9:56 pm

228
229 Respectfully submitted by Ravi Venkataraman, Town Planner