

Richmond Development Review Board  
 REGULAR Meeting  
 APPROVED MINUTES FOR AUGUST 12, 2015 MEETING

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Members Present:	David Sunshine, Chair; Mike Donohue, Cara LaBounty, Matthew Dyer
Others Present:	Niels Rinehart, Zoning Administrative Officer; Ruth Miller for MMCTV Comcast 15; see attached list

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Sunshine opened the meeting at 7:00 PM and reviewed the agenda. Sunshine discussed the two applications of waivers for a final hearing, explaining that the DRB has granted waivers in the past but only when an application was complete.

Sunshine opened the PUBLIC HEARINGS

First Hearing:

**952 Kenyon Road** – Application #15-075, Applicants Dawn and Gregory Tatro represented by Thomas Wawrzaniak for the Sylvan Knoll Subdivision for Preliminary and Final Subdivision Review for a 9-lot subdivision located at Parcel KR0952 located within the Agricultural Residential Zoning District.

David Sunshine sworn in Thomas Wawrzaniak and Gregory Tatro.

Wawrzaniak introduced himself and submitted materials to the DRB. Sunshine explained that the DRB would accept the new materials but that they would prefer it if all materials were submitted before the hearing. Wawrzaniak explained that he had been told by Planning and Zoning that he could submit materials at the day of the hearing.

Wawrzaniak described the proposed Sylvan Knoll project, describing changes they had made to the original design including a cleaner lot line configuration (Lot 7 is now twice its initial size) and straightening out the proposed road. According to Wawrzaniak, Page C5-01 presents an overview of the subdivision with topography as well as the layout of the roads and the setback lines for possible homes. Wawrzaniak explained that no major concerns were brought up at the Sketch Plan Review hearing held on June 10, 2015. They therefore went forward with the current design since they met with the town regulations. Wawrzaniak continued that the matrix was medium sandy soil located on a sandy terrace of gently sloping terrain. The eight lots to be developed cover 22 acres of a total 99 acre property. The other 77 acres cannot be developed due to the terrain, including a drop off in the terrace. The 22 acres to be developed include 12 acres of meadow land and that the remaining 10 acres are currently forested. The proposed subdivision will impact 16 acres, about 18% of the total acreage. As a result, a total of 73 acres on Lot 9 will remain undeveloped. A farmhouse currently stands on Lot 9. A primary transmission line runs along Kenyon Road for 1,800 feet, taking up the entire road frontage, therefore preventing development along the road. The development will include the installation of a private road with a 60-foot radius *cul de sac*.

Maps C2-01 and C2-02 illustrate the proposed grades for the road, illustrating a balanced cut and fill site resulting in minimal impact with material brought in. Map C2-02 illustrates the profile of the proposed private road, running for 150 feet at a pitch of less than 10%. Wawrzaniak is proposing two culverts for sheet run-off. A cross-section of the road illustrates that the proposed construction meets VTrans standards.

The site is generally sloping. Because less than one acre is impervious and also because the site is constituted as low risk, a construction demolition permit is not required. But the project will require

1 erosion control measures. Sheets C8-01 and C8-02 illustrate proposals to address any drainage and  
2 erosion control issues during and after construction. Wawrzeniak explained that they will proceed to  
3 follow the state criteria in regards to drainage and erosion control issues, saying that the process is  
4 outlined in Sheets C8-01 and C8-02. Wawrzeniak described erosion control measures in detail.

5  
6 Wawrzeniak explained that in the fifth paragraph of the project narrative, there is some generic  
7 language that can be used for the deeds to all eight lots concerning roads and maintenance.

8  
9 Wawrzeniak concluded by referring to the staff report and said he didn't see anything in particular that  
10 he needed to address.

11  
12 Sunshine asked Wawrzeniak several questions concerning the proposed development. In response  
13 Wawrzeniak explained that the easement language be proportionate. Also, they would supply separate  
14 language for both Lots 7 and 8 to include the spur that led to these lots. Sunshine also asked how Lot 5  
15 would be accessed and Wawrzeniak said that Lot 5 would be accessed off the main road, so that only  
16 Lots 7 and 8 would require the easement.

17  
18 Wawrzeniak said that Wastewater Permit 4-4498 would be made available once they received it from  
19 the state. He explained that each lot will have conventional systems with separate drilled wells and  
20 individual septic systems.

21  
22 LaBounty clarified that the narrative describes only eight lots but that it should refer to nine, explaining  
23 that the ninth lot should be included since it will also have an easement on the *cul de sac* and so will  
24 therefore need to be included in the road maintenance agreement. LaBounty also inquired if the  
25 applicant was asking for a waiver since the plans illustrate only a 50-foot right-of-way when the town  
26 regulations require a 60-foot right-of-way. Wawrzeniak said that no, they are not asking for a waiver  
27 because Geoffrey Urbanik said he only required a 50-foot right-of-way for a private road. LaBounty  
28 said that no, they would need a waiver since the subdivision regulations specify the need for a 60-foot  
29 right-of-way. Wawrzeniak said he would create a 60-foot right-of-way.

30  
31 Sunshine said that the width of the proposed road was a problem since they are 20 feet and not 24 feet  
32 wide. LaBounty said that is not what is listed in the subdivision regulations, rather the road should be  
33 20 feet wide with 2-foot wide shoulders.

34  
35 LaBounty asked why the applicant was proposing 15 inch culverts and not 18 inch, explaining that the  
36 driveway specifications are changing to 18 inch. Wawrzeniak said that he would be fine with installing  
37 18 inch culverts. LaBounty followed-up by asking if the applicant had conducted calculations for flash  
38 flooding. Wawrzeniak said that the proposed development could handle 100 year storms. LaBounty  
39 said that they should put this into the language. LaBounty continued by asking what triggers the ESPC  
40 and Wawrzeniak said that slope in excess of 1 to 3 triggered the ESPC.

41  
42 LaBounty said that the applicant has provided letters from the school district, the police, but what about  
43 the access permit? Wawrzeniak believes that everything should be in place.

44  
45 Sunshine asked what analysis had been done to assess what impact the proposed project will have on  
46 Kenyon Road. Sunshine said that the DRB assumes that when going to the Selectboard that the road  
47 foreman has taken potential impacts into consideration. Wawrzeniak explained that there was a  
48 discussion with Peter Goselin on the site and that Goseline determined that the proposed eight lots  
49 would not have an impact on Kenyon Road. Swank estimated that the construction of eight lots would  
50 result in about 32 extra trips a day.

51

1 LaBounty stated that there was a discussion during the Sketch Plan Review about possibly straightening  
2 out Kenyon Road. She said that the town might want to investigate this issue. Gregory Tatro discussed  
3 plans to cut the berm and other ideas for how they might open up the road and improve the situation on  
4 Kenyon Road.

5  
6 Jim Zarelman said that where the bus currently stops, there isn't a good turn-around. He said the  
7 situation is precarious at best and asked if the *cul de sac* was adequate. Wawrzaniak said that he believed  
8 it was more than adequate. Sunshine asked if busses utilized private roads and LaBounty said they  
9 might if there was a safe turnaround. She explained that the end of their line is dependent on where they  
10 stop picking up kids. Tatro explained that he'd be willing to build a turnaround to make things safer, if  
11 the neighbors came up with a plan and if the school board came to them and asked for it.

12  
13 Zarelman said that there is no good well on the road and that several of the wells are dry. He asked if  
14 these dry wells were a concern. Wawrzaniak said that no, they were not since these issues are addressed  
15 in state permit.

16  
17 Zarelman asked about the possible intentions for Lot 9. Wawrzaniak said that because of the power  
18 line, they are very limited in terms of what they can do along the front of Kenyon Road. However,  
19 where the farmhouse is, there has been some discussion about the construction of a solar array on a six  
20 acre portion of the lot, but they don't know. However, the back pocket is undevelopable. Wawrzaniak  
21 continued to say that there could be a Phase 2 but that they first want to see if the Phase 1 project is  
22 marketable. Tatro added that they really do not have any plans for the rest of the land, but that maybe  
23 somebody might want it for a small farm.

24  
25 Zarelman stated that there is a valuable deer yard in the back and as a result, not much can be done with  
26 the land. Wawrzaniak responded that the proposed project will have minimal impact on the deer yard  
27 since the ANR illustrates the deer yard as running up to the tree line. LaBounty emphasized that  
28 therefore the deer yard does not lie within Lots 1 through 8. Wawrzaniak pointed to Map C5-01 to  
29 illustrate the avoidance of the deer yard within only minimal impact from Lots 5 and 7.

30  
31 Zarelman asked if the power lines would be buried and Sunshine replied that yes they are and that all  
32 utilities must be buried.

33  
34 Sunshine then explained that he would like to see the lot maintenance agreement for Lots 7 and 8, an  
35 adjustment to the width of the road, and the wastewater permit and would therefore like to discuss the  
36 approval of the preliminary review now and then ask that the applicant return for a final review.  
37 Wawrzaniak said that since all the items are minor, could their completion be conditional since they  
38 are documents that they could file.

39  
40 Sunshine asked for a motion. LaBounty made the motion to accept the application as complete for the  
41 preliminary and final hearing and to move to executive session. There was no second and therefore no  
42 motion. Donohue asked for a motion to accept the material for the preliminary and then to go into  
43 deliberative session, seconded by Matthew Dyer. LaBounty asked if the DRB had to go into a  
44 deliberative session or if the DRB could not amend the motion and then approve or deny for the  
45 preliminary. Donohue said that given the new material that the applicant had presented the DRB with,  
46 he thought they needed additional time for review. Therefore Sunshine concluded by saying that the  
47 DRB would go to deliberative when possible to discuss. All in favor. So voted.

48  
49 Sunshine opened the hearing for the following application:  
50  
51

1 Second Hearing:  
2

3 **290 Cemetery Road** – Application #15-079, Applicants Dennis and Connie Doherty for Preliminary  
4 and Final Subdivision Review for a 3-lot subdivision located at parcel CE0290 located within the  
5 Agricultural/Residential Zoning District.  
6

7 Sunshine sworn in Dennis Doherty.  
8

9 Doherty presented the project. The project area consists of 10.2 acres that the applicant proposed to  
10 divide into 3 lots. Doherty asked for preliminary and final approval upon conditions being met.  
11 Sunshine opened a discussion concerning the Doherty’s legal right to access from Cemetery Road.  
12 Doherty explained that his right-of-way was outlined in his deed that he provided to Clare Rock.  
13 Sunshine asked if anybody else had a right to use it and Doherty said he did not know. LaBounty asked  
14 who owned the access route and Doherty said he did not know. Doherty stated that he purchased the  
15 land from Farr and that Farr deeded the right-of-way but that the ownership is undetermined, although  
16 he has the legal right-of-way to use it. Doherty said that he believes Mr. Lockwood has claimed  
17 ownership of it. Sunshine emphasized the importance of understanding who owns the access since the  
18 owner will have to be partner to a maintenance agreement.  
19

20 Sunshine asked that since most of Farr’s land is subject to Act 250, is the present lot under Act 250 and  
21 does the applicant have a project review sheet. Doherty said he did, and that there is no Act 250  
22 jurisdiction, but that he did not bring it with him. Sunshine asked Doherty to submit the Project Review  
23 Sheet. Doherty stated that the Project Review Sheet says that no Act 250 review is required for the 3  
24 lot subdivision.  
25

26 Sunshine asked about the presence of deeryards and Doherty said they were present on his land and  
27 were marked on the map provided to the DRB.  
28

29 Sunshine asked if Doherty had received anything from the fire chief and Doherty said he had not,  
30 although he had submitted a request to the fire chief.  
31

32 Discussion continued concerning the driveway. Doherty said he had an access permit and he explained  
33 that in developing the driveway, he would do whatever was required in the Public Works Specifications.  
34 LaBounty explained to Doherty that his application should have a profile (a ‘road profile’) illustrating  
35 the slope of the proposed driveway.  
36

37 Sunshine asked how proportionate share would be figured out in the easement language, was he going  
38 to use linear feet or number of lots. Doherty suggested that he thought linear feet would be the fairest  
39 way. LaBounty asked if there was only a calculation for the three lots or did the calculations include  
40 others that might want to use the road. Doherty said he couldn’t include anyone else because he doesn’t  
41 know who else might want to use it.  
42

43 Discussion followed about how power would be shared to service the three units. Sunshine suggested  
44 an arrangement of easements with language defining how it is to be shared.  
45

46 LaBounty questioned the hand-drawings present on the survey map noting that the two maps provided  
47 two different illustrations. Doherty explained that the DRB should follow the surveyor’s map and that  
48 the other map should only be used for the topography. The author of the topographic map, Daniel  
49 Carter, was clarified.  
50

1 LaBounty and Sunshine discussed the problem of the large building envelopes located within deer  
2 wintering areas. Doherty explained that the building envelopes were presented to illustrate the setbacks  
3 and where a building could be constructed. Sunshine and LaBounty emphasized that the building  
4 envelopes should be smaller, to discourage the use of the entire lot.

5  
6 LaBounty asked how the applicant was going to address problems associated with building erosion.  
7 LaBounty explained that since the project involves a slope that is greater than 1 to 3 slope, the applicant  
8 will need an erosion control plan.

9  
10 LaBounty critiqued the provided culvert plan, asking if the provided design was specific to the proposed  
11 driveway or a generic illustration. Doherty explained that the illustration was what his technician had  
12 provided him. LaBounty clarified that the applicant should provide greater details as to what was being  
13 proposed.

14  
15 Bill Lockwood presented a map illustrating a survey of his property, as well as a copy of Farr's deed to  
16 Doherty, describing the access from Cemetery Road that Lockwood owns. The deed provided a right-  
17 or-way to Doherty. Lockwood expressed concern that if Doherty develops his three lots, that then  
18 Lockwood will not be able to develop his lot since his lot would be the fourth lot. The development of  
19 the fourth lot would require the expansion of the right-of-way to 60 feet which is not possible since the  
20 driveway is currently 50 feet and bounded on both sides by land owned by another landowner.  
21 Lockwood is also concerned about Doherty's plans for sharing expenses on road maintenance. Sunshine  
22 explained that there would be many different ways to write the agreement up but that it would be up to  
23 Lockwood and Doherty to work it out.

24  
25 Gabriel Furman expressed concerns about the extent to which the proposed project follows Act 250, in  
26 particular in regards to the proposed septic system and wetlands located on Furman's property. Furman  
27 wants to know more about any potential impacts.

28  
29 Jan Sultan complained about her inability to see the Notice sign, explaining that it was not visible from  
30 the road. Doherty said that it was now visible.

31  
32 Jessica Sultan Chandler complained that she was unable to see the Notice sign, explaining that it was  
33 located 25 feet behind a tree. She expressed concern that the landowner was asking for both a  
34 preliminary and final hearing before enough information had been made available. In particular she  
35 was concerned that the septic, well, and erosion issues had not been thorough addressed and she thought  
36 there should be more time provided to address these issues.

37  
38 Jason Priscman also complained about not being able to see the sign until a few days ago. He expressed  
39 concern about the apparent need for speed.

40  
41 Suzanne Self also complained that the Notice sign was hidden. She was concerned about possible  
42 impacts to the deer yard, explaining that she sees deer on a daily basis. In addition, she said that her  
43 well goes dry every October. Sunshine explained that the DRB does not have jurisdiction over water  
44 and that since the applicant got a permit from the state that any concerns would have to be addressed  
45 to the state.

46  
47 Richard Self discussed concerns about the location of an easement that he though existed. Sunshine  
48 explained that this particular discussion was not germane to the present meeting.

49  
50 Self asked about the width of the driveway, asking if the driveway could be expanded by 10 feet if the  
51 expansion was required. Sunshine explained that Lockwood could not go off his land.

Dyer made a motion that the DRB go into deliberative session, seconded by Donohue. All favor, so voted.

Sunshine opened the hearing for the following application:

Third Hearing:

**1930 Snipe Ireland Road** – Application #15-080, Applicant Prelco, Inc (Wright Preston) and VAST for Conditional Use and Site Plan Review for a replacement VAST bridge located at parcel SI1930a located within the Flood Hazard Overlay District and Agricultural/Residential Zoning District.

LaBounty recused herself.

Sunshine sworn in Larry Burrirt and Wright Preston.

Preston described the existing VAST bridge. The existing bridge has been in-place since the mid-1970s. Wright explained that there is nothing wrong with the bridge except that it is too low. Given the high water in June, the bridge is acting like a dam, catching debris and thereby causing flooding. Preston discussed a previous bid to the DRB for another bridge that was raised in a similar fashion on concrete blocks. The bridge is in use from December 15 to April 15. Preston described the bridge-building concepts in detail, offering letters from the engineer to illustrate the design.

Preston is seeking two waivers according to 6.8.17 of the Richmond Zoning Regulations. These waivers include a waiver from the requirement for an Elevation Certificate and that they not be required to make any more utilization of an engineer than they already have. Preston explained that they know what they are doing and that VAST develops numerous bridges. Preston explained that the net in-fill will be 261 square feet, entailing an area of 16 by 32 by 1/2 feet that will be excavated elsewhere in Prelco’s property

Bruce LaBounty said that if Wright is willing to excavate out the excess then he believes it is very appropriate to grant the waiver for the engineering.

Donohue made a motion to approve the application with the two waivers, seconded by Dyer. All in favor. So voted.

**OTHER BUSINESS**

**· Approve Meeting Minutes - July 8, 2015**

Donohue made a motion to approve the Minutes, seconded by Dyer. All in favor. So voted.

**· Deliberative Session**

Donohue made the motion to approve 952 Kenyon Road – Application #15-075 for Preliminary Subdivision Review but denied the waiver for Final Review, seconded by -----. All in favor. So voted.