

1  
2  
3  
4  
5

**Richmond Development Review Board  
REGULAR Meeting  
UNAPPROVED MINUTES FOR Feb 10, 2021 MEETING**

---

6 Members Present: David Sunshine (Chair); Padraic Monks; Roger Pedersen; Matt  
7 Dyer (Vice-Chair); Gabriel Firman; David Schnakenberg  
8 (Alternate)  
9 Members Absent: Alison Anand (Alternate)  
10 Others Present: Tayler Newton (Staff); Kathy Daub-Stearns (Staff); Ravi Ravi  
11 Venkataraman (Staff); Wendall / Sharon, Martha McSherry, Ryan  
12 Wells, Bradley Holt, J Murray, Marie Thomas, Mark Fausel, Judy  
13 Rosovsky, Erik Sandblom, Jason Pelletier, Matt Dyer, Michael  
14 Marks & Sally McCay, Tim Darling, Jamie Valyou, Bob's IPAD,  
15 Sue Roberge, Rachael Gray, Conner Plumbley, Rebecca  
16 Butterfield, Ryan, Dan & Holly Bellerose, Velma Plouffe, Sally  
17 McCay, Jessica Arendt, Charlie Choiniere, Mark, Kristen Mullins,  
18 Joe, Tammy, Peter Garceau, Silvermac, Ross Williams, Mark  
19 Farrington, Toby Buxton, Bonnie Waninger & Steve Smith, Carol  
20 Emery, Ross Williams, Dan & Chantal Ryan, Francis & David  
21 Thomas and the meeting was recorded for MMCTV Channel 15

---

22  
23 David Sunshine welcomed everyone to the meeting at 7:01 pm.

24  
25 David S. then requested participants sign in or identify themselves since the meeting was  
26 held via Zoom and provided an overview of what an interested party is and stated the  
27 procedures for the meeting. Taylor and Kathy were introduced as interim support to the DRB  
28 Board.

29  
30 **Public Hearings:**

31  
32 **Buttermilk, LLC - SUB21-01/CU21-01/SP21-01** *to amend the master plan, conditions of*  
33 *approval, and phasing plan of an existing Planned Unit Development. Property at 74 Jolina*  
34 *Court is located within the Jolina Court District.*

35  
36 Since there was no one from Buttermilk present this part of the meeting was continued to the  
37 second hearing.

38  
39 When this came back before the board Gabe Firman said that he spoke to Buttermilk and the  
40 meeting had been continued to the March hearing. Ravi Venkataraman said he told them he  
41 would be recommending them to the March hearing, and they did not respond. David said  
42 that with so many incompletions found by the planning staff it should not be brought before  
43 the DRB until complete. Ravi agreed, saying it was an oversight on his part and he expected  
44 an application more robust than it was. David asked that the applicant complete the  
45 recommendations before coming before the DRB in March.

46  
47 **Hillview Heights, LLC - SUB21-02** *for Sketch Plan Review for a nine-lot subdivision. Property*  
48 *at 2427 Hillview Road is located within the Agricultural/Residential District.*

49

1 David explained what a sketch plan review is and explained that because there was no  
2 application that comments are only for helping the applicant adding that comments for or  
3 against the project should be kept until an application has been presented.  
4

5 Ryan Wells, Ross Consulting Engineers, spoke for the applicant, his client is looking at  
6 subdividing into 9 lots with 8 residential building sites that have shared driveways.  
7

8 David addressed a question that came in regarding his ability to hear this because the  
9 previous owner was represented by a law firm that he is no longer affiliated with. David felt  
10 that Mr. Atwood, the previous owner, is not part of this application and so he had no conflict.  
11

12 Padriac asked about the driveways being near wetlands with one (1) existing drive being in  
13 the wetlands wanting to know if there would be any new construction in the wetland or buffer  
14 zone. Ryan said there is an existing drive through the wetlands adding that no other driveways  
15 will impact wetlands or buffers, the existing driveway will not be widened. David requested  
16 language for the shared drive for lots 4 & 5 be supplied with the application.  
17 When asked, Ryan said each lot should have its own septic and water. Matt Dyer asked about  
18 the 9<sup>th</sup> lot and asking if there was a plan to develop it. Ryan replied, he did not believe lot 9  
19 would be developed, the project is for the 8 housing lots adding right now, there are no plans  
20 for future development.  
21

22 Discussion was opened to the public. David noted that the board has received many  
23 comments from the public that are not pertinent to a sketch plan meeting so he will hold them  
24 over until an application has been received.  
25

26 Discussion included:

- 27 - that Marie Thomas said she knows the property well as is concerned that comments  
28 sent to Ravi have not been made public. She felt the comments should be sent to the  
29 applicant adding that she does not believe the applicant has no intention of developing  
30 lot 9. She felt the comments sent to Rave are pertinent and address things like steep  
31 driveways and whether there is any intent to mine the sand hill. Marie requested that  
32 the names of the people who signed the letter be listed as people who are interested  
33 and that the comments be provided to the applicant. Tyler responded that the  
34 comments received by Ravi had been forwarded to himself and the members of the  
35 DRB and would be provided to the applicant.
- 36 - Bradley Holt asked the people who signed the document submitted would be  
37 considered interested parties. Tyler said that being no decisions would be made from  
38 a sketch review meeting participating by written or oral comment at the preliminary  
39 hearing and again at the final hearing would be necessary to have rights for each of  
40 those. David added that statute says you need to be present or give written or oral  
41 comment and the question of whether someone is an interested party is determined by  
42 a court.
- 43 - Bradley Holt commented that there are 273 acres the applicant has purchased, and it  
44 could be one of the largest development projects ever in Richmond. He asked that the  
45 DRB take into consideration all the comments and concerns that have been raised  
46 when making decisions. David said that the board appreciates input from neighbors  
47 when making any decisions. Bradley went on the say that the development would  
48 negatively change the rural character of the neighborhood and he did not feel it  
49 complied with the town plan. He was also concerned with steep driveways, scenic view  
50 sheds and the impact the development would have on wildlife. David responded that  
51 the application would have road contours. Bradley then had questions about the

1 financing of the development and the process behind the development and when land  
2 was divided. David responded that a road is a natural barrier to a subdivision. Tyler  
3 said that the land can be listed as one parcel, but the road creates a natural barrier  
4 citing case law out of Manchester VT. Bradley went on to say the LLC that purchased  
5 the property was formed 2 days prior to the purchase. David interjected that financing  
6 is not under the purview of the DRB. Bradley felt that the DRB could request a bond  
7 to assure completion so it would be relevant. David replied that the DRB can require  
8 a bond for engineering or landscaping but how they get that money is not anything the  
9 DRB has control over. Bradley felt it is more challenging for neighbors to participate  
10 during the pandemic.

- 11 - Rebecca Butterfield was concerned that the sketch plan did not show complete  
12 development plans. There was also concern that there was not enough water in the  
13 aquifers for so many additional wells as well as concern about how the wastewater  
14 systems would impact existing wells. Tyler responded that the state requires permits  
15 and information will be made to abutters as part of that process. David said the DRB  
16 decision will include that all state requirements be met.
- 17 - Michael Marks said a critical point of process is that the applicants representative  
18 stated that he was told by the applicant that there are no plans to develop the 9<sup>th</sup> lot.  
19 He did not feel that the answer was adequate for the questions raised. He read from  
20 section 610.1. Michael said the ordinance is clear that a master plan must be submitted  
21 and that it is not an option to say there is no plan. Michael spoke about past attempts  
22 by developers to circumvent the Act 250 process causing things to be missed because  
23 the whole picture was not available by doing a piece meal review saying that the town  
24 ordinance does not allow that to happen requiring that at every stage, including sketch  
25 review but noted that the DRB could wait for application before making the requirement.  
26 Michael asked that the DRB make it clear to the applicant that they will enforce this  
27 provision to be certain that the full implication of the plans can be known adding that  
28 there is information that there are plans to develop lot 9 and that development of that  
29 lot is a certainty. Michael went on to say that the purpose for only showing 9 lots to be  
30 separated out is to avoid Act 250 jurisdiction and that it is not an accident that one of  
31 the roads is designed to meet standards that can become a municipal street and that  
32 the access road abuts lot 9 these he said should be red flags to the DRB board.  
33 Michael asked that the DRB not complete sketch review without a master plan. David  
34 said, if the applicant chooses to not divulge the information now when they submit their  
35 application it will be necessary, and a decision will be made then as to whether the  
36 applicant has satisfied that provision of the Ordinance. Michael said he would leave it  
37 to the DRB board to make the decision but felt the applicant should be held to the  
38 provision at every stage of the proceeding.

39  
40 Gab said projects like this have been developed and this is not unique. He said most  
41 of the things he has heard tonight are more pertinent for future meetings.

- 42  
43 - Tim Darling asked, if they say they have no plans for future development, then they  
44 come back in 5 or 6 years and want to develop the remaining land are there any  
45 repercussions. Taylor said there would be no ACT 250 repercussions after 5 years.  
46 David said locally there are two (2) large subdivisions since he has been on the DRB  
47 board and neither has had a change to the master plan that he is aware of adding that  
48 is something the DRB will have to discuss.
- 49 - Mark Fausel noted the sketch does not show any stormwater or water control adding  
50 that both lots 1 & 2 are uphill from his property and the impacts of adding  
51 impermeable areas will cause additional water issues to the ones he already

1 experiences at different times of year. David said that as part of the application  
2 stormwater will need to be addressed. Tyler asked Ryan Wells if there will be state  
3 stormwater permits. Ryan said he understands it is part of the process but has not  
4 done any calculations. Mark asked the board if they had any concerns about  
5 stormwater runoff impacting his property asking further if there was a negative  
6 threshold of impact that needed to be met or was any impact was an issue. Gabe  
7 said we are not there yet, so the board has not had time to consider stormwater  
8 runoff. Mark asked about prior experience and might know. Taylor said it is important  
9 to know that the applicant will need to build to zoning specifications and that whether  
10 stormwater runoff can be handled by drainage on roads is an interesting question  
11 adding that the DRB jurisdiction is over the property itself with the Selectboard having  
12 jurisdiction over the roads. Mark asked if runoff from private property is under DRB  
13 jurisdiction. Tyler responded that the state has jurisdiction over the treatment of  
14 stormwater adding that towns defer to the state requirements. David said that the  
15 DRB can take comments and has gotten opinions on stormwater runoff but then the  
16 state takes over and that there are guidelines that will need to be followed but without  
17 an application there is no way of knowing.

- 18 - Francis Thomas was concerned saying that a number of the neighbors have listed  
19 their names under comments, asking if those concerns need to be brought to the next  
20 meeting as well or was the letter sufficient. David said once the application is before  
21 the DRB the comments will follow to the next meeting adding that oral comments at  
22 this hearing will not make someone an interested party, someone would have to  
23 attend the next meeting unless there are written comments.
- 24 - Dan Ryan said he is trying to avoid the same situation Graystone had with the runoff  
25 problems. Dan felt packing so many homes into that area will negatively impact the  
26 surrounding property.
- 27 - Judy Rosovsky said she was there to represent the Richmond Conservation  
28 Commission and wanted to let the developer know there are concerns that their plan  
29 does not comply with the Town Plan and had submitted written comments. David  
30 replied that any written comments would be given to the applicant.
- 31 - Jessica Arendt said she is concerned about the amount of increased traffic the  
32 development will cause. She asked if there is a limit to the number of cars that this  
33 class of road is supposed to support. Tyler said there is not a fixed number saying  
34 there is no regulation. Traffic safety, sight lines and any accidents in the area could  
35 be brought to the DRB adding that the applicant should, as part of their application,  
36 state what the impact on traffic will be.
- 37 - Chantel Ryan asked what the next step is. David said the applicant may or may not  
38 provide an application. Tyler said there will be a preliminary plan public hearing  
39 before a final application public hearing. David said the purpose of this meeting is to  
40 provide the applicant with issues for them to address in their application. Tyler  
41 interjected that it is advisable for anyone who wants to be an interested party to  
42 provide written or oral testimony and attend meetings. Chantel said she felt that a few  
43 issues have been minimized that are relevant to going forward and was confused  
44 about when to bring up issues. David said the issues are all relevant but that the  
45 sketch review meeting was not the time to discuss them adding that the time to  
46 discuss them would be after application has been submitted at the preliminary  
47 hearing.
- 48 - Jason Pellletier felt confused also about when the issues should be brought up vs  
49 discussed. David said that this is a proposed project, and the purpose of the meeting  
50 was to provide the applicant with some of the issues that need to be addressed in the  
51 application. Jason said that every time an issue is brought up the person is being told

1 it is not the right time. David clarified by saying that bringing the issue up is  
2 appropriate, but this was not the time for discussing the issue adding that by bringing  
3 the issue up the applicant can now address it in their application and then there can  
4 be a discussion on the issue.

- 5 - Gabe said that some things being discussed are beyond the DRB jurisdiction and are  
6 handled by other agencies in Vermont. Tyler said questions about the process the  
7 Richmond staff can answer those questions outside of this meeting.
- 8 - Rebecca Butterfield said line of site for safety on driveways needs to be looked at as  
9 well adding wetlands on some of the lots look smaller than they actually are and  
10 thought it could be because of the time of year the survey was done since this was a  
11 drought year.
- 12 - Jaime Valyou said the overall project plan needs to be sketched out and not just  
13 saying what they are planning right now and hoped the DRB would direct the  
14 applicant to provide a master plan.
- 15 - Francis Thomas said he was disappointed that the members of the DRB have not  
16 raised more concerns about the sketch plan adding that that the concerns raised by  
17 residents should have been raised by the DRB and suggested the DRB should have  
18 been more prepared to guide the applicant.
- 19 - Dan & Holly Bellerose said no one has addressed erosion of the stream that runs  
20 through the property and would like to see it addressed at the next meeting.
- 21 - Marie Thomas said ground water is a great concern due to the number of houses.  
22 Marie said the property is owned by developers and she doubted that they will not try  
23 to develop nearly 200 acres at some time. Marie was concerned about more wells  
24 being drilled causing a problem because all the wells draw from the same aquifer. If  
25 there is substantial development, we would need to know that before any approvals  
26 are given.
- 27 - Ryan Gray said looking at the general layout of the sketch plan and lot sizes,  
28 setbacks, it looks like they have fit as many houses in as they could. He did not think  
29 it conforms to the Town Plan for development.
- 30 - Jessica Arendt said the driveways of lot 4 & 5 will reuse the existing road, but the  
31 sketch plan looks like there are two (2) driveways or that the existing one is increased  
32 in width. Ryan Wells said the plan is to use the existing drive and it will remain as is  
33 he stated that the plan is hard to read.
- 34 - Dan Ryan asked if the land has been tested for contamination because of tires and  
35 cars being buried there. David said the question is not pertinent to this meeting but is  
36 something that would need to be addressed at the next hearing
- 37 - Michael Marks said there are extensive provisions in the town ordinances that impose  
38 restrictions on development and that there are things he has disagreed with some of  
39 the things the board has said tonight and that he would present legal argument to the  
40 DRB on those issues encouraging the other residents to be prepared as well. Matt  
41 Dyer said categorizing the DRB board as not caring about the issues is not accurate  
42 and that relying on the state jurisdiction to inform our decisions. He did not  
43 appreciate the board being characterized that way adding that decisions are made  
44 carefully. Gabe agreed. Michael said he did not say the board did not care, he said  
45 "that the towns ordinances impose very specific criteria and that we may disagree  
46 with some of what we heard tonight, and I know that I disagree with many of the  
47 things I've heard tonight, that certain things do not fall within your purview, that is a  
48 respectful disagreement, and what will happen if we go to the next stage and the  
49 applicant presents its own detail plan is there will be a presentation of legal argument  
50 and evidence as to what the board should do and we hope the board will approach  
51 that with an open mind and I expect they will".

- 1 - Bonnie Waninger asked when driveway or access permits come up in the process.  
2 David said those are a Selectboard issue adding any DRB approval states that state  
3 and local permits must be obtained adding that the access permit must be obtained  
4 before receiving a building permit. Bonnie asked if driveways could be aligned for safety  
5 on the road and was also concerned about water runoff. Bonnie asked if written  
6 comments in the chat counted as written comments. Tyler said he preferred people  
7 email him or Richmond staff, but that the comments would be downloaded and added  
8 to the file he has for the next meeting.  
9

10 David thanked everyone for their comments and urged residents to attend meetings.

11  
12 Matt moved to continue the Buttermilk project to March 10, 2021; Gabe seconded. Motion  
13 passed. 5-0-0.  
14

15 **Other Business:**

16 Padraic moved to approve the Minutes from the January 13, 2021 meeting; Roger seconded.  
17 Motion passed, 5-0-0.  
18  
19

20 **Adjourn:**

21 Matt moved to adjourn; Padriac seconded. The meeting ended at 8:30pm. Motion passed,  
22 5-0-0.  
23

24 Respectfully submitted by Kathy Daub-Stearns, Administrative Assistant.  
25  
26  
27 .  
28