

Members Present: David Sunshine, Padraic Monks, Matthew Dyer, Robert DePalma

Members Absent: Matt Parisi

Staff: Keith Osborne, Director of Planning and Zoning

Others Present: Adam Miller, Jessica and Michael Sipe, Jane Miller, Jennifer Clark, GC Morris, Trevor Brooks, MMCTV-Tom Astle, Joe O'Leary

Start time: 7:04pm

Public Comment on non-agenda items: None

Public Hearing

Sunshine Everybody ready?

Great Welcome to the late August meeting of the Richmond Development Review Board. If you for those who are present in the room, you need to sign it in the back of the room. And for those online, you should, how do you want them to do it? They leave their name, they leave their name and and contact information online.

Osborne 00:34

They can put it in the chat. That would be appreciated, but I do see the names right here, and I'll write them down.

Sunshine

Okay, perfect for those who want to become what's called interested parties, pursuant to Vermont law, which allows you to appeal any decision we do or do not make, you will need to offer testimony, whether it be written or oral at the meeting in order to allow yourself to possibly be qualified as a interested party by the courts.

01:13

Having said that we have two items on the agenda, which disappeared off my iPad. And the first one item, one is SUB05-057, Amendment for Jessica and Michael SIPE, they're seeking a subdivision amendment through the Stoke club Highlands analysis to allow for a two lot residential subdivision of 1.74 acres and 13.26 acres from an existing 15 acre parcel, the second lot of 13.2626 acres would contain an existing studio barn that would be converted to a dwelling unit that currently has a residential prohibition. The applicants are seeking to remove this prohibition. So whoever is going to offer testimony once you come up to the table, and I'll swear you in.

Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth. You do? I do great. Why don't you tell us what you have in mind here,

02:41

DePalma Can we have names so we know who we're talking to.

02:44

Yeah, I'm Michael Sipe, Jessica Sipe

Speaker 3 02:47

I'm Adam Miller with Pease Mountain law. Great.

Sunshine

Nice to meet you all.

Oborne 02:53

Yes, what we're dealing with today, obviously, is a Stowe Club Highlands Analysis that was provided to the board members, and also staff notes indicated my thoughts on that they obviously don't have to have to follow those but that's pretty much where we're at right now. We wanted the applicants to seeking to remove that prohibition of a residential prohibition on the lot that hopefully will be subdivided at some point in the future, if you ever just, if you remember this was before you, I think was it two months ago? David, or two, three months ago or so?

03:29

Sunshine - Yeah, it has been. And we've, we've heard this applications a few times already. So we're ready to move we're ready to move forward on the new one.

Oborne

Yeah. And I would just say in closing that we did reach out to council, Town Council, and they have guided us along this process. So that's where we're at,

Sunshine

Adam. What? Tell us what you have in mind here,

Adam Miller 03:57

yeah? So, so, yeah, I think I we've been here three times and on the schedule a couple other times the last few months. So familiar with the project, I think. And there was some confusion on how to get here. And so I would just like to briefly summarize what we had pretty extensive conversations with the town, town attorney on how to get where, where we are. And the first part was the prior, the last time we were here was for a subdivision which was denied because there is this, there was this condition from the 2008 subdivision approval that limited a use to agricultural. And so the town attorney guided that the proper way to get back before you is now to just seek to amend that condition, to remove it, and then that would allow us to come back for a final subdivision approval, and if approved, to come back in the future for final subdivision approval. So, so that's...

Sunshine

Adam, Let me interrupt you for a second. One of the reasons. And also that we denied the last time was because we felt that a court had issued an order, What? What? What's happening with that part of the matter?

Miller 05:10

Yeah, so that was, that was the second thing I was going to address. We went over that with Attorney Rue also who, who clarified that the DRB is the one who has the authority to remove that condition that was imposed by the DRB permit the final subdivision approval in 2006 and then it's not the Select Board, and it's not the any court at this at this point, unless we appeal a decision. But that that authority rests with the DRB, and I believe Dave Rue was going to provide that opinion to the town and to the DRB, okay, yeah. So, so that I know that was confusion, we got a lot of confusion about that from the prior zoning administrator, but we clarified that with with the town attorney. If that answers your question, David,

Sunshine 05:55

yeah, I've I'll have to review David Rue analysis again, okay? And let's move forward then,

Miller 06:04

yeah, and then the third one, the proper way to do this for the town would be the still club Highland analysis. And that's an analysis of finality versus, you know, the balancing of finality of zoning decisions versus the flexibility of changed circumstances. And that while obviously, that determination rests with the board. There's pretty substantial conditions for changes in this that merit a change. Here was the other recommendation that I understand, and he was, he was pointing to the town. And so I'm happy to get into any, any of that analysis that's helpful for the town. What we're discussing?

Sunshine 06:41

Yeah, why don't you put that your analysis on the record? Then I know you summed it up at a letter. That's an exhibit. Why'd you quickly over, go over for the board,

Miller 06:53

sure. So essentially, still, club analysis is, is a balance of the need for some kind of finality in zoning decisions versus that conditions change over time, and sometimes what made sense at one point doesn't make sense in the future. And so the analysis is provides a number of factors for the board to consider in balancing those two and in this case, you know, the most compelling ones are really that whatever. So, so this condition in 2006 stated that it was trying to protect the wastewater system there was going to be in the subdivision, and then the views from these from this subdivision, from the homes in this subdivision, and to the extent that that made sense in 2006 the conditions have changed in the last 20 plus years, and that the wastewater system has been built. It's in a distant portion of the parcel, and has no impact by this by this building envelope here, and then the, there's been a bunch of, well, the specific building envelope has been developed and has, currently has a existing, a large, modern barn for a photography studio, business studio there, and then a second permitted, both permitted structures on thing and there's So what we're proposing is not any kind of building or change to any kind of view of

anything. It's really just convert the commercial use into allowing a residential use on this this separate building envelope. The other major change that happened here is there was a resub division in 2008 of this parcel to subdivide this protected parcel and to merge it with the sites parcel which they bought 2015, but so the whole project has been reworked involving this parcel, and that's when they developed, you know, the residents and on the original portion of their parcel, and the commercial buildings on this subdivided part the larger community has also changed phase corners, seen some rather substantial development. I mean, by Richmond standards, rather substantial development in that area. There have been a number of houses have gone out, especially in the last few years, such that that another a residential use of existing building is unlikely to offend anybody's sense of wastewater protection or the building, or any kind of view shed from those homes, which is primarily they're actually their home, is the primary one that sees this, this property. And then third one is that there have been substantial changes in the town priorities. State in the town plan, the 2006 the plan in effect back then, was very conservation focused and non non development, which has changed in the town's priorities. And the current town plan puts high emphasis on balance. Housing and needing more housing, but balancing it with preserving the rural, agricultural landscapes that we have, what we're proposing is to allow the adaptive reuse of an existing building that is also an agricultural parcel and a commercial parcel, to allow more housing without any building and any it already has a septic system. It already is a driveway. It's already built out. What we're proposing is exactly in line with the creative use of housing without damaging or harming landscapes, as I think 2020 18 town plan and and our current proposed amendments are really aiming the town toward.

10:52

Oborne That's the long and the short of it

Dyer 10:54

Yeah, sorry that is longer than my memo. It'd be fair. I'm going to jump in and acknowledge that I have missed the last few meetings. So I've missed a lot of this, so I appreciate that. And one of my clarifying questions was this exact what you just stated that both these buildings are already there. Now that you said that I remember, believe it or not, I was on the board when we approved this. And yeah, it's really, it's, it's paperwork to be able to convert the barn to living space, is really what we're talking about. Okay,

Sunshine 11:29

is that going to remain a single family house? Is that what you you have in mind?

11:35

M. Sipe Yes, anybody else on the board have any questions? Nope,

11:41

DePalma -yeah, I guess I do. Adam, is it without the record of the original approval? It's hard to understand why this condition was imposed in the first place. Do you have can you give us some sense of that history? Yeah,

Miller 12:01

it depends how deep we want to go into it, but like, the long and the short of it is, this was a nine lot sub, an eight-lot subdivision and it was, there was a challenge in the town. Initially denied the application. The developer appealed that to the environmental court. The appeal addressed the use of the PRD provisions. It had nothing to do with this. But the best we can read as at some point, somebody said something one of the neighbors or something said something about a view shed ask aspect of that. And so one of the building lots, this large building lot that was number seven at the time, which had a residential use in it, and had a portion of it which was conserved, which the condition was the northern half of it, which is now their parcel, needed to be used for agriculture uses, except for within a building envelope which could only be used for agricultural uses. I don't know what the end the real intent of that was. It doesn't really make any sense, because the town didn't regulate agricultural uses, and they could put buildings, you know, I don't know what they're trying to get out, but what I think was that the developer in the town, in resolving their PRD dispute, put something in to address whatever this applicant had agreed to. And that ends up, and then in 2008 the lot was subdivided in the northern part, which was the agricultural use kind of survived from that. But it hasn't been used, you know, it has developed in a way that currently has, you know, these large structures in it that have nothing to do with the wastewater system or the view sheds, and has this project has the support of overwhelming support of the neighborhood up there. So I think, I think that's what the original intent might have been back then. My

Dyer

memory from when we originally approved the barn was that was that, that it was, it was more of an esthetic thing, that this, this open field was, it was a view shed thing. And the neighbors at the time, maybe when the subdivision was created, wanted to leave this view from the road. One of the reasons we liked your project was that it was a barn, and we kind of felt like it. It worked within that spirit. But at the same time, I also appreciate that we need more housing in this town. Yeah, and

Miller 14:33

to be clear, there's no proposal to remove the agriculture restriction from outside of the building envelope. Obviously, an elven development within the building, it's just to remove that. I think what my reading is, what they were trying to do in this larger lot with the residential use on it, was to restrict the northern part to just be aggregate to the town extent the town could restrict the northern part to just be agricultural, except for within this building. Building Envelope, but then they added the restriction for the agriculture family of that building envelope. And I don't know if that just was a holdover from a prior plat, or if I don't really know what they're trying didn't really make any sense, because it then you don't need a building envelope. I guess if you can do this exact same I don't really matter, and you've never really treated it that way.

Sunshine 15:20

Actually, I was on the board back when this all took place, and I don't have a great recollection of it, but I seem to remember that the board at that time felt that because this lot was going to

contain all the septic system usage, that it was important to keep the lot fairly open and not subject to the residential uses, but I don't have a clear recollection of that after all these years. So

DePalma 15:52

that sort of leads into the question I was going to ask, and this may be getting into the merits of the subdivision proposal, but I'm interested in what what wastewater provisions or facilities are on this, what now is described as lot 15 and on lot eight, as in the proposed subdivision,

Miller 16:15

yeah, the so the eight lot subdivision that homes all have a shared wastewater system that's on a distant portion of this parcel, far down to the south. Yeah, to the south. It's actually on this parcel, but it's on the far corner of the process. It has nothing to do with the building envelope. And then in 2015 or 16, the sipes built an adu on their their what was originally lot eight, where their home is, and built this, this photography studio, and got a separate wastewater permit for those two uses because they weren't on the community wastewater system. And those two are also on that seven in a completely different area, kind of just outside the building envelope that we're talking about. And so there, they will require state amendment to turn in the commercial use into a residential use and expansion of the wastewater system. But it the the home site now is on a separate wastewater system, and it has, it really has nothing to do with the community wastewater system.

17:22

DePalma So if I'm looking at this subdivision plan, which lot is the Community System on

M Sipe 17:32

Southern Western it's actually the wild apple Hoa, which was the first development that has their septic running out to the back of our field, okay, which is, you know, 800,000 feet away. We're talking about that, I think, yeah, you've been area for a road

M Sipe 17:52

that comes kind of right next to the building envelope that that kind of roadway that access goes way out to a septic system, kind of by that funny little
it's, yeah, sure, absolutely, actually, maybe in the package here, yeah, here we go. Is it this thing in the bottom left there? This is the septic that we put in that services both the studio and the the accessory dwelling at the house. And this is the Wild Apple. Sorry, I'm sorry. I need to show this the wild

Speaker 6 18:33

apple that that pumps down from their pump station next to our drive road and then makes its way out to the back the backfield. Okay, let me, let me show you this. I don't know.

18:51

DePalma Okay, that's that's very helpful

18:58

Osborne

well. And I just have another comment. If this was to be approved, you could expand within that building envelope through the regular permitting process. You know, depending how you want to do it, I'm not sure what your permanent wastewater permit states right now. Is it? What's it's rated at, and what that might need to be revised to? But that's, that's the permanent process. That's not anything we have to do with the subdivision. So we're here just to remove that prohibition, that's it.

Miller 19:24

And to be clear, something to amend their declaration and and get state permitting. There's this. This was just like the entry level is just at the town to make sure that we can do this at the town. Right, right.

Sunshine 19:38

Okay, any further comments or questions from the board? No, no good hearing. None anything from the viewing public, whether it be in the room or on the video. Do.

Miller 20:00

Yeah, David, can I add one more thing sure get just if you choose to approve this application, we'd also just ask that the next hearing be a consolidated hearing for the final subdivision application that consolidates whatever happens here with our original application, so we can do the final subdivision in one hearing. It's approved tonight.

Sunshine 20:21

So we've, we've done that before, but that means you have to have all your ducks in line and everything submitted to us so that we can approve it as a final. If, if something is missing, then we would not be able to approve it as a final. Understood.

Sunshine Okay. But I understand the from the amount of hearings you've all been through that you probably want to quicken the process as much as possible. Yeah, I

Osborne believe they were sent through preliminary at one point already.

Miller - So yeah, and that was at the suggestion of attorney Rue also, was that that would be the pathway if approved tonight.

21:04

Sure, no problem.

Sunshine 21:10

Since I can't see everybody. Is there any other comments that people want to make? Anything? Can you hear us? Yeah.

O'Leary 21:18

This is Joe O'Leary. My wife, Stephanie and I live across the road. We're just to the north. We did. We just had a few questions. So while you're away, yeah, we're wondering if, if this subdivision happens to this set or precedent for further subdivisions on that hill, because we experienced quite a bit of erosion on this side of the road from happy on there or not, does this was this set of precedent make it easier for people to do more subdivisions beyond this one?

Sunshine So as was just stated by ZA, it doesn't preclude it, but they would have to go through the whole process again, from preliminary right through to a final, and they would have to also get the necessary state permits. And you, as an abutting landowner, would have plenty of opportunity to make your thoughts known.

O'Leary 22:19

Okay, so this wouldn't, this wouldn't help further projects down, down the road, with their with their with their process. In this case,

Sunshine 22:30

I don't see that. I mean, I think they'd have to go through the same process. It doesn't, it doesn't stop them from making the application, but it doesn't mean that they're going to be successful, right? Okay,

O'Leary 22:46

we're wondering. We're concerned about further development impacting our wells here. You know, people have been running dry with this weather. I don't know if anyone can answer that there or not, but it's just a concern that we have, would to have one more house on this aquifer.

Sunshine 23:11

Well, actually, isn't the studio now on the on the systems?

M. Sipe 23:15

Yes, we have a well that's been in place for the last eight years on the land. So we're not talking about Joe Stephanie, we're not talking about any new developments. We're just talking about rezoning our existing white bar and and I'd also like to say that as far as our property is concerned, we've done a lot of wetlands delineations, and there's no available area on our land for any kind of developments further than what we've Already done.

O'Leary So it's all kind of concerned that that's pretty much what we have for concerns folks. We just want to put them out there, and it's

Sunshine 24:09

Yeah, understood. Thank you. Thank you. Joe, is there anybody else that has any comments? I don't see any. David, okay, what would the board like to do?

24:25

Well, let me, let me back up on that, any further information that the applicant wishes to bring forth?

M Sipe 24:39

No, I think we've given all the information, unless there's any questions.

Sunshine

Okay, what would the board like to do?

Oborne I would just say one more thing. We do have a question from the public, from Trevor Brooks. I will. Question goes, this limitation was only opposed by the DRB as a question. There's no environmental court order or other quarter order that also specifies the same as similar restrictions.

Sunshine there was, what was that? Would you repeat that? It says, Okay, it says this limitation was only opposed by the DRB. There is no environmental court or other in a question, it is stated, There is no other court order, or other court order that also specifies the same or similar restrictions. Well, I think, in answer to that, in my view, the DRB was upholding an existing court order. I to me, that seems to be the answer to that question, and the applicant has brought forth, along with the town attorney, a methodology for moving forward even with that court order,

Oborne 26:04

through the Stowe Club Highlands analysis, specifically, this is would be considered a critical permit condition, and that is the template that we have followed. Trevor, just to let you know, and that's the only one we have there?

Speaker 1 26:23

Okay, so there's a motion to

approve this application. Is there a second

Monks 26:32

and move that we move to deliberative session on this.

Sunshine Is there a second to that

Dyer second?

Sunshine

All in favor. Aye,

Sunshine 26:46

okay, so for the applicants, we voted to move it to the deliberate session. The taking of evidence is closed, and we have 45 days to make of decision, but I assure you will hopefully come to a decision much faster than that.

Thank you all. Thank you. Thank you.

Sunshine

Okay, let me get the agenda back up here. So next on the agenda is see you are 2025. Dash oh two. Jane Miller, she is seeking after the fact approval for the renovation of flood damage single family dwellings located within the flood hazard overlay district of the Huntington River at 20 West white hill. Is Jaden up there she is. Hi, Jason, yeah,

JA Miller

I just had to stand up and walk around.

Sunshine

Yeah. So let me swear you in Jane do you swear for him to tell the truth, the whole truth, and nothing but the truth,

JA Miller 27:53

I do.

Sunshine Why don't you tell Well, tell us your name and then tell us what you have. My name is Jane and Miller and I own a house on the corner of West white hill and Cochrane road and the Okay. Like Monty Python said, now for something completely different, what you were just talking about. So the night of July, 10 and 11th, you know, the second flood.

28:40

Sunshine So this was 2024

JA Miller 28:47

not my house, but my basement was flooded from two sites. This was not the river I live right on the bank of the Huntington, but it was not the river that came up over the banks. This was runoff from West white hill and runoff from a neighbor's gravel pit and gravel driveway. So the water came down in two different directions, right? And what it did was ruin the foundation the house itself, because this was a full basement at eight foot high, the water in the basement reached about five four to five feet. However, it did not reach any of the rest of the house. It never got close to the, you know, the first floor, um, and but it was, it was obvious that something had to be done immediately. Um. It was not as if I could apply for a permit ahead of time, and so I chose just to go ahead. Contacted some contractors, local contractors, and then but did speak with, well, I didn't know who I was speaking with at the time. I mean, I had people from the Red Cross wanting to take me to Barrie to live in a cot, you know, for, you know, weeks on end, but I was able to stay in the house for a couple of weeks. But again, I had

to make an immediate decision on what to do, and the options were, take a buyout, which did not make sense to me, because people from 2023 still had not gotten any kind of, you know, compensation, and we're still waiting, and We'll still have so yeah, and so, you know, I, and I did, you know, it's not as if I didn't consult, but this is nothing I have ever done before. So, so I just went ahead with the work. And if you have read the staff notes and looked at the at the narrative. That's how it went. And I have been, and I have been slow about keeping, you know, the Commission informed, but part of that is because I was very dependent on the contractors schedules. So the first, you know, the first immediate thing, I was able to stay in the house for a couple of weeks because the water had not gotten to the fuse box was above where the water was, but everything else in the basement, the you know, all of the utilities were down there, and so those were wiped out. So the first, you know, the first thing to do was to make sure that the fuel oil tank had not leaked. That was one of the first things we did. And someone from, I forget, so someone came and checked the soil to make sure, and the it's the company is called tank safe. But this is a person who specializes in, you know, making sure that that if there is damage to a fuel oil tank that it is not, you know, been absorbed in the soil, so all of that, so that was the first thing clearing out the basement again. So washer, dryer, fuel, oil tank, water heater, furnace and a variety of tools were just they were all gone, right? So, and after talking the contractors, and again, with efficiency Vermont, which is very helpful, basically, what we did was replace that full basement with a crawl space, and move the switch to heat pumps rather than fuel oil heat and a furnace, and move everything up to the level of what is, is the the south porch. Meanwhile, the house needed to be elevated. And so there was a surveyor was brought in. Well was brought in. I wrote a surveyor and a structural engineer to do the measurements. They consulted with the contractors. And so there was one person who was responsible. I guess you could call him a general contractor, although it wasn't a formal Yeah, agreement, but he did the concrete, the foundation work, and he brought in a house mover, who was the one who raised the house, moved it over and then put it back on the foundation. Meanwhile, I was out of my house for four months. It took me a while to find a place to live, and I have wonderful neighbors who took me in. We thought it would be maybe four to six weeks. It was four months and so and again. Be and. I do not complain about the quality of the work that the contractors have done, but I was dependent on their schedule. So like in November, one's going off to his hunting camp in Pennsylvania, you know, and another point and another one's going up to Lake Ontario, you know. So and there's, you know, so if I have been slow about this, maybe it's some of my slowness, but I was dependent on their schedules as well and getting all this done. So I was finally able to move in before New Year's, before last New Year's with well, because I had overstayed my welcome with my good neighbors that, you know, they, they had family coming in. Was going on Christmas, and so I had to goose the contractors along, um, but anyway, I was so I had heat the heat pumps were in. I still, and part of the electricity was in. I still had no water, um, for a week or so, and then I had water, but no hot water. So all of this, you know, was kind of bit by bit.

And, you know, just one thing, because certain things had to be done before other things could be done. So, for example, the whole house had to be rewired from a different direction. Same with, same with, you know, the water lines had to be moved the the well and the septic were not affected, because the well is slightly uphill, and so, you know, the Stafford was committee that checked it, but They, you know, waiting for them would have taken

months. We also didn't change the house. It's No, the only No, the only, the only direction there, you know, there's nothing new built there. The only direction anything moved was up, you know, according to specifications, again, set by that the both the surveyor and the structural engineer had, yeah,

Oborne 37:29

and I would add they did a your structural engineer did a really good job of cataloging everything off, on it at the end of the day.

JA Miller 37:38

Yeah, he had, he had to, well, he had to crawl in, you know, through what had been a basement window, because there, you know, there were no there was no porch, so anybody had to get in by going into the new crawl space and then kind of heaving themselves up to what had been, you know, this staircase to the basement. My contractors did build it, build a staircase so that is now accessible, but so it's, it's a lot of while the structural stuff is is done, there's a lot been a lot of collateral, collateral damage inside the house, but it is, you know, the crawl space is fully insulated. There are flood vents. So as far as I know, I have complied with everything structurally that needs to be done. There's still more, you know, there's some siding to be repaired, but, you know, again, all the utilities are up, and Patterson signed, you know, a new slab was laid for propane, because I'm using propane just for the stove and for the water heater, and so as far as I know, all of that is compliant with code and regulations and and he's put into The staff notes that the house is reasonably safe. And I think that's all from flooding, yes, from flooding, yeah, yeah.

Oborne 39:27

You know, that's the standard that the NFIP puts out there. Needs to be reasonably safe.

Speaker 9 39:33

Well, you know, I think that's about all anybody can ask us to be reasonably safe. You know, not perfectly safe and and again, I got a lot of help with I did. I worked with FEMA. And however much people may complain about FEMA, that first round, the people on the ground were really good. I. And also efficiency. I got some rebates from efficiency Vermont for, you know, for the heat pumps and for moving to more electric. So I really appreciate all of that. And I yeah, I mean, frankly, the house is sounder and safer than it was before the flood, ironically, ironically. Now,

Sunshine

Jane, we really appreciate all you've been through.

It's crazy, and we've heard some other after the fact, applications, such as yours after the first flood, which I think was two years ago, and mostly in the village down by the river. So we appreciate what you had to go through,

40:50

and obviously take care of yourself first. So does anybody on the board have any questions?
No.

DePalma 41:02

Yeah, I have a couple. I'm new to this, Jane, so I was not involved in those prior applications. So I'm just interested in learning a couple things. I'm looking at the report by Richmond Professional Engineering, and one statement they made in that report is that the source of the flooding was the adjacent Huntington River, which is inconsistent with what you have told us,

JA Miller 41:28

no, the river did not jump its banks. It did not. It did not. What happened was again as Okay, so I don't know if you are familiar with that corner, but I live right at the bottom, of West white hill and the intersection of West white hill and Cochran road. And so what happened was that, as the runoff came down the hill, there are, you know, there are other either creeks or culverts that go into the Huntington, but one of them is right behind my garage. It's the very edge of my property. It's the border of and it diverts water off of West and so, so so it was so there was water coming down, and that was getting clogged. For another reason, and so it what happened was then it so it wasn't the river that jumped the banks, it was that culvert that was clogged or filled up, and the water came through my garage and through the yard and then down into the river, which eroded part of the bank of the river. So again, it wasn't the river, that river itself, that did the damage. The other part of it was runoff from again, there's a bluff across the road, across the road. And the neighbors have a gravel pit and a long gravel driveway, and there's another culvert right by that stop sign, but there is really no channel, um, for that, for that water that comes down that way to get to the river. There is a little and again, if you, if you picture that there's, you know, there is like a five car, well, six car that people try to really squeeze in, pull off right there, next to Edmonds bridge and so, and there's a little Gully, um, and so, you know, this was never, this had never happened before, um, but the presumably any water that came down through that culvert, which is pretty big, would just, would just kind of settle in that little, that little Gully. Well, there was too much, and so it flooded my front yard, and that was what took out the foundation that you know, from that side. So stuff from West white hill that came down, you know, did in part of my garage, took out my car, and many other things that were there, but the front yard was where the north side of the house is, where that corner of the foundation went. And yeah, it was quite a night. I went out to about midnight to see what was happening, because I heard some commotion, and it turned out that was. Of the fire trucks, not a not a tank truck, but a small one, had gone off the road right by the stop sign and lost a tire. So there were a lot of blue lights, red lights, so etcetera. And I thought, I'm not going to walk out my South door because I see this water coming. I'll go out the front and I stepped right into about a three foot sinkhole. And I'm lucky, you know in that, yeah, I didn't crack my head on the cement steps.

DePalma 45:33

So have, have either of those culvert structures been upgraded since the

JA Miller 45:38

they have? Yeah, the town crew, you know, tries to keep up. They have added some, it's not, it's not big yet, it's not huge rip rap, but they have, you know, try to shore up the sides at least of the two that are closest to me with, you know, like, Yay, big rocks, but there's a lot of so it's small, smaller rip rap, but, but it's, it's, it's a small gravel And the silt that is, you know, clogging things, clogging things out.

DePalma 46:23

I'm well aware of this because I live on Williams Hill and, yeah, that same night, two culverts uphill from my house, who failed, got overrun and washed out a good portion of Williams Hill. Yeah, my driveway. So I know, yeah.

JA Miller 46:39

Well, we're, you know, I mean, I'm not alone, and I'm I am lucky in that, you know, I mean people on sniper land circle, you know, had much worse damage, let alone talk about people in Plainfield and You know, Montpelier and Barry, but you know, so, I don't know. And, and again, this has been a, kind of a backwards, you know, you know, entirely

Monks 47:09

understandable. I mean, I think it was incredible ordeal, what you went through. I live on West white I drove by, you know, well, pretty much every day for, you know, for the last year, and saw your progress and just, you know, reading through the package of materials, I don't, I don't know what else well I do. Certainly, the house preserved, I made better.

JA Miller 47:42

Well, the house has an interesting story in and of itself. But it's yeah, I will kind of miss the big, you know, combination backhoe and...unintelligible.

Sunshine sorry, did you have more questions? I

DePalma 47:56

just want to clarify. I think you answered the question. But this engineering report indicates that as of December of last year, you were exploring options for sump pump and flood vents which hadn't been

JA Miller 48:07

installed. No, the flood vents are installed. They are installed. They are installed. Yeah, so

DePalma

my questions I have, thank you. Yeah.

Sunshine 48:16

Any other comments from the board, any comments from the public.

48:22

I am the public. Okay, what would the board like to do? Sorry,

GC Morris 48:32

I'm just curious why you're listening to this engagement. Was something within the DR B's authority, it's violated

Oborne

. She's getting approval from the flood hazard overland district for the permit.

JA Miller 48:50

It's, yeah, it's, you know, like the whole watershed, correct? Yeah. What?

Sunshine

That question been answered,

GC Morris Yes.

Sunshine So again, what would the board like to do?

Monks I'd move to approve.

49:15

Sunshine Is there a second to that?

49:17

Dyer I would second that

49:19

Sunshine All in favor. Aye. Aye.

Oborne 49:24

I would add there's, there's one condition that does need to be met, and it's in my staff notes. It has to do with the Vermont office of watershed management. I need to get a response from them, and if, if so allowed, I'll add that to the decision.

Monks 49:39

Yes, sorry, that was my that was my intent to approve with the conditions, conditions, yes, no, no, that's not nobody. It's good. To clarify. My bad,

Sunshine 49:52

okay, well, all everybody who approved, are they accepting of that? Addition? Yes, absolutely, yep, yep. Okay, Jane, Jane, we've approved your application, and we'll try to get you a order as soon as Keith is willing against more.

JA Miller 50:18

Well, thank you. Yeah, it's been, it's been quite a year, but it is thank

50:23

you for your patience. Also with me. I know it

Oborne 50:26

was happening, but Well, I mean, that's your job. It is my job. Okay, thank you very much. We'll be in touch, okay,

50:36

Sunshine Keith is there anything else that we need to discuss on the record?

Oborne 50:41

Yeah, I guess real quick we did a higher zoning administrator last week. His name is Dante. His first name is Dante, and I do know his last name, but I'm not going to share it with you at this point. We'll just leave it at that. He starts on Tuesday, and we discussed this a little bit this morning. David, he does have a JV background. So he does, he can, he can interpret law, which is important in this position, and is a very good writer. And he starts on Tuesday, and on the verge of being giddy, as a matter of fact, you'll see us. We'll see the two of us here on the 10th.

Sunshine 51:20

Keith, Keith, well, he is part of his duties to take, to be, to deal with us, just like we've done in the past.

Sunshine 51:29

That's a main duty is to deal with you folks, okay, yeah. I mean, obviously he's a zoning administrator, but, yeah, he's fresh, he's young, he's, he's, he's pretty enthusiastic. I think you're going to like him, and we'll make sure he's thorough, and we'll set him up with protocols that my office wishes to be followed.

Terrific. That's good news. I know. I know you'll be sorry not to do both roles.

52:00

Oborne You are correct. I would be remiss if I wasn't. Sorry.

Sunshine Is there anything else we need to discuss

Oborne Just need to go to deliberative session for Sipes.

Sunshine

Okay, so I entertain a motion to go into delivery session.

So moved

second, all right,

52:24

okay, we're gonna have to vacate

Oborne 52:30

a statement. Oh, you want to make a statement? Yes? Oh, okay, I like to make a statement. Come on. Up. 20,

GC Morris 52:40

2502 the preliminary decision on this board's part made.

52:49

Sunshine Would you please state your name? My name is GC Morris

GC Morris 52:54

My address is 183 West Main Richmond, Vermont,

Oborne 53:00

David, I'm not sure how you want to hand want to handle this. This has to do with an application that would be before the board on the 10th

Sunshine 53:08

Well, then why don't you save your comments to when the applications in front of us, because we will have no knowledge of anything you're about to discuss until we see the materials.

GC Morris 53:23

Well, you've seen the materials, and you made a preliminary decision, which I'm stating, my disappointment. They haven't,

Sunshine 53:29

they haven't, but, but that was not the time to do that. The time to do that would be at the final hearing.

53:36

GC Morris I certainly, oh, well, I'm not sure I can do that. We

53:41

can't submit written comments also.

Sunshine 53:46

The other thing is that that hearing has already taken place, and you did? You appeal that hearing.

GC Morris 53:55

I'm here to make a statement to express my disappointment in the decision that was made,

Sunshine 54:03

okay, and I fully understand you wanting to do that, and I think the time to do that would be at the final hearing, because right now they've been given preliminary approval. That approval has not been appealed to my knowledge, and so your comments would be very applicable at the final hearing, because that's when we would make that final decision is whether to grant that permit or not.

Speaker 10 54:42

I understand. Thank you, David, thank you that. Okay,

Sunshine 54:48

let's go off the record and go to the deliberative session,

Oborne 54:53

and we'd stop the share, and we've already gone into the session to the. To report stuff.

DRB ENTERS DELIBERATIVE SESSION

Sunshine

Okay, so I'd entertain a motion on site.

DePalma 55:10

So I guess I'll make the motion that we approve a determination that the application does not violate the rule of finality under the zoning laws and therefore agree that the application for a subdivision amendment or subdivision approval may move forward.

55:36

Is there a second to that?

55:38

Dyer I'll second All in favor, aye. Aye, great. Yep,

Sunshine ffantastic. Anybody want to make a motion to adjourn? Yes, what

about we decided? No already, right? Yeah, yeah, yeah, motion to adjourn. Second and

55:59

Keith. What do we look like for September?

Oborne 56:01

Well, you saw a preview of that a few minutes ago. September 10 is you have one one item on , it's the PUD. What's your name? Okay, right. Look for that in the mailbox soon.

Sunshine 56:22

Thank you all.