



Planning & Zoning Office Town of Richmond
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Chelsye & Trevor Brooks
1364 Jericho Road
Richmond VT 05477

RE: 1330 Jericho Road Driveway

Chelsye and Travis,

I had a chance to look over your email in more detail, and I will attempt to answer your questions in the order they are presented in your email. At the outset, it is important to note that Mr. McCormack has an unappealed, final zoning permit (Permit #2024-02) to construct a driveway on the above-referenced property, and he is entitled to complete construction in accordance with the materials submitted with the zoning permit application and any terms and conditions of the zoning permit.

You first raise concerns about the fact that the Public Works Specifications for construction are not being met. You specifically referenced Sections 2 and 3 of the Public Works Specifications. It is important to note that these Sections of the Public Works Specifications only apply to the construction of roads or streets, not driveways. These road standards kick in if a driveway serves 4 or more lots or single family homes. Since this driveway was approved to only serve one lot, the Public Works Specifications' standards for road construction do not apply. Again, Section 2.3, which references slopes and embankments, only applies to roads, not driveways. The same goes for Section 2.4, which deals with ditching requirements. The only construction requirements for driveways are the standards noted in Section 6.2 of the Richmond Zoning Regulations. We note that Richmond Zoning Regulations Section 6.11 establishes the requirements for engineered plans for erosion control, but these plans are only needed if work is conducted on slopes over 20% grade. However, looking at the plan set it appears that the steepest grade affected by the construction proposed in Permit #2024-002 is 19%, not 20%, and thus the requirements of Zoning Regulations Section 6.11 are not triggered.

At this point and while Mr. McCormack's construction is on-going, I will not be able to determine if he is in violation of Permit #2024-002 or his plans until he applies for a Certificate of Occupancy (C of O) to close out his permit upon completion of construction. The lines shown on the map submitted with Mr. McCormack's zoning permit application are proposed contours, or elevation lines, not limits of disturbance. If it is determined when I perform the C of O inspection that the constructed driveway is located where it was depicted on the plans approved by Permit #2024-002, then Mr. McCormack will either need to amend his application or move the driveway to the location shown on the approved plan set. As far as Mr. McCormack's plan for future development of the above-referenced property, it is premature to consider those because they have not been presented to the Town, and I can only evaluate those plans once I receive a complete application seeking approval of land development.

Given that the permit was issued and never appealed, Mr. McCormack is allowed to proceed with his project and conduct the work approved by Permit #2024-002. I will not be able to determine whether or he is in compliance with his plans and Permit #2024-002 until he has completed his work. Again, if in the course of performing the C of O inspection it appears that there is a deviation from the approved plans

and Permit #2024-002, then Mr. McCormack will need to either amend the plans and obtain a revised zoning permit or change the driveway to conform to the plans he submitted and that the Town approved.

At this time there is no enforcement action for me to take as Mr. McCormack's zoning permit is valid, final, and was not appealed, and I cannot determine whether or not he is in violation of his plans until the work is complete. I understand that this was not the answer you were hoping to hear, but it is the conclusion I have come to after reviewing the Richmond Zoning Regulations and consulting the Town's attorney. If you would like to appeal this decision you can provided you follow the steps noted in Section 8.4 of the Richmond Zoning Regulations. You have 15 days from the date of this letter to appeal my decision.

Sincerely
Tyler Machia
Zoning Administrator

