

## Chelsye Brooks

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**From:** Chelsye Brooks <chelsyebrooks@gmail.com>  
**Sent:** Friday, October 25, 2024 1:54 PM  
**To:** Chelsye Brooks  
**Subject:** [EXTERNAL] Fwd: Info for DRB Review - 10/30 Meeting

----- Forwarded message -----

From: **Chelsye Brooks** <[chelsyebrooks@gmail.com](mailto:chelsyebrooks@gmail.com)>  
Date: Thu, Oct 24, 2024 at 11:58 PM  
Subject: Info for DRB Review - 10/30 Meeting  
To: Trevor Brooks <[trevor.brooks@gmail.com](mailto:trevor.brooks@gmail.com)>, Tyler Machia <[tmachia@richmondvt.gov](mailto:tmachia@richmondvt.gov)>

Additional Town Zoning References

### 5.3.3 Misrepresentations

a) Any zoning permit issued based upon material inaccuracies or misrepresentations in an application or in any supporting documents to an application shall be null and void and shall not be construed as waiving any provision of these zoning regulations.

- Plans for 2024-67 do not match those submitted for 2024-02 re: driveway
- The driveway has already been constructed, and it doesn't match 2024-02, the new driveway plans submitted with 2024-67 would allow the 5ft no build zone violation without consequence or remediation because those plans DO delineate limits of disturbance
- Nothing on the included EPSC plan has been done properly, yet including it implies it has
- Claims nothing is above 20% grades, but many locations are
  
- Claims or implies he has a stormwater permit, however he doesn't
  
- Permit Navigator Results include inaccuracies (Does your project involve: construction or maintenance of a berm or additional material for landscaping adjacent to a stream? Is your project proposing activities in or near a stream? Does your project involve land that is in or near an area that: Water is present, Wetland plants, Wetland Soils?)

### 5.3.5 Certificates of Occupancy –

**5.3.5.1** A certificate of occupancy from the Administrative Officer is required prior to the use or occupancy of any land or new principal structures, dwellings, additions to structures 600 square feet or greater, and accessory structures 600 square feet or greater.

- The access permit & permit 2024-02 were for a driveway for a single family home, and commencement of 2024-67 would mean the driveway is now being used for the purpose which it was built. As such, it should receive a Certificate of Occupancy prior to its use.

6.2.4 e) No Build Zone – No construction of improvements may occur within five (5) feet of any lot line. “Construction of improvements” means all construction activities such as, but not limited to, driveways, fences, recreational improvements, parking areas, excavation, grading or filling.

- Construction of improvements has occurred within the 5ft no build zone for a distance of approximately 275 ft adjacent to my property.
- At times, excavation occurred ON my property without permission.
- The 5ft no build zone has been violated for approximately 200 ft adjacent to the Baker parcel.
- Most recently, a utility trench is being installed for the homesite inside of the 5ft no build zone during the appeal period.
- At one point this trench crosses over onto the Baker parcel.

#### 4.1 Compliance with Public Works Specifications

All vehicular accesses shall comply with the 2000 Public Works Specifications, or the most recent version of Public Works Specifications at the time of application.

#### 4.12 Performance Standards

g) No use shall cause, create or result in an undue adverse impact on municipal facilities and services

- The town ditch on Jericho road in front of the Baker property is clogged with silt due to untreated Stormwater runoff from this project.
- It may also extend into the culvert that crosses Jericho road in that area as well.
- This is not only a result of July flooding - this Stormwater runoff has been occurring since May 2024.

8.1 – Administrative Officer – shall administer these Zoning Regulations literally and shall not have the power to permit any Land Development which is not in conformance with these Zoning Regulations.

- Tyler Machia does not have the authority to approve a permit which contains plans clearly showing there will be a planned violation of the 5ft no build zone in the Town of Richmond Zoning Regulations.
- A certificate of occupancy is also required for permit 2024-02 before its use commences as built to serve this proposed homesite. Previously this was a logging access road and would not have

supported the machinery, materials, and equipment required to travel up the steep terrain to the homesite. I argue this is proof that this new use has actively begun.

8.3.1 Violations – The commencement or continuation of any Land Development that is not in conformance with these Zoning Regulations shall constitute a violation. All violations shall be pursued in accordance with the Act (§§4451, 4452). Each day that a violation continues shall constitute a separate offense. The Administrative Officer shall institute in the name of the Town of Richmond any appropriate action, injunction or other proceeding to enforce the provisions of these Zoning Regulations, including conditions of approval.

- Tyler notified of the violation of the 5ft no build zone on 05/10/2024 and decided he could not issue a zoning violation.
- Tyler notified on 10/23/24 of work occurring during the appeal period as of 10/22.
- On 10/24/24 Tyler was notified that the work continuing during appeal included a 5ft no build zone violation as well as excavation extending onto the Baker parcel.

#### 2.5.2 Non Developable Portions of a Lot

a) Wetlands, streams, rivers, ponds, or lakes;

b) Slopes equal to or greater than thirty-five percent – 35%;

d) Privately owned vehicular or utility easements or rights of way;

- There are verified wetlands on the parcel, per state ecologist Tina Heath.
- In one location, those wetlands surround our well, which is located on a spring that we have deeded rights to use & develop as well as a right of way for access, maintenance, & development.
- The landowner knew of this right of way & deeded spring rights before development of this land began, but made no effort to obtain permission to work within our right of way and effectively and actively cut off our access.
- We additionally have an implied prescriptive utility easement for our underground secondary electrical service which runs under the newly permitted driveway, but the permittee has refused and resisted filing an official easement with the town, citing the desire to have nothing restrict what they can do with their land as the reason.