



Planning & Zoning Office  
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Appeal # APF 2024-01  
 (office use only)

## NOTICE OF APPEAL

All information requested below must be completed in full. Failure to provide the requested information on this notice will result in rejection of your application and delay in the review of the appeal before the Development Review Board.

***I understand:***

- ♥ The presentation procedures required by State Law (Section 4468 of the Planning & Development Act);
- ♥ that the Development Review Board holds regular meetings once a month;
- ♥ that a legal advertisement must appear a minimum of fifteen (15) days prior to the hearing on my appeal; and
- ♥ I agree to pay the required fee to offset the cost of the hearing on my appeal.

1) Name and Address of Appellant (s): Chelsye & Trevor Brooks 1364 Jericho Road Richmond VT

1a) Email Address of Appellant(s): chelsyebrooks@gmail.com trevorbrooks@gmail.com

2) Location and brief description of property at issue in this Appeal:

92 acres with a newly installed driveway (2024-02) and home permit (2024-67) recently issued.

3) What action of the Administrative Officer are you appealing? Issuance of zoning permit (2024-67).

The application does not indicate there are any slopes over 20%, however many sources indicate there are slopes exceeding 20% in areas including the home, driveway, and septic system. The VT ANR Map shows slopes exceeding 20% all throughout the project when you use the slope overlay tool. The soil types that are indicated at the home site are MeE, which have slopes of 20-60% per the USDA. ([https://efotg.sc.egov.usda.gov/references/public/VT/Hydrologic\\_Soil\\_Group--Chittenden\\_Dec2015.pdf](https://efotg.sc.egov.usda.gov/references/public/VT/Hydrologic_Soil_Group--Chittenden_Dec2015.pdf))

The newly submitted plan that includes the driveway and homesite is entirely different than the plan that was submitted with permit (2024-02). This plans LOD directly violate the 5ft no build zone regulation in the high-density residential district. Presently, both plans submitted are different than what was actually constructed. The certificate of occupancy for the constructed portion of the driveway under permit (2024-02) has not been completed, however the approved (2024-67) permit would be actively using this driveway during construction and beyond. Zoning violations that we reported 05-24-24 have not been enforced by the zoning administrator, because reportedly he cannot enforce those until a C of O inspection is done, thus allowing the continuation of violations. The newly approved permit would allow this zoning violation to remain as nonconforming because the plan shows LOD inside the 5ft no build zone where excavation & grading has occurred, which the ZA knew before approving (2024-67).

This project is under DEC investigation for environmental violations. The stormwater construction permit is not approved, a stormwater operational discharge permit has not been applied for, and a wetland delineation has been requested by the state ecologist. Per the Richmond zoning regulations, it is the responsibility of the applicant to acquire state permits, and this has not been done. Additionally, the detail of state permits was omitted on the application for both the (2024-02) & (2024-67) permit despite 5.2.1 c) viii. requiring it.

4) What provisions of the Richmond Zoning Regulations are applicable to this Appeal, if any?

- 5.2.1 c) viii. & 5.2.1 d) & zoning permit application: applicants responsibility to aquire state permits. Section 6.11 says slopes over 20% require engineering plans for adequate erosion control.
- 3.2.4 e) No Build Zone. No construction of improvements within 5ft of lot line.
- 5.3.5.1 A certificate of occupancy is required prior to the use of any land.
- 5.3.5.3 details conditions to aquire a certificate of occupancy.

5) What relief do you want the Development Review Board to grant?

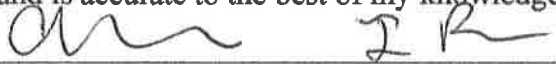
We request that the DRB deny the zoning permit for the home (2024-67) until permit (2024-02) has been resolved. Both by receiving a certificate of occupancy demonstrating that it is constructed per plans, and by obtaining the proper state permits for stormwater. This should include a stormwater construction permit as well as a stormwater operational discharge permit, also any wetland delineation and permits that may be required per the state. We also request that the DRB require the extreme slope that was created at our property line, violating the 5ft no build zone, be remedially dealt with to adhere with standard engineering practices for stabilization and erosion protection. Additionally we request that the DRB require the permittee for (2024-02) to install a fence to protect my children and other individuals against hazards created directly adjacent to our property line, to include a steep drop off down to a vehicular access, and a deep culvert basin that pose fall and drowning risks. Should the DRB rule in our favor, we request that our fees paid to be refunded as this appeal wouldn't have been necessary if the applicant and ZA had adhered to our town zoning regulations.

6) Why do you believe that the relief requested in Number 5, above, is proper under the circumstances?

We believe that all requests listed above are reasonable and appropriate given the current circumstances. We think things need to follow a logical sequence of events with the first stage resolved appropriately before proceeding. Prior to continued development, the state must issue, inspect, and enforce all of their permits. To allow the home to be built now would be continued development, which should not happen at this phase of the state investigation. Also, it could potentially block and hinder the engineering that will be needed to comply with the state stormwater permits as space is already quite limited with the driveway constructed before engineering and permits were obtained. The steep slope so close to our property line is unacceptable, and not engineered. Lack of enforcement by the ZA is now having lasting negative effects on our property and the safety of my children. The permittee created the hazard, and should be the one to protect others from it.

NOTE: Notification of adjoining property owners: Notification of adjoining property owners, in accordance with 24 V.S.A. §4464(a) and Section 8.2.3(b) of the Richmond Zoning Regulations, is the responsibility of the appellant.

I hereby certify that all the information requested as part of this notice of appeal has been submitted and is accurate to the best of my knowledge.

  
Signature of Appellant

9/24/24  
Date

Do not write below this line

9/24/24  
Date of Submission

I have reviewed this application and find it to be:  
 Complete  Incomplete

  
Administrative Officer

9/29/24  
Date