



TOWN OF RICHMOND

Planning and Zoning Office

203 Bridge Street, P.O. Box 285

Richmond, Vermont 05477



Development Review Board Final Decision for Notice of Appeal 2024-01 October 30, 2024

Specifics of Appeal: The Appellants, Chelsye & Trevor Brooks, are seeking to appeal the decision of the Zoning Administrative Officer (ZAO) to issue permit 2024-67 which involves the construction of a Single-Family Dwelling and associated sitework located at 1330 Jericho Road, Richmond. Please see related Notice of Appeal 2024-01 for additional information and context.

Related submissions:

1. NOA 2024-01 Received September 24, 2024. See specifics of appeal above
2. Zoning Permit 2024-67 Issued September 13, 2024 for a SFD and associated sitework
3. Zoning Permit 2024-02 Issued January 17, 2024 for the construction of a 2,280 linear foot, 24-foot-wide driveway.
4. Emails and photos dated May 14, 2024 and May 16, 2024 from appellant to ZAO
5. Email dated May 20, 2024 and May 22, 2024 from appellant to ZAO concerning stormwater, B-71 Standards and slope concerns
6. ZAO response to appellants concerns dated June 4, 2024
7. Appellant communications dated June 28, 2024 with subject property owner Jay McCormack
8. Wastewater Site plan dated August 1, 2024
9. Erosion and Sedimentation plan revision dated August 19, 2024
10. Soils evaluation documentation and Site plan dated September 3, 2024
11. Email dated October 25, 2024 from appellant to ZAO
12. Driveway Profile scan dated 10/25/2024

Procedural Information:

1. Notice of Appeal review and agenda placed on Town Website and at three (3) locations one week prior to proceeding.
2. Agenda placed in Seven Days, the Town of Richmond's publication of general circulation, on 10/2/2024

Findings of Fact:

1. Public hearing was set for October 30, 2024, warned on October 2, 2024 in Seven Days and per procedural information listed above. This warning to hold a public hearing was in accordance with the Act (§4468)
2. Public hearing was opened and closed on October 30, 2024.
3. Appeal was heard and decision rendered on October 30, 2024, see below.
4. The Development Review Board made their decision based on the testimony of the appellant, the ZAO, the appellee and appellee's representative. The hearing and decision

followed the provisions for review as per the Act (§§4464, 4468) as well as the applicable provisions of the Richmond Zoning Regulation §8.4, Appeals and Variances.

Conclusion

1. During deliberation, the Development Review Board (DRB) focused on the permitted use in the High-Density Residential Zoning District of Single-Family Dwellings (SFDs) and found no basis by which to deny the issuance of Zoning Permit 2024-67 for Mr. McCormack, owner of the parcel located at 1330 Jericho Road, Richmond. The permit was for the construction of a SFD and associated sitework and it was determined that the permit was complete and valid for this permitted use, following the procedures as denoted in the Richmond Zoning Regulations §5, Permits and Approvals.

DECISION: The Development Review Board denies Notice of Appeal APE 2024-01, with no conditions, and upholds the Zoning Administrative Officers issuance of Zoning Permit 2024-67.

DRB VOTING ON THIS APPEAL:

David Sunshine, Chair	in FAVOR	AGAINST	ABSTAIN	RECUSED	ABSENT
Mathew Dyer	in FAVOR	AGAINST	ABSTAIN	RECUSED	ABSENT
Padraic Monks	in FAVOR	AGAINST	ABSTAIN	RECUSED	ABSENT
Roger Pedersen	in FAVOR	AGAINST	ABSTAIN	RECUSED	ABSENT
Matt Parisi	in FAVOR	AGAINST	ABSTAIN	RECUSED	ABSENT

The application as approved shall be in conformance with the decision, referenced items, the findings of facts, and conditions. The applicants and interested parties are hereby notified that if they disagree with this decision, they have the right, under 24 V.S.A. 4471, to appeal to the Vermont Superior Court – Environmental Division.

The appeal must be filed within thirty days of the date of this decision and be in accordance with the governing rules of procedure and rules of the Vermont Superior Court - Environmental Division. Title 24 Vermont Statutes Annotated; Section 4471 provides that “An interested person who has participated in a municipal regulatory proceeding authorized under this title may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
