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April 28, 2021

Josh Arneson, Town Manager
Town of Richmond
PO Box 285
Richmond, VT 05477

Dear Mr. Arneson,

I represent Bruce and Cara LaBounty. My clients own land and homes at 135 LaBounty Lane, Richmond, Vermont, and request a waiver of permit and hearing fees relating to a subdivision (2019) and recently issued permit for a small covered patio at their home.

I note that efforts are ongoing in the Town to modify the fee schedule in order to legitimize the practice of waiving certain fees for the benefit of the entire town due to extenuating circumstances. We are therefore submitting this request in writing to the Selectboard and ask that you add this item to the agenda for the next available Selectboard meeting.

Bruce and Cara request waiver of their second subdivision permit fee adjudicated at the DRB hearing on 6/14/19 totaling \$560.00. Please note the first subdivision permit fee adjudicated at the DRB hearing 4/12/19 was \$550.00. They have previously submitted information setting out incorrect information and guidance provided to them by the then zoning administrator, which caused them unnecessary additional work and cost, and led in part to additional submissions to the Town. My clients note that several other Richmond petitioners facing similar situations have received a waiver of fees, and so in fairness to them, they ask for the same treatment of their situation.

My clients further request a waiver of the \$53.40 covered patio permit, which they believe was potentially unnecessary. They again note that other Richmond petitioners who have performed similar work have had after built fines and permit fees waived in similar circumstances.

Thank you for your consideration of this request.

Sincerely,



Robert W. Scharf

RWS:mmc

cc: Bruce and Cara LaBounty

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MEMORANDUM

Date: May 14, 2021

To: Selectboard

From: Josh Arneson, Town Manager

RE: Fee waiver request for 135 LaBounty Ln

I have received a letter from Attorney Robert Scharf requesting that the Selectboard waive permit and hearing fees related to a subdivision permit and a recently issued permit for a small covered patio at 135 LaBounty Ln., the home of Cara and Bruce LaBounty.

The letter notes efforts by the Town to modify the fee schedule in order to allow for certain fees to be waived. I assume this is in reference to the September 8, 2019 decision by the Selectboard to include the following language in the fee schedule:

- Fee Waivers – Fees under this schedule may be reduced or waived due to extenuating circumstances. An applicant requesting such reduction or waiver shall provide the request in writing to the Selectboard. The Selectboard shall review the request and make a final determination.

The first request in the letter is for a waiver of fees related to the second subdivision permit fee heard by the DRB on 6/14/19 totaling \$560. The letter notes that they have previously submitted information setting out incorrect information and guidance provided to them by the then Zoning Administrator Suzanne Mantegna, which caused them unnecessary additional work and cost, and led in part to additional submissions to the Town.

When asked for specifics, Ms. LaBounty referred to an email sent on October 27, 2019. That email notes at the beginning:

- The following are complaints we are in the process of preparing to move forward with if the Selectboard requires us to do so. Please note we waited until our business was completed, all appeal periods for permits were elapsed, and our closing occurred before coming forward.

This email referenced two items related to 135 LaBounty Ln., previously known as 2900 East Main St.

Item 1:

- 2900 East Main Street - 1st subdivision- ZAO stated we could not do it in one hearing, we had to prove to her we could by providing town permit fee schedule. And multiple other issues.

The LaBounty's asked for a combined review of their preliminary and final subdivision application. Ms. Mantegna did tell Mr. LaBounty she was not sure if the DRB would approve a combined Preliminary/Final Subdivision hearing because they did not have an approved State Water and Wastewater permit, and they were also combining a boundary line adjustment as part of the application but they had not applied for a boundary line adjustment. The DRB granted the waiver for the combined review and this was completed as a combined review.

Item 2:

- 2900 East Main Street - 2nd subdivision, ZAO still tried to discourage us from one hearing again. ZAO gave us false information from VT E911, also stated we had to create a road for 3 homes and by Richmond regulations it's a driveway, showed Bruce hammerhead choice or cul-de-sac. Then changed her story after we called E911. And multiple other issues.

The LaBountys asked for a combined review of their preliminary and final subdivision application. The DRB granted the waiver for the combined review and this was completed as a combined review.

Ms. Mantegna told Mr. LaBounty that three lots on a shared driveway required another road name (in addition to LaBounty Lane from the first subdivision). Mr. Labounty did not think this was required. Ms. Mantegna checked with the State to see if there was another option. The State suggested that LaBounty Lane could be redirected to end at the new lot. Although this would eliminate the need for a new road name, a redirected Labounty Lane would need to either have a cul-de-sac or hammerhead dead end per the Public Improvement Standards and Specifications. In the end, the LaBounty's only needed one road name and the DRB decision says that the road has to meet rural road standards.

The letter concludes with a request to waive the \$53.40 permit fee for a covered patio permit. They note that other petitioners who have performed similar work have had after built fines and permit fees waived in similar circumstances. In reviewing the records of recent fee waiver requests, those requests came with specific information related to why the fees should be waived. There is no specific information provided for this request.