

**Town of Richmond  
Development Review Board  
Final Decision  
May 28, 2015**

**IN RE:** 46 Old Brooklyn Court – Application #15-019, Applicants Elysse Parent & Eric Wood, for Special Flood Hazard Area Review, including Conditional Use and Site Plan Review, for the elevation of the house and the construction of a second story addition located on Parcel OB0046 in the Special Flood Hazard Area Overlay District and Agricultural Residential Zoning District.

Application #	15-019
Applicant / Property Owner	Elysse Parente & Eric Wood
Property Address	46 Old Brooklyn Court
Parcel #	OB0046
Size in Acres	0.63
Zoning District	Agricultural Residential (A/R) District & Flood Hazard Area Overlay District (FHOD)

**Submittals:**

- A. Conditional Use & Site Plan Application, dated 3/10/2015
- B. Project narrative
- C. Property Survey, dated 6/25/2014 (area outlined in green depicts area to be excavated)
- D. North side elevation, current conditions, dated 3/11/2015
- E. Northside elevation, proposed conditions, dated 3/11/2015
- F. Elevation Certificate, dated 6/25/2014
- G. Letter from Hawksworth, Bibb Inc Engineers, dated 3/24/2015
- H. Lowest Floor Guide, Building Diagram #7
- I. FIRMette panel
- J. Listers Card, dated 1/10/2014
- K. Project Review Sheet, dated 4/30/2015

**Procedural Information:**

As per the Conditional Use Notice Requirements, a Notice for Public Hearing appeared in the Burlington Free Press on April 24, 2015. A revised Notice, with a date correction, was subsequently resubmitted and appeared in the Burlington Free Press on April 28, 2015. The Notice was also posted at 3 locations within the Town. The Referral Notice and Notice Poster was sent to the applicant on April 23, 2015. The applicant provided stamped addressed envelopes for adjoining landowners, the Notice was sent to adjoining landowners on April 23, 2015, a revised Notice, with a date correction, was subsequently resent to adjoining landowners on April 27, 2015.

As per the Flood Hazard Overlay requirements, a copy of the application was sent to the Agency of Natural Resources.

## **FINDINGS OF FACT**

Based upon the application, testimony, submission materials and other evidence the DRB makes the following findings:

1. The Applicant is seeking approval to elevate the residential structure to decrease the impacts of future flood damages to decrease flood insurance premiums.
2. The property is located within the Agricultural Residential (A/R) Zoning District & Flood Hazard Area Overlay District (FHOD).
3. The project proposes to excavate 26.7 cubic yards from the north side of the house, exposing the northside basement wall, filling in the basement with 1 ft of crushed stone, adding flood vents to the basement walls, and elevating the 'next highest floor' (aka the living floor) 2.43' above the BFE.
4. The goal of this work is to convert the existing basement, which is below grade on all sides to meet the specifications as depicted on Building Diagram #7 of the Lowest Floor Guide. This will result in lower flood insurance premiums for the homeowners and make the house less susceptible to future flood damages.
5. The project also proposes to add a second story 11x24' addition.
6. No expansion of the existing footprint is proposed therefore the existing structures setback requirement will not change. The addition will not exceed the A/R building height requirement and no other A/R Zoning District requirements are applicable to this project.
7. Under section 6.8, the Flood Hazard Area Overlay District (FHOD) regulations, all development within the floodplain is subject to Flood Hazard Overlay review under Section 6.8.
8. The proposed project does not qualify as Substantial Damage/Substantial Improvement as per section 6.8 as the voluntary elevation and associated work does not equal or exceed 50% of the value of the structure nor does the proposed addition result in a 25% increase of the square footage of the structure.
9. Considering the nature of the work proposed the project shall be considered a Substantial Improvement and is found to meet the relevant development standards as contained within section 6.8.16 e).
10. As the project proposes an addition to the existing principal structure the project is subject to Conditional Use and Site Plan review as per section 6.8.
11. As per section 6.8, application materials specify the development will be reasonably safe from flooding as all the mechanical equipment will be elevated to the 'next highest floor' above the BFE and the existing propane tank will be strapped down and anchored to resist buoyant forces.
12. New exterior steps to access the elevated living space will be constructed of either cast concrete or stone and shall be adequately anchored.
13. This application is also subject to section 5.6 Conditional Use Review and section 5.5 Site Plan review.
14. Due to the nature of the work proposed at the single-family house property few conditional use and site plan review criteria are applicable.
15. Relevant conditional use and site plan review criteria have been met.

**DECISION**

The Richmond Development Review Board approves application #15-019 with the following **conditions:**

1. Within 30 days of this decision the Applicant, shall record this decision in the Richmond Land Records.
2. The applicant shall apply for a Building and Zoning Permit for the work approved under this Approval.
3. The applicant is required to submit a post-construction elevation certificate to demonstrate new elevation as part of the issuance of a CO.
4. Any other applicable zoning regulations not expressly waived in this decision must be complied with.
5. This decision shall not relieve the applicant from any obligation to obtain all other applicable required federal, state and local permits.

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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.”

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**DRB VOTING ON THIS MATTER (circle one for each member):**

David Sunshine, Chair	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Michael Donohue, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Cara LaBounty, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Ian Bender, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Matthew Dyer, Member	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT
Brad Worthen, Member, Alt	in FAVOR	AGAINST	ABSTAINING	RECUSED	ABSENT

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The above votes occurred at a DRB meeting on the 13<sup>th</sup> of May 2015

DATED this \_\_\_\_\_

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David Sunshine, Chair  
Richmond Development Review Board