

Dear Select Board

August 14, 2020

I am requesting a waiver of the fee for the \$90 charged to me for adding the required deck and Juliet balconies from the 2nd floor emergency exits. These two Juliet balconies were a requirement of all insurance companies I consulted for homeowner coverage. A modest deck was also added to service the 2 doors on the first floor. These items should have been included on the original permit however since I was the contractor and designer of the home, I did not know where the doors would be installed until the building was well under construction.

The disaster relief from Tropical Storm Irene allowed the Select Board to waive the permit fee. I am requesting, by this letter the same consideration for relief as it is a part of the original replacement of my 3500 sf home. The current home is more than half the size smaller than that of the demolished residential building. That building also had two decks and two large covered porches and a wood shed which were outside the 3500 sf of my home.

I will point out one thing that often gets lost in this matter. I was one of less than 20 residents in Richmond who carried Flood Insurance at the time of the flooding. The option I chose for coverage was the maximum available at the time. I paid full Flood Insurance on the homesite and carried it fully, without interruption since the 1980s when Richmond adopted the Flood Hazard maps and homeowners became eligible to purchase Federal Flood Ins. Had the Flood Ins Company honored their obligation, instead of denying the claim, none of this would be necessary as I would still have ownership of the homesite and would have been more complete than I am now.

Because the Flood Insurance claim was not honored, I was encouraged to file for the Federal Buy-Out as my only viable option. Until the buy-out was completed, I paid my mortgage faithfully every month, for a home that was condemned. My flooded home, condemned for safety deemed non-inhabitable, and certified by the then Fire Chief Levesque. Not only did I have to continue mortgage payments, my family and pets had to live in a \$1000/month temporary residential situation. Until the buy-out was complete, I was the only Chittenden County resident still displaced by Tropical Storm Irene. I did my part but was abandoned by the agency which was paid for 30 plus years for flood coverage. Ironically, the mortgage company still required me to carry flood insurance on the mortgaged home. That is correct. I was paying flood insurance on a condemned home and if I let it lapse, the home could be foreclosed on for any lapse. The flood insurance company that did not honor their contract, was still receiving a yearly \$3500 premium. That premium was required to be paid in full for a year of coverage in advance of that year.

Supporting documents were researched by the current Town Planner/Assistant ZA and are included in this e-mail thread.

Please support this request and vote in the affirmative to do so.

Thank you,

Mary Houle
2614 Cochran Rd
Richmond, Vt 05477

TO: Richmond Selectboard

FROM: Ravi Venkataraman, Town Planner

DATE: September 3, 2020

SUBJECT: Houle property Zoning Fees

Regarding Mary Houle's request to the Richmond Selectboard to waive fees, I have prepared the following summary, outlining:

- The timeline of the Houles' project
- Outstanding items that need to be addressed to complete the Certificate of Occupancy

I have also included a draft motion regarding fee waivers.

Timeline

- April 26, 2017 – Richard and Mary Houle file a permit for two single-family dwellings and a driveway.
- May 3, 2017 – Town Planner Clare Rock informs Richard and Mary Houle in writing that she cannot apply a fee waiver associated with Hurricane Irene, because the fee waiver applied to permit applications submitted during the timeframe immediately following the flood and was not applicable to applications for new construction on floodplain properties.
- May 21, 2017 – Richard and Mary Houle file a permit (Permit #17-033) specifically for “(A) 30' x 40' 3 bedroom house- new; (B) 5 portable sheds, 10' x 20' rectangle – as-built sheds 1, 2, 3, 5, 6.” This permit application form is enclosed for your consideration.
- May 31, 2017 – Town Manager Geoffrey Urbanik informs the Selectboard of Richard and Mary Houle's request for a waiver of permit fees and impact fees for a new single-family dwelling. In Urbanik's memo, he stated that the Selectboard had the ability to waive fees, and that the fee waiver would cover a total of \$788.70
- June 5, 2017 – The Selectboard approved a fee waiver specifically for Permit #17-033. A letter from Town Manager Urbanik to Richard and Mary Houle regarding this fee waiver, dated June 16, 2017, is enclosed for your consideration.
- June 15, 2017 – Zoning Administrator Suzanne Mantegna issues Permit #17-033.
- June/July 2020 – The Houles filed a Certificate of Occupancy application and I conducted a site inspection on July 9, 2020

Items that need to be addressed regarding the Certificate of Occupancy

Out of respect for the applicant's requests, I will be processing the applicant's application as the Acting Administrative Officer.

I received the following items:

- The completed Certificate of Occupancy form on August 4, 2020
- The Vermont Owner/Builder Disclosure Statement on July 30, 2020
- A \$30 check to cover the Certificate of Occupancy fee and recording fee

I conducted a site inspection on July 9, 2020. This was done before I received the Certificate of Occupancy application materials. In my experience, I have conducted Certificate of Occupancy inspections before and after receiving complete applications, usually out of convenience for the applicant or to encourage compliance.

During my site inspection, I took note of the three decks. The three decks were not specified in the original zoning permit, Permit #17-033. For Certificates of Occupancy, the Administrative Officer can only close out what was requested in the original zoning permit. If the Administrative Officer finds that the applicant has built more than what was requested (in terms of structures or square footage), the Administrative Officer will conclude that land development commenced without a building permit, and they will encourage the applicant to come into compliance by filing the proper permits or by removing said land development. Any land development that has commenced without the proper building permit is subject to as-built zoning fees.

Since these decks were built without proper permitting with the single-family residence requested, I could not approve the Certificate of Occupancy without processing the after-the-fact permit for the decks. I assessed the fee to be \$90 based on the square footage (225 square feet), the current fees for residential construction (\$0.20 per square feet), and the as-built zoning fee (twice the regular planning & zoning permit fees).

Mary Houle filed a permit application for the decks in August 2020. On this permit application, she stated that the fee waivers she received for Permit #17-033 would cover this permit. However, this after-the-fact permit is a new permit, and the fee waivers were granted specifically for Permit #17-033. Currently, without the respective fee or a fee waiver, the application is considered incomplete.

Draft Motion

To facilitate action, I have provided the following draft motion regarding the fee waiver request:

I, _____, move to accept Mary Houle's fee waiver request to waive all zoning fees associated with Permit #20-123--an after-the-fact zoning permit for three decks on the existing single-family dwelling.

Town of Richmond, Vermont

Parcel: CO 2614
Permit No.: 17-033

Zoning and Construction Permit Application

Landowner(s) Richard + Mary Houle Daytime Phone 802-434-2666
Mailing Address 2614 Cochran Rd Parcel ID/Tax ID CO2614
Richmond, VT 05477 Lot Size (acres) 74 acres
E911 Address CO 2614 Zoning District A9/Res

PARTIAL
FLOOD
HAZARD
OVERLAY
DISTRICT

Proposed Activity (check all that apply)	
<input checked="" type="checkbox"/> New Single Family Dwelling	<input type="checkbox"/> New Multi-Family Dwelling (duplex, etc.)
<input type="checkbox"/> New or Replacement Mobile Home	<input type="checkbox"/> Renovation/Addition to Existing Structure
<input checked="" type="checkbox"/> Accessory Structure (garage, shed, etc.)	<input type="checkbox"/> Fence or Wall
<input type="checkbox"/> Site Alteration (ponds, septic systems, fill)	<input type="checkbox"/> Pool (above-ground or in-ground)
<input type="checkbox"/> Agricultural Exempt Construction (see 24 VSA §4495)	<input type="checkbox"/> Change of Use (attach written description)
<input type="checkbox"/> Accessory Dwelling	<input type="checkbox"/> Home Occupation (attach written description)
<input type="checkbox"/> Sign (attach drawing)	<input type="checkbox"/> Development in Flood Hazard Overlay District
<input type="checkbox"/> Removal/Deconstruction of Existing Structure	<input type="checkbox"/> Other - specify
<input type="checkbox"/> Deck or Porch <input type="checkbox"/> Enclosed <input type="checkbox"/> Unenclosed	

Description of Proposed Activity (Attach additional pages as needed)	Fees
<u>(A) 30x40 1 1/2 story 3 bedroom house new</u>	Residential \$30 or Square Feet X 0.20, whichever is greater:
	Commercial \$30 or Square Feet X 0.30, whichever is greater:
	Municipal Impact Fee (see Impact Fee Schedule):
	Richmond Town Clerk Recording Fee, per page: <u>10.00</u>
	Total Permitting, Impact, and Recording Fee:
<u>(B) 5 portable sheds, A9/Res Zoning District 10x20 rectangle - as built - sheds 1, 2, 3, 5, 6</u>	Check Number or "cash" <u>2388</u> Amount Remitted: <u>10.00</u>
Total Square Footage Proposed <u>1800</u> sq. ft.	

Waived
to check
return

ADDITIONAL SUBMITTAL REQUIREMENTS:

- sheds 1000 SF
- i. A site plan (sketch) must accompany this application showing all property lines, existing access, existing and proposed structure(s), wastewater disposal systems, and well locations. Distance from lot lines to any new construction must be shown.
- ii. When applicable, the applicant must present a State of Vermont Wastewater System and Potable Water Supply Permit or the demonstration of an exemption.

I certify the submitted information to be true and accurate.

NOTE: If signed by an agent, written delegation of authority must accompany this application.

Signature of Landowner: Richard P. Houle Date: 5/16/2017
Signature of Co-Applicant: Mary B. Houle Date: 5/16/2017

- WARNING: State permits may be required for this project. The applicant retains the duty to identify, apply for and obtain relevant state permits for this project, and is required to call 879-5076 to speak with Jeff McMahon, the regional Permit Specialist.
- An approved permit shall expire 24 months after the appeal period end date, unless commencement of the permitted activity is demonstrated. (Richmond Zoning Regulations §5.3.2) No construction is allowed during the appeal period.
- A Certificate of Occupancy is required for most structural and land uses or occupancy. Use/Occupancy for such projects shall not occur until a Certificate of Occupancy is issued. Call 434-2430 for an inspection upon project completion.

APPEAL: You have the right to appeal this decision to the Town of Richmond Development Review Board (Richmond Zoning Regulations § 8.4) within 15 days of the date of the decision.

Please Do Not Write Below This Line

Application Complete Date: 6/15/17
Application Decision Date: 6/15/17
Appeal Period End Date: 7/1/17

Is the proposed activity within 50 feet of a Class I or II wetland? Y N
Is the parcel located with the Flood Hazard Overlay District? Y N
Is the parcel located within 100 feet of the Flood Hazard Overlay District? Y N

DECISION (circle one)

Approved Denied Withdrawn

Suzanne [Signature]
Signature of Richmond Zoning Administrative Officer Zone AE

ZONING ADMINISTRATIVE OFFICER PERMIT NOTES:
Permit fee waived by S.B. on 6/5/2017 - site plan by KAS dated 7/8/15

Richmond, VT Town Clerk's Office
Received for Record _____ A.D. _____ At _____ o'clock _____ Minutes _____ M
And Recorded in Book _____ page _____ Attest: _____
Town Clerk

RECEIVED
MAY 22 2017
TOWN OF RICHMOND



TOWN OF RICHMOND

RICHMOND TOWN CENTER

203 Bridge Street, P.O. Box 285
Richmond, Vermont 05477



CO 2614

June 16, 2017

Richard and Mary Houle
2666 Cochran Road
Richmond, VT 05477

RE: Fee Waiver for Permit 17-033: Single Family Home & Accessory Structures

Dear Mr. and Mrs. Houle:

At their meeting of June 5, 2017 the Richmond Selectboard approved a fee waiver for the above referenced permit to include all permit fees, recording fees and impact fees, with the intent to have the permit cost you nothing. The context of the fee waiver was the stated fact that this was related to flood damages sustained to your home at 2614 Cochran Road by Hurricane Irene in 2011, which involved a substantial damage determination on the home and the subsequent FEMA buyout and your intention to replace that home. If you have any questions for me, I can be reached at 434-5170.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey Urbanik".

Geoffrey Urbanik
Town Manager

cc: Suzanne Mantegna, Zoning Administrative Officer