



Planning & Zoning Office
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APPLICATION: CUR 2022-04

APPLICANT: Gary & Jean Bressor

REQUESTED ACTION: Conditional Use Review

LOCATION: 410 Bridge Street

EXISTING ZONING: Agricultural/Residential(AR)

Act 250 STATUS: Not Applicable

PROJECT DESCRIPTION: Applicant requests Conditional Use Review for an addition to an existing structure of +/- 130 ft² to the first floor and +/- 498 ft² to the second floor. Conditional Use Review required as per sections 4.8- Setback Modifications, 5.6-Conditional Use Review, and 6.7- Shoreline Protection Overlay District of the Town of Richmond Zoning Regulations. Parcel ID#BR401

PARCEL HISTORY: Permit 2016-123 Fence
Permit 2016-044 Enclose fence
Permit 2014-094 Chlorine Contact Time Improvement
Permit 2014-017 Parking Area
Permit 2013-094 Remove and Replace Porch
Permit 2012-005 Fence Replacement
Permit 2011-103 Expansion, extension of roof line, build enclosed porch
Permit 2011-103 Rebuild Corner of House and extend roofline
Permit 2010-076 Add fill and move house, add steps
Permit 2010-007 Interior and Walkway Renovations
Permit 2009-128 Complete underground utility lines
Permit 2009-056 Utility Lines
Permit 2009-051 Temporary Dock
Permit 2007-042 Accessory Structure Foundation
Permit 2007- 041 Accessory Structure
Permit 2007-040 New House as per DRB Approval
Permit 2007-011 Boundary Line Adjustment
Permit 2006-223 Boundary Line Adjustment
Permit 2006-0401 Interior Renovation
Permit 2004-022 Stabilize Riverbank
Permit 2004-021 Construction of barn
Permit 2004-20 Garage, and Outdoor Recreation Structures
Permit 03-20 Access Permit

Permit 02-280 Boundary Line Adjustment
Permit 02-228 Access Permit
Permit 01-040 Build soccer field, demolish structures, new driveway
Permit 00-118 Interior renovation

LIST OF SUBMISSIONS:

- D-Application 2022-04 for Conditional Use Review
- D-Narrative
- D-Conditional Use Review Application
- D-List of Adjoining Property Owners and Addressed Envelopes
- D-Building Footprints
- E-Site Plan

PROCEDURAL INFORMATION:

1. Application submitted on February 28, 2022
2. Notice placed on Town website and at three locations in town on March 28, 2022
3. Abutters notified on March 28, 2022
4. Agenda placed in Seven Days April 6, 2022
5. Agenda placed on website and at three locations in town on April 5, 2022
6. Application documents placed on the town's website on April 8, 2022

STAFF COMMENTS (In Bold):

§5.6.3 Site Plan Review Standards

In order to expedite the review process, conditional uses are not subject to separate site plan review under Section 5.5, however, all conditional uses shall also meet site plan review standards and conditions as set forth under Section 5.5.3 prior to the issuance of conditional use approval.

Proposal not subject to site plan review due to residential use of property.

§4.8.1 Setback Modifications Applicability: The DRB may approve the expansion of any nonconforming structure built prior to 1969. The Conditional Use Approval may allow for the building to occur no closer than 5 feet to any lot line or public right of way and expansion may increase lot coverage by no more than 10% of total ground area of the lot.

- a) **Meets applicability requirements**
- b) **Dwelling at 401 Bridge Street completed in 1927**
- c) **Within 5' foot of property line and all right of ways. Proposed set back of approximately 15' according to site plan.**
- d) **Lot coverage to remains under 10%. Principal structure prior to proposed changes covers .45% of lot, with proposed changes principal structure covers .48% of lot.**
- e) **Setback modification has formerly been approved at this site in CUR application 13-132**

§4.8.2 Select Board Notification: Requires Select Board notification at the same time as DRB referral for all set back modifications adjacent to land owned by the town and public rights-of-way.

- a) **Setback not along town property or public right-of-way, no notification required.**

§4.8.3 Review Criteria

- a) Prior to issuing conditional use approval for the waiver or modification of setback and coverage requirements, the DRB must find that the proposed expansion:
is in compliance with conditional use criteria of these Zoning Regulations, including the general standards, specific standards and performance standards outlined under Section 5.6, and with state law, and Richmond Zoning Regulations 33 Effective October 25, 2021 **See notes on §5.6.2 in this report.**
- b) the structure must be found to be otherwise in compliance with these Zoning Regulations. **Proposal is in compliance with all other applicable sections of the Richmond Zoning Regulations.**

§5.6.2: Specific Standards

- a) Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated. **Meets requirements. Residential addition not to add excessive adverse effects.**
- b) There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business. **Meets requirements. No outdoor displays.**
- c) Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety. **Meets requirements, no outdoor storage.**
- d) A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
- e) The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met. **To start in April or May, depending on completion of applications and issuance of permits.**
- f) In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures.
- g) No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel. **Meets requirements. Addition proposes no foreseeable safety concerns.**
- h) The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities. **Meets requirements. Causes no undue adverse effects.**
- i) Existing water supplies and the quality of ground and surface water resources shall not be adversely affected. **Meets requirements, ground and surface water will not be affected.**
- j) The proposed Land Development shall not have an undue adverse effect on a Historic Site or rare or irreplaceable natural areas. Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project. **Meets requirements**
- k) Any other standards, such as natural landscape and “character of the neighborhood” standards, as indicated for specific districts shall also be applied. **Meets requirements. Addition to residential structure not out of character of the neighborhood.**

§6.7.1 Shoreline Protection Overlay District: All Land Development occurring within the fifty (50) foot Shoreline District must comply with b-both the requirements of this section and with the requirements of the underlying district.

a) **Property is within 50 feet of the Winooski River**

§6.7.4 Additional Conditional Use Criteria:

a) That the use shall be planned and located in a manner best suited to protect the shoreline from pollution, erosion, and visual blight.

b) That the use shall not result in erosion of the shoreline, introduction of pollutants to the river, increase in flooding, detrimental effect on shoreline and aquatic habitats, or other impacts which would effect water quality, visual quality, or other purposes of these Zoning Regulations

a) Meets requirements. Due to size, use, and location of addition shoreline proposal has low impact on shoreline.

Draft Motion and Suggested Conditions

I, _____ move to approve CUR 2022-04 by Gary and Jean Bressor to modify set back requirements to build an addition of +/- 130 ft² to the first floor and +/- 498 ft² to the second floor in the shoreline protection overlay district with the following conditions:

1. Per §5.1, a Zoning Permit is required prior to any construction.