

SITE PLAN & CONDITIONAL USE APPLICATION



Please review the Richmond Zoning Regulations and provide all the information requested in this application. Additional local permits and approvals may also be required (such as access permits, water & sewer allocations, E911 address assignments.) For information contact the Zoning Administrative Officer at 434-2430. Other federal, state and local permits or approvals may additionally be required, it is the duty of the applicant to obtain all relevant and applicable approvals. To inquire about State permits contact the State Permit Specialist at 802-477-2241.

Application Date: 6/29/21 Physical Address of Property: 39 BRIDGE ST.

Applicant Name: GABRIEL FIRMAN Property Owner Name: NAKATOMI PLAZA LLC

Applicant Mailing Address: 68 CEMETERY RD Owner Mailing Address: P.O. BOX 777
RICHMOND, VT 05477 RICHMOND, VT 05477

Phone: 802 999 8126 Phone: ← SAME

Email: GABRIEL.FIRMAN@ICLOUD.COM Email: _____

Brief description of Project: SEE ATTACHED

All projects which require Conditional Use approval also require Site Plan approval. Please review Section 5.5 and Section 5.6 of the Richmond Zoning Regulations. A use requiring conditional use approval by the DRB is required, at a minimum, to comply with the following general standards and specific standards:

- General Standards - A proposed use shall not result in an undue adverse effect upon:
 - The capacity of existing or planned community facilities;
 - The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan;
 - Traffic on roads and highways in the vicinity;
 - Bylaws and ordinances then in effect; and,
 - The utilization of renewable energy sources.
- Specific Standards - Conditional uses shall comply with the following specific standards:
 - 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.
 - 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.
 - Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety.
 - Applicable state permits for water supply and sewage disposal shall have been obtained, and any other applicable state permits, before the use commences.
 - The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met.
 - 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.
 - No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond fire fighting officials, significantly endangers other property owners or emergency personnel.

- The development shall not result in an Undue Adverse Effect on state or community-owned and operated institutions and facilities.
- Existing water supplies and the quality of ground and surface water resources shall not be adversely affected.
- The proposed Land Development shall not have an undue adverse effect on an Historic Site or rare or irreplaceable natural areas.
- Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project.
- Any other standards, such as natural landscape and "character of the neighborhood" standards, as indicated for specific districts shall also be applied.

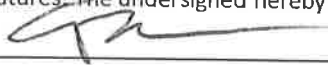

Application requirements: Please provide the following information as specified within Section 5.5 and Section 5.6 of the Richmond Zoning Regulations. Information may be presented within the form of a cover letter with associated plans and technical information.

- Narrative description of the project, including how the project does or does not meet any of the general standards and specific standards listed on page 1.
- Names and addresses of all abutters, including those across contiguous roads or highways.
- Stamped addressed envelopes for all abutters.
- A site plan prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. The site plan shall be drawn to scale, and submitted with written supporting data, showing the following:
 - Existing features: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, roads or highways, surveyed boundaries, dimensions, total lot size; and
 - Proposed land development: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas.
- Information as to the time period or phasing for completion of the project.
- Three copies of the application packet (no larger than 11"x17"), one large format copy of all plans, one digital copy of all plans materials.
- Conditional Use Application Fee— \$360.00 (An additional \$500 Technical Review Fee maybe applied to some projects—Staff shall determine)

Please note, upon review of the application the DRB may also require the following submittals:


- Security as provided in Section 8.2.5
- Formal traffic study if a substantial alteration in public traffic flow is anticipated or a large-scale parking area is planned. This may include analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control.

Signatures: The undersigned hereby certifies this information to be complete and true.

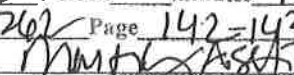
	<u>6-25-21</u>		<u>6-25-21</u>
Applicant Signature	Date	Property Owner Signature	Date

NOTE: Upon review of the application, the Zoning Administrative Officer shall issue a Development Review Board referral letter to the applicant confirming the date and time of the upcoming hearing before the Board as per 5.2.1. The referral letter shall also include a Notice Poster which will be required to be posted on the subject property within view of a public right of way, as per section 8.2.3. This information shall be sent directly to the Applicant unless otherwise directed.

— DO NOT WRITE BELOW THIS LINE—OFFICE USE ONLY—DO NOT WRITE BELOW THIS LINE—OFFICE USE ONLY—DO NOT WRITE BELOW THIS LINE—OFFICE USE ONLY—

Application Complete Date: 6/29/21 DRB Referral Letter Issued (date): 6/29/21 DRB Hearing Date: 7/14/21
 Comments: PROPERTY UNDER AN OTR Zoning Fee: \$360
 Zoning Administrative Officer signature:  Date: 6/29/21

**RICHMOND, VT TOWN CLERK'S OFFICE
RECEIVED FOR RECORD**

JUNE 29 A.D. 2021
 At 12 o'clock — minutes P.M. and recorded in Page 2 of 2
 Book 262 Page 142-143 of Land Records
 Attest:  Town Clerk

41648

To whom it may concern,

I would like to give a narrative of the events and project at 39 Bridge St. This project began its planning phase in 2018. At the outset it was abundantly apparent that we would need to work hand in hand with the town to usher in this project. Over the course of a year and a half we met multiple times a month with the planning commission, the select board and the Zoning Administrator, who at the time was Suzanne Montegna. During that process we were able to craft a plan that was in accordance with all zoning regulations as well as was in line with the town plan. We began construction in fall of 2019 and continued through until the final aspects were completed in spring of 2021.

The final piece of the construction was an enclosure that defines the dining area and would help to shield the abutting neighborhood from noise and light from the restaurant. This enclosure was something that had been discussed at length with Suzanne to insure it would conform to the regulations for the Village Downtown zoning district. She expressed that if the enclosure was on the edge of the property lines it could go to a height of 6' and that if it was within the designated setbacks for the district, it could go as high as a building is permitted to be (35'). The setbacks for the VD district are 0' on side yards and 5' on the rear yard. As such the ZA indicated that we could build the enclosure to our desired height of +/- 8'. We intended to finish construction in the summer of 2020 but due to the pandemic were not able to complete this project until spring 2021.

The enclosure that was constructed was made using locally milled, unstained hemlock boards. The boards measure 1' thick and 10" wide. They are stacked horizontally to an approximate height of 3' from grade at the Bridge St Side of the property and gradually grow in height to +/- 8' from grade in the rear of the property. They are affixed to 5" hemlock posts spaced every 8-9'. The posts are tied back to the main structure of the building with 2" x 8" hemlock boards. The tie back helps to ensure that the enclosure will stay in a straight line over time and also allows a place to attach down lights to illuminate our dining space. Eventually we will grow climbing ivy or grape vines to the wall to further enhance its sound and light mitigating properties.

Between finalizing design and building the enclosure the town hired a new ZA. Just as we were about to begin construction the ZA had asked that we obtain a fence permit which seemed straight forward at the time. We filled it out and began construction. At the time the permit was filled out we thought that 6' may be high enough but midway through it became apparent that we needed to go to 8' in height towards the rear of the enclosure in order to better shield the abutting neighbors from the light emanating from the building. Being that we were told by the prior ZA that the height could go above 6' we made an adjustment in the field and did not think there was any problem with that. We came to find out that the current ZA had a different interpretation of the regulations and as such here we are deliberating the validity of what was constructed.

In addition to the afore mentioned issue with the height of the enclosure we have also come to understand that it was errantly built partially on our adjoining neighbors' properties. It was a grave oversight and one that we will address as soon as we understand what we are allowed to build. There was an existing fence on the property that bordered the entire property line...or so we thought it was on the property line. To be safe we constructed the new enclosure almost a foot inside of where the old fence was. We made a mistake in doing so by assuming we would be within our property. After building it we discovered that the southern property line, that abuts the former TD bank property, drifts closer to our property in the back. As such the square fence that is perpendicular to Bridge St, sits on our property on the east side where it begins but ends up on the TD bank property as well as the Zachary's property in the rear. I feel horrible about this oversight and errant construction and will be fixing this asap. Due to how the fence was constructed we need to have a specialized piece of equipment remove the helical piles that the enclosure sits on and relocate them inside our property line.

In addition to the enclosures height and location there also seems to be a question about the gravel used in our patio dining area. Being that we are in an area where the abutting properties already have an established grade we were bound by those heights. As such we removed several inches of topsoil to ensure that the gravel we would install would mesh with the existing grades around our property. We did not raise existing grades just changed the material that sits upon them. The gravel material that was selected was deemed to be perfectly acceptable to allow for water permeability by the former ZA

Best,

Gabriel Firman

