

Comminos Zachary - Vicentios Zachary - Lee and Susan Zachary Individual Owners 45 Bridge Street
P. O. Box 265 Richmond Vt. 05477 802-578-8595 email comzachary@comcast.net
vicentios.zachary@gmail.com leezachary1@comcast.net suzbik@comcast.net

Richmond ZA and DRB

203 Bridge Street

P.O. Box 285

Richmond, VT 05477

Attention: Tyler Machia

Dear Tyler,

I am now in receipt of the Theoretical Stacking Plan for the 23 Pleasant St. property as well as the comments from staff and counsel.

Please be aware that we are often traveling in and out of the State and are somewhat compromised by the resulting untimely receipt of snail mail. I have included additional addresses above and e-mails that hopefully, you can add to our file.

- We had reached out to both the tenant and the landowner and had hoped to be able to have private conversations to mediate a resolution of the substantive issues that adversely affect the abutting property and the neighborhood. There have been no timely or collaborative efforts to achieve that goal despite our repeated requests over a protracted period of time.
- We would like to address several important facts. The Environmental Court matter involving the abutting property is not settled law. The sudden loss of the jurist who had been handling the appeals which linked back to October of 2019 was fumbled when they were dumped on the latest jurist. The combination of the inability to even ensure truthful testimony and evidence in the COVID environment has left all those matters unsettled as they are currently being appealed to the Vermont Supreme Court. Therefore, we ask that reliance in the present matter on the flaws of the past is not a good way to make sure mistakes are not repeated.
- The very disturbing process of not having a site visit as the entry point to analyzing a development with pre-existing, abandoned uses, along with loudly proclaimed issues we hope will be reconsidered by the DRB in tonight's meeting. *We once again respectfully request a future site visit prior to any further permitting going forward.* As they say, a picture is worth 1000 words and a site visit perhaps 10,000.
- Theoretical stacking analysis we recently received suggests it should be considered a draft and subject to the review at the site visit that has been requested. I have attached a picture (below) of where the 6th and 7th vehicles supposedly could stack.

Comminos Zachary - Vicentios Zachary - Lee and Susan Zachary Individual Owners 45 Bridge Street
P. O. Box 265 Richmond Vt. 05477 802-578-8595 email comzachary@comcast.net
vicentios.zachary@gmail.com leezachary1@comcast.net suzbik@comcast.net

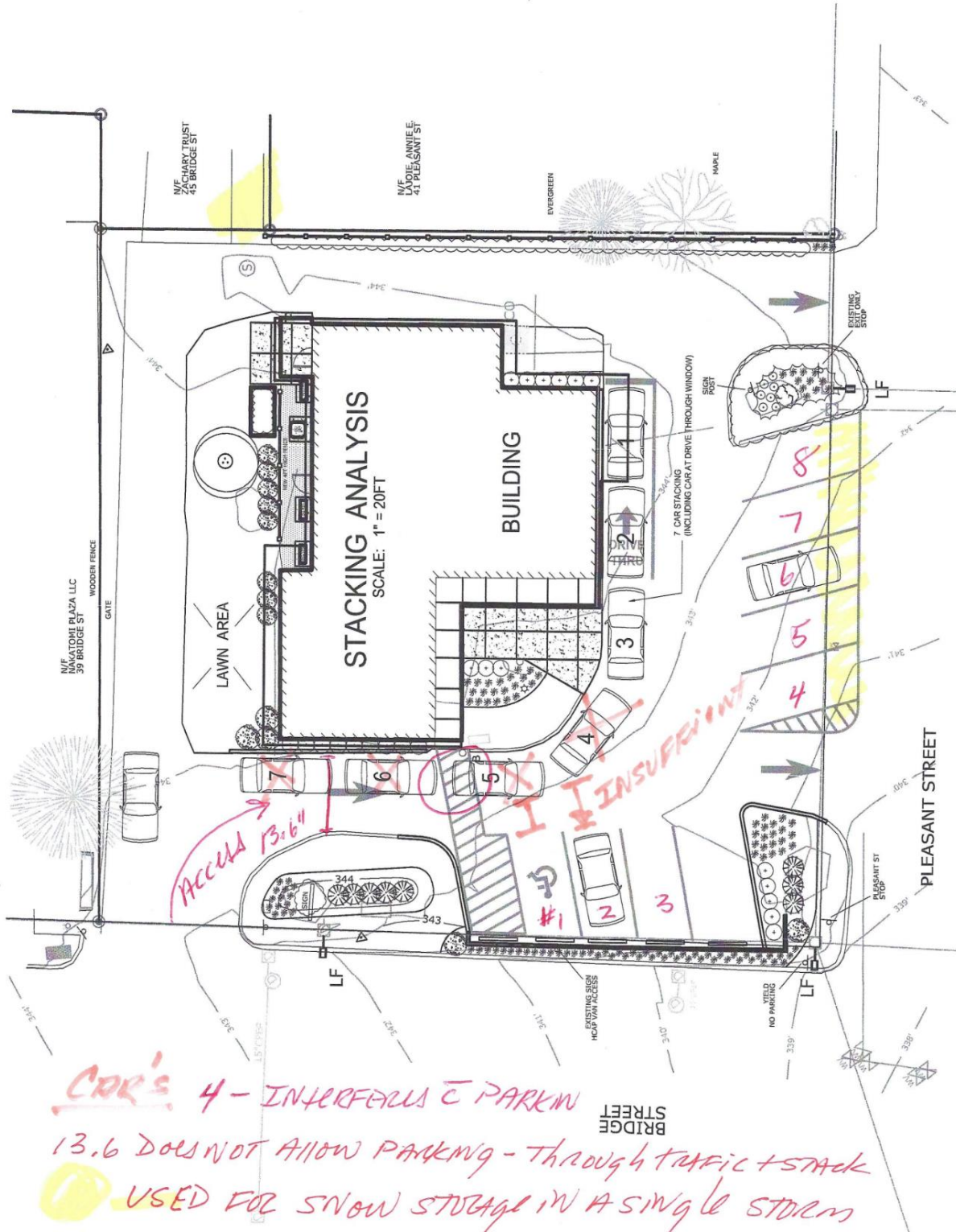


- it's important to note that the area where the white truck is located curb to curb is approximately 13 feet 6 inches (see below).



- Yet, the theoretical drawing implies that a stacked vehicle can hug the eastern curb and other vehicles can drive through to park and pass by. As you can see from the photo, all vehicles shown as 4 through 7 in the stacking analysis impair parking, threaten pedestrians, and conflict with cross traffic. That conflict also prevents the balanced use of severely limited parking.
- It is a standard that stacking vehicles need to be segregated from pedestrian pathways, through traffic and be away from backing and parking vehicles. That standard is not met here.

Comminos Zachary - Vicentios Zachary - Lee and Susan Zachary Individual Owners 45 Bridge Street
 P. O. Box 265 Richmond Vt. 05477 802-578-8595 email comzachary@comcast.net
vicentios.zachary@gmail.com leezachary1@comcast.net suzbik@comcast.net



Comminos Zachary - Vicentios Zachary - Lee and Susan Zachary Individual Owners 45 Bridge Street
P. O. Box 265 Richmond Vt. 05477 802-578-8595 email comzachary@comcast.net
vicentios.zachary@gmail.com leezachary1@comcast.net suzbik@comcast.net

- Other non-compliances- If you review our prior pictures and videos, you will see that the topography is *flooding our property* and leaving our common right of way with glazed ice every day there's precipitation or thaw. The condition of black ice makes the operation of motor vehicles in combination with pedestrians an extreme hazard. Simply walking is an extreme hazard. From the attached and previously submitted pictures you can see where snow is being pushed onto our property and stored where there is supposed to be parking.



Note- the prime purpose behind zoning is to bring about the orderly physical development of a community by confining particular uses to defined areas. The goal of zoning is to gradually eliminate nonconforming uses because they are inconsistent with this purpose. The public interest in the regulation and gradual elimination of nonconforming uses is strong, and zoning provisions allowing nonconforming uses should be strictly construed.” badger versus town of Ferrisburgh 168 Vt. 37, 39(1998). In this case the nonconforming use is the combined access egress parking and drive through in the same area

Comminos Zachary - Vicentios Zachary - Lee and Susan Zachary Individual Owners 45 Bridge Street
P. O. Box 265 Richmond Vt. 05477 802-578-8595 email comzachary@comcast.net
vicentios.zachary@gmail.com leezachary1@comcast.net suzbik@comcast.net

- In conclusion, the issues with the site plan, efforts to rekindle an abandoned pre-existing nonconforming use (drive through in combination with nonconforming parking and pedestrian access), proposed impervious surface that exceeds the allowable 80%, insufficient snow storage and balanced accessible parking *needs to be addressed*. To proceed in the absence of requesting variances would seem to be inappropriate.
- We continue to offer to both the landowner and the tenant, their advisors, counsel as well as the Town of Richmond to meet, try to find common ground and allow this property to be successfully reemployed with a minimum of adverse consequences on the users of the site, the surrounding community, and the abutting property owners.

We respectfully request that failing that, the DRB honor the request for the site visit and allow sufficient time in that session to present expert testimony concerning the failings of the recent submissions by the applicant.

Annotated drawing

Pictures