

**Town of Richmond  
Development Review Board  
Meeting of July 27 2022  
Minutes**

**DRB members Present: David Sunshine (Chair), Matt Dyer, (Vice Chair) Roger Pederson, David Schnakenberg, Padraic Monks,**

**Staff: Ravi Venkataraman**

**Others Present: Tyler Machia, Bradley Holt, Jason Pelletier, Dan Ryan, Chantal Ryan, Fran Thomas, Dave Thomas, Charlie Choiniere, Reiko Choiniere, Rachel Gay, Tammy Avonda, David Kauck, Jason Murray, Jim Monahan, Jessica Errand, Frances Thomas**

**Meeting Opened at 7:00**

**Public Hearing**

**APE2022-02**

**Holt & Pelletier**

**Parcel ID #HV2427**

- The Zoning Administrator provided an overview of the history of well permit 2022-53
  - The Zoning Administrator noted that he was made aware of the well by a community member.
  - The Avondas believed that the well was exempt from zoning under the general exemption for agricultural structures, as they are a registered farm with the state.
  - Once brought to their attention that the well would require a permit the Avondas dropped off a Zoning Application the same day.
  - Bradley Holt and Jason Pelletier filed an appeal of the permit.
    - They argued that this well was part of a potential subdivision.
    - They pointed out that the applicants are in the process of getting state permits for a subdivision.
- The Zoning Administrator responded to several of the applicants specific complaints.
  - The Administrator noted that he has the authority to determine what counts as sufficient evidence in order to issue a permit.
  - The Zoning Administrator noted that he can only consider permits that have been submitted.
    - Therefore, the potential for future development can have no bearing on his evaluation of a permit.
  - The Zoning Administrator is responsible for determining appropriate enforcement actions.
    - The Avondas took immediate action to correct the violation when made aware of it.
    - The Zoning Administrator determined no further enforcement action was required.
  - The Zoning Administrator determined that the permit was in compliance with the Zoning Regulations.
- Chair David Sunshine asked why the well was considered land development?
  - The Zoning Administrator noted that land development in the zoning regulations covers excavation.

- As the well had to be excavated it fell under the definition of land development
- David Sunshine asked if any plans had been submitted to the town for a subdivision of the Avonda property?
  - The Zoning Administrator noted that no plans had been submitted?
- Bradly Holt and Jason Pelletier presented their appeal.
  - They argued that the Avondas had misrepresented the scope of the work they were doing.
  - They noted that the information provided for the well permit was different than what was presented at the state level for the potential seven lot subdivision.
  - Because the site plan for the well does not match the site plan submitted to the state, they claim that this was a deliberate misrepresentation.
- Jason Murray was concerned that the well was drilled without a permit beforehand.
- Jessica Errand was concerned about the narrowness of the consideration of misrepresentation.
- Frances Thomas was concerned that work has gone on without a permit and wanted to see penalties for that moving forward.
- The Zoning Administrator reiterated that documentation provided to the state for state permitting is not relevant to local permits unless it is also used in local permitting.
- Roger Pederson asked if the Zoning Administrator would take into account information outside of the scope of what the applicants presented.
  - The Zoning Administrator noted that he only looks at the information submitted in the application.
- Roger Pederson asked how the Avondas well permit application was a misrepresentation?
  - Bradley Holt and Jason Pelletier both reiterated that because there are site plans being used at the state level for permitting the site plan submitted for the well should conform to those site plans.
- The Zoning Administrator noted that the only site plan that matters with this permit is the one that was submitted and used for its approval.

**Motion to Move Application into Deliberative Session by Roger Pederson Seconded by Matt Dyer**

**Approved: Unanimously**

**Adjourned at 7:46 PM**