



Planning & Zoning Office  
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Appeal # APE2022-02  
(office use only)

## NOTICE OF APPEAL

All information requested below must be completed in full. Failure to provide the requested information on this notice will result in rejection of your application and delay in the review of the appeal before the Development Review Board.

***I understand:***

- The presentation procedures required by State Law (Section 4468 of the Planning & Development Act);
- that the Development Review Board holds regular meetings once a month;
- that a legal advertisement must appear a minimum of fifteen (15) days prior to the hearing on my appeal; and
- I agree to pay the required fee to offset the cost of the hearing on my appeal.

1) Name and Address of Appellant (s): Bradley Holt & Jason Pelletier  
1931 Hillview Road  
Richmond, VT 05477

1a) Email Address of Appellant(s): bradley.holt@gmail.com

2) Location and brief description of property at issue in this Appeal:  
Parcel ID HV2427  
2427 Hillview Road

3) What action of the Administrative Officer are you appealing?  
Approval of Zoning Permit number 2022-53 (installing a drilled well)

Note: See also a letter by Rebecca Butterfield & David Kauck (2212 Hillview Rd) dated July 25, 2022 with their concerns.

4) What provisions of the Richmond Zoning Regulations are applicable to this Appeal, if any?

Please see list under "the relevant regulatory provisions to our appeal include" in the attached letter dated July 25, 2022 and submitted to Linda Parent, Town Clerk and Tyler Machia, Zoning Administrative Officer on the same date.

5) What relief do you want the Development Review Board to grant?

Please see list under "the appellants request the Development Review Board consider one or some combination of the following relief" in the attached letter dated July 25, 2022 and submitted to Linda Parent, Town Clerk and Tyler Machia, Zoning Administrative Officer on the same date.

6) Why do you believe that the relief requested in Number 5, above, is proper under the circumstances?

Appellants note numerous variations of development plans for this property in State and Town permits, most indicating intent to build a subdivision. Our July 25, 2022 letter (please see) asks for conditions to mitigate future piecemeal development risks in relation to the purpose of this drilled well.

NOTE: Notification of adjoining property owners: Notification of adjoining property owners, in accordance with 24 V.S.A. §4464(a) and Section 8.2.3(b) of the Richmond Zoning Regulations, is the responsibility of the appellant.

I hereby certify that all the information requested as part of this notice of appeal has been submitted and is accurate to the best of my knowledge.

  
Signature of Appellant

July 25, 2022  
Date

Do not write below this line

7/26/22  
Date of Submission

I have reviewed this application and find it to be:  
 Complete  Incomplete

  
Administrative Officer

7/26/22  
Date

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**Bradley Holt & Jason Pelletier**

1931 Hillview Road  
Richmond, VT 05477  
bradley.holt@gmail.com

25<sup>th</sup> July 2022

**Linda Parent, Town Clerk**

Town of Richmond  
203 Bridge Street  
PO Box 285  
Richmond, VT 05477

**Notice of Appeal RE: Application for a new well, Permit Number  
2022-53 Parcel ID HV2427**

Dear Linda Parent:

This letter serves as notice of appeal in respect to Zoning Permit number 2022-53 (installing a drilled well) on Parcel ID HV2427 (2427 Hillview Road) by the appellants Bradley Holt and Jason Pelletier (address above).

Section 8.4.1 of the Richmond Zoning Regulations and 24 V.S.A. § 4465 indicate that a notice of appeal must be filed with the secretary of the Development Review Board or with the Town Clerk if no such secretary has been elected. The appellants found no Development Review Board secretary listed on the Town of Richmond's website, therefore this notice is being sent to you as the Town Clerk. As required, a copy of this notice of appeal is being filed with the Zoning Administrative Officer.

The appellants' objection to Zoning Permit number 2022-53 is centered on this activity within the context of an apparent pattern of piecemeal development outlined herein. We have seen numerous variations of development plans submitted by this same applicant for this same property in State and Town permits. It is unclear to us the purpose of this drilled well and how it fits into the applicant's larger development plans. We seek more clarity in understanding the developer's larger plans before Zoning Permit number 2022-53 is decided.

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One thing that is abundantly clear is that the applicant intends to build a subdivision of some nature on this property. This is made clear by the following activity on the 2427 Hillview Road property:

- Sketch Plan review SUB21-02 for 2427 Hillview Road before the Richmond Development Review Board for a nine lot subdivision in February of 2021
- Wastewater System and Potable Water Supply Permit number WW-4-5538 for a “proposed seven (7) lot residential subdivision” (approved); Note that WW-4-5538 does not indicate a well in the location specified in Zoning Permit number 2022-53
- Operational Stormwater Discharges Permit number 9410-9050 for “6 new single family residential lots to be subdivided” (in draft decision)
- Wetland Individual Permit number 2021-221 for a “7-lot subdivision” (in draft decision)

Beyond inconsistencies between the above permits, the developer has made additional inconsistent claims as to their plans with the property. Last July they undertook significant work reengineering sections of what is evidently the proposed road to serve lots 4–7 (as represented in State permits). This work was done within a Class II wetlands without a permit and represented to Richmond’s Zoning Administrator at the time as “ag maintenance.”

Last December the developer submitted a notice of intent to build a farm structure to the Richmond Planning and Zoning Department. The owner of the development subsequently submitted an application for, and was then granted, a farm determination by the Vermont Agency of Agriculture, Food & Markets (VAAF) for a flower farm. The developer’s claims of agricultural usage of this property are questionable.

Last August the developer filed an initial Access Permit application (#21-17) depicting a section of road that would evidently serve lots 4–7 of their planned subdivision (as represented in State permits). The developer stated in writing to the Selectboard that the “application is for a single lot with one residential building and one accessory building.” This claim was made despite the developer’s clear intentions of building a subdivision as evidenced by their State permit applications and a previous Sketch Plan review by the Richmond Development Review Board.

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We raised our concerns with the Selectboard and they acknowledged the risks of piecemeal development by adding conditions to their approval of the Access Permit. Similarly, the appellants ask that the risks of piecemeal development are acknowledged through clarifications and conditions on the approval of Zoning Permit number 2022-53.

Ultimately we would like to see one consistent plan from the developer as to their intentions with this property. Does this well serve agricultural purposes on the property? Is it intended to serve one of the proposed subdivision lots? Is it intended to serve a lot that has yet to be proposed within any of the developer's permit applications? We are left without answers to these questions and can only conclude that the developer is engaging in a pattern of piecemeal development. In the absence of a clear and consistent development plan, the only recourse the appellants are left with is to appeal Zoning Permit number 2022-53 and ask for conditions that mitigate the risks of future piecemeal development.

The relevant regulatory provisions to our appeal include:

1. Section 5.2.1 d) of the Richmond Zoning Regulations states, "When applicable, a receipt of a State Wastewater and Potable Water Supply Permit is required prior to the issuance of a zoning permit." No such State Wastewater and Potable Water Supply Permit has been issued that includes the drilled well as represented in Zoning Permit number 2022-53.
2. If the applicant successfully claims that the drilled well in Zoning Permit number 2022-53 is covered by Wastewater System and Potable Water Supply Permit number WW-4-5538 (a claim we reject as this State permit does not indicate a well in the location specified in Zoning Permit number 2022-53) then it should be noted that WW-4-5538 is for a seven lot subdivision which has yet to be reviewed or approved by the Richmond Development Review Board. Therefore, Zoning Permit number 2022-53 should only be considered after such review has taken place and subdivision approval has been granted.
3. Section 1.1 of Wastewater System and Potable Water Supply Permit number WW-4-5538 (a State Wastewater and Potable Water Supply Permit issued on April 21<sup>st</sup>, 2022 for 2427 Hillview Road that does not include the well in Zoning Permit number 2022-53) states, "The permittee is responsible to record this permit in the Town of Richmond Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot

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- subject to the jurisdiction of this permit.” The permittee has failed to meet this obligation.
4. Section 5.2.1 c) of the Richmond Zoning Regulations states, “The Administrative Officer shall require that every application for a Zoning Permit be accompanied by one (1) or more copies of a site plan showing the following in sufficient detail to enable the Administrative Officer to ascertain whether the proposal is in conformance with these Zoning Regulations.” The sketch included in Zoning Permit number 2022-53 is quite crude and insufficient to ascertain important details of the proposed activity and context around that activity. Notably, the location of the drilled well is not explicitly identified (presumably “flag in field” is intended to indicate the location of the well, but this is unclear).
    - a. Section 5.2.1 c) ii. states, “The shape, size and location of all buildings or other structures already existing on the lot.” This detail is not included.
    - b. Section 5.2.1 c) iii. states, “The existing and intended uses and areas of use of the lot and all buildings and other structures.” This detail is not included, specifically (but not limited to) the intended use of the drilled well itself.
  5. Zoning Permit number 2022-53 was issued after the fact, the week after the well was drilled. Any regulatory provisions relevant to after the fact permits should be enforced (e.g., additional permit fees) and the after the fact nature of this permit should be noted in the approval.
  6. Section 5.3.1 b) of the Richmond Zoning Regulations states, “Each permit issued under this section shall require posting of a notice of permit on a form provided by the Town, to be displayed in a prominent site on the lot upon which the Land Development is occurring, within view from the nearest public right-of-way, and shall remain posted until all work is complete.” No notice of permit was posted as of the filing date of this notice of appeal.
  7. Zoning Permit number 2022-53 appears to be part of a larger pattern of piecemeal development of a subdivision that has not been reviewed or approved by the Richmond Development Review Board. Section 5.3.3 b) of the Richmond Zoning Regulations states, “Any visual rendering of a permitted project that is displayed publicly shall be the same visual rendering that has been presented to and approved by the DRB or the Administrative Officer.” Zoning Permit number 2022-53 is inconsistent with other State and Town permit applications on file (a form of public display).

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The appellants request the Development Review Board consider one or some combination of the following relief:

1. Require the applicant to be in receipt of a State Wastewater and Potable Water Supply Permit that includes the drilled well in Zoning Permit number 2022-53 before the permit is issued, per section 5.2.1 d) of the Richmond Zoning Regulations.
2. If relief 1 is not accepted, include in Zoning Permit number 2022-53 the rationale for not requiring a State Wastewater and Potable Water Supply Permit. Any applicable conditions related to this rationale should be included in the permit approval.
3. If the applicant successfully claims that the drilled well in Zoning Permit number 2022-53 is covered by Wastewater System and Potable Water Supply Permit number WW-4-5538 (a claim we reject), deny Zoning Permit number 2022-53 as the State permit is for a seven lot subdivision and therefore not valid for the current pre-subdivision state of the property.
4. Require the applicant to record Wastewater System and Potable Water Supply Permit number WW-4-5538 in the Town of Richmond Land Records as required by Section 1.1 of said permit before Zoning Permit number 2022-53 can be issued. This will ensure that Town Officials are aware of this State permit when considering Town permits.
5. Require the applicant to re-submit Zoning Permit number 2022-53 with a sufficiently detailed sketch, per Section 5.2.1 c) of the Richmond Zoning Regulations including but not limited to:
  - a. The location of the drilled well more clearly stated than the currently implied location as marked by "flag in field."
  - b. The shape, size, and location of all buildings or other structures already existing on the lot, per sub-section ii.
  - c. The existing and intended uses and areas of use of the lot and all buildings and other structures (in particular the intended purpose of the drilled well), per sub-section iii.
6. Enforcement of any after the fact regulatory provisions and documentation of the after the fact nature of Zoning Permit number 2022-53.
7. Enforcement of section 5.3.1 b) of the Richmond Zoning Regulations in the form of withholding approval of Zoning Permit number 2022-53 until all outstanding notices of permit are properly posted. This includes but is not necessarily limited to the following notices of permit which were not posted as of the filing date of this notice of appeal:

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- a. Zoning Permit number 2022-53
  - b. Zoning Permit number 2021-083
8. Enforcement of Section 5.3.3 *Misrepresentations* of the Richmond Zoning Regulations in the form of nullifying Zoning Permit number 2022-53 due to inconsistent public displays of the permitted project (specifically in reference to inconsistencies with State permits). If the applicant successfully claims that Zoning Permit number 2022-53 is its own distinct project, then conditions limiting the permit to the stated purpose of this distinct project should be included in the permit approval.
  9. Site visit by the Administrative Office or other Town Official to verify details of Zoning Permit number 2022-53, such as the well location.

Thank you for taking the time to consider our concerns.

Sincerely,



**Bradley Holt & Jason Pelletier**

cc: Tyler Machia, Zoning Administrative Officer