



Planning & Zoning Office
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A. Background

- July 11, 2022: DRB Zoning permit 2022-53 for HV2427
 - Avondas applied for a zoning permit for a well already constructed on their property
 - Applicants assumed that as they are a farm and the well would be covered as an agricultural building
 - Farm structures are exempt from local zoning per Section 5.1.1 of the Richmond Zoning Regulations and 24 VSA §4413
 - The Zoning Administrator determined that the well itself is not a farm structure and should be considered land development
 - Land Development requires a permit
 - Permit issued on 7/11/2022
- July 25, 2022: notice of appeal filed by Bradley Holt & Jason Pelletier
 - Appellants see this permit as potentially part of a larger development in the future
 - Appellants note the following as evidence of this
 - Sketch Plan Review for SUB21-02 for HV2427 for a 9-lot subdivision
 - A state wastewater system and potable water supply permit for a 7-lot subdivision
 - A state stormwater discharge permit
 - State wetland permit for a 7-lot subdivision

B. Appellants Claims

- Appellants note that permit 2022-53 should be rejected for the following reason
 - Violation of section 5.2.1 c.
 - Violation of section 5.2.1 d.
 - Violation of section 5.3.1 b.
 - Violation of section 5.3.3 b.

C. Staff Comments

- Violation of Section 5.2.1 c.
 - Section 5.2.1 c. notes that Application for Zoning Permit - 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.
 - Applicants provided a site plan with their zoning permit application
 - The determination of sufficient detail is left up to the Administrative Officer to determine
 - The Administrative Officer determined that the information provided was sufficient to evaluate the application
 - Location of buildings and structures noted on the map provided by the applicants
- Violation of Section 5.2.1 d.

- Section 5.2.1 d. notes that when applicable, a receipt of a State Wastewater and Potable Water Supply Permit is required prior to the issuance of a zoning permit. Local permits do not absolve the applicant from obtaining applicable state and federal permits, and the applicant is responsible for obtaining relevant state and federal permits.
 - The Administrative Officer determined that based on the scope of the project, the receipt of a State Wastewater and Potable Water Supply Permit was not needed and therefore not applicable.
 - The potential for a subdivision has no bearing on the issuance of this permit as the potential subdivision does not exist as no formal application has not been submitted to the town.
- Violation of Section 5.3.1 b.
 - Section 5.3.1 b. notes The Zoning Permit shall be delivered by the Administrative Officer to the Town Clerk for recording in the land records of the Town in accordance with Section 8.5. The Administrative Officer shall deliver a copy of the permit to the Listers once it has been recorded by the Town Clerk
 - Permit was filed and recoded
- Violation of Section 5.3.3
 - Section 5.3.3 notes that any zoning permit issued based upon material inaccuracies or misrepresentations in an application or in any supporting documents to an application shall be null and void and shall not be construed as waiving any provision of these zoning regulations. 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.
 - Administrative officer determined that the applicant did not present any inaccuracies or misrepresentations based on the scope of the project and the permit sought.
- Enforcement of zoning regulations
 - Section 8.3.1 notes that the Administrative Officer shall institute in the name of the Town of Richmond any appropriate action, injunction or other proceeding to enforce the provisions of these Zoning Regulations, including conditions of approval.
 - The Administrative Officer determines the appropriate action to enforce the zoning regulations.
 - Applicants were unaware that they need a permit for the well.
 - Once informed they took immediate action to correct the violation and dropped off a permit the same day they were notified.
 - No further enforcement action was required.
 - The Administrative Officer determines the appropriate action to enforce the zoning regulations
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- Potential Subdivision
 - Until the town receives an application for a subdivision it does not exist
 - State permits are not relevant to the local review of permit applications, except for state wetlands permits.
 - Enforcement of state permits and conditions falls to the state not the locality

D. Staff Conclusions

- That the Appellants raised many concerns that are not relevant to the issuance of permit 2022-53
- Localities have no jurisdiction to enforce state permits
- Permit should be upheld as it is basic land development and meets general regulations for the A/R zoning district
- Project is in compliance with 5.2.1 c., 5.2.1 d, 5.3.1 b., 5.3.3 b.

