



# TOWN OF RICHMOND

## RICHMOND TOWN CENTER

203 Bridge Street, P.O. Box 285

Richmond, Vermont 05477



To: Richmond Planning Commission

From: Keith Osborne, Director of Planning and Zoning

Date: March 29, 2024

RE: Self-initiated review of perceived compliance issues related to Jolina Court

Context: Planning Commission members and members of the public have repeatedly claimed that Buttermilk, LLC has not been compliant with their approvals dating back to 2017. The Planning and Zoning office, which is comprised of myself and Zoning Administrator Tyler Machia, have completed an exhaustive review of the record, including but not limited to reviewing the land use files, zoning permits, Certificates of Occupancy (CO), plats, DRB approvals, past emails, previous planners' notes, minutes review, and subsequent on-site inspections by the town engineer in 2020 and myself in 2024. The following has been ascertained:

- Except for the potential need for a permit associated with SUB 2020-41, which is related to an after-the-fact façade revision to Building 1, and the need for a dumpster enclosure that is not enforceable (due to issuance of the Phase 1 CO and most recent DRB approval which will require another CO), all other approvals and inspections have been accomplished and sign-off achieved for Phase 1 of the project.
  - a) Per the “Conditional” Certificate of Occupancy issued and signed by previous Zoning Administrator Suzanne Mantegna on March 5, 2020, all development conditions have been met for zoning permits 2018-009, 2019-049, and 2019-110.
  - b) Phase 1 paving, sidewalks, erosion and sedimentation practices, landscaping, water and sewer, RBES/CBES submittals, required “walk-through”, and submittal of the Final Phase 1 record drawings has been accomplished as per the above referenced CO.
  - c) Waiver of Commercial Access requirements by the Selectboard in 2017.
  - d) EV Chargers are on the record associated with the solar canopy. To be installed during Phase II development per recent 2023-05 approval.
- Permits will be required for any development for Building 2 and must follow the conditions of approval for SUB 2023-05. Note: Buttermilk is an active, **Phased** Planned Unit Development and as such, each subsequent DRB approval supersedes any past approvals.
- The current P&Z office does not issue “Conditional” Certificates of Occupancy such as the one reference above. To sign-off on a CO that has outstanding conditions runs counter to the purpose of issuing a CO, or a permit for that matter. With that, and after discussions with the Zoning Administrator, it is my thinking that the issuance of the above “Conditional” CO may have contributed to those believing the approved development was not inspected nor vetted, although this is highly unlikely based on the lack of facts offered. Regardless, when a CO has the ZA’s signature, any associated development will be considered compliant by this office.
- Coda - My office has spent approximately 25-35 hours of combined time, and counting, on this perceived issue. I implore all those that continue to believe there is malfeasance from the developer regarding compliance, to do the research and refrain from putting up barriers to progress. Finally, the P&Z office has minimal issues with compliance concerning this project and those concerns are mentioned above. With the issuance of a signed CO in March of 2020, Phase I is basically complete.