

Comminos Zachary
P.O. Box 265
45 Bridge St. Unit 1
802-578-8595
comzachary@comcast.net

Reasons for the appeal of Richmond DRB approval CU2023 of site plan and exterior modifications.

Facts

The site in question at 23 Pleasant St. in Richmond, VT is a preexisting, nonconforming site that had been abandoned as to the grandfathered uses for a number of years.

The owner and applicant were advised of adverse effects of recent and proposed changes that created flooding conditions on the property. The flooding conditions created a hazard for a deeded right-of-way user during winter and regularly floods appellant's basement. Appellant's right of way and property have been the victim of trespass and vandalism while the site sat vacant, and which continues unabated to this day.

The applicant and owner's site plan revisions could have offered the opportunity to mitigate if not fully correct the flooding, trespass and vandalism that was impacting the appellant's property. Both parties refused to make reasonable corrections and the DRB failed to burden the applicant.

Repeated overtures to the new landowner and the applicant have all been rebuffed or ignored as the appellant's property rights were further abused when they jumped the DRB approval and began excavating and doing site work without proper notice (the zoning sign was placed not adjacent to the public way but in a window with a lot of other information and fully blocked by trucks and trailers, so it was not visible).

During the observed site work the appellant's access and egress were 100% blocked interfering with necessary use and creating hazardous emergency conditions. The contractors parked equipment on the appellant's property, completely ignored all the feedback given and do not appear to be intending to make any corrections that would mitigate the trespass, flooding or obstruction. Further, the appellant's use of its deeded right of way has been further eroded away by the applicant/ owner apparently granting permission for the use of the right of way by others interfering with the appellant's use.

The pre-existing nonconforming abandoned drive-through and unpermitted ATM's uses require, under the Richmond regulations a 6-car stack and safe, non-conflict parking and traffic movements. Any stack greater than the serviced vehicle +2 interferes with the access driveway, the use of parking spaces and blocks the pedestrian access to the building as well as creating congestion to interfere with the appellants deeded right of way. Requests to grant conditional access on the eastern boundary to mitigate adverse conditions were rejected and rebuffed by the owner and applicant at the DRB.

Impervious surface - The appellant has objected to the actual net increase in impervious surface by the removal of a large tree and regrading that has been done without the tolling of the DRB approval. This having occurred so as to actually worsen the flooding, trespass and vandalism.

Comminos Zachary
P.O. Box 265
45 Bridge St. Unit 1
802-578-8595
comzachary@comcast.net

Icing and snow conditions have worsened as a result of the applicant owner use during winter conditions. Snow and ice have been pushed on to the appellants property without permission and has also been stored in the site's parking spaces. There has been apparent extension of ROW privilege to other parties further expanding the pre-existing nonconforming use on the owner applicant's property. Thereby creating or exacerbating obstruction, trespass, and vandalism to the appellant's rights and property.