



TOWN OF RICHMOND

Planning and Zoning Office
203 Bridge Street, P.O. Box 285
Richmond, Vermont 05477

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Vermont Superior Court
Environmental Division
26-ENV-00054



Development Review Board Final Decision DENIAL of Notice of Appeal 2026-01

OVERVIEW: Appellants Chelsye and Trevor Brooks challenge the issuance of Amended Zoning Permit 2025-75 for not complying with language and intent of the Richmond Zoning Regulations. Appellants request that the Development Review Board reverse or modify the Zoning Administrative Officer's determinations and deny the amended permit unless the Applicant-Appellee, Jay McCormack, submits revised plans demonstrating compliance with zoning. The contested Permit involves a parcel located at 1330 Jericho Road, Richmond, VT 05477 (Parcel ID: JR1330).

RELATED SUBMISSIONS:¹

- Notice of Appeal, APE2026-001, for Amended Zoning Permit 2025-75,
- Amended Driveway Zoning Permit 2025-75,
- Original Driveway Zoning Permit 2024-02,
- Zoning Administrator's Brief on APE2026-01,
- [Appellants Exhibit 1] Pre-existing conditions,
- [Appellants Exhibit 2] Unauthorized site work,
- [Appellants Exhibit 3] Engineer emails, and
- [Appellants Exhibit 4] Power work order.

PROCEDURAL HISTORY:

- Conditional approval of Zoning Permit 2024-02 (original driveway permit), issued on 1.12.24.
- Conditional approval of Zoning Permit 2024-67 (single-family dwelling permit), issued on 9.13.24.
- Notice of Appeal, APE2024-01, filed against Zoning Permit 2024-67 (single-family dwelling permit) on 9.24.24.
- Issuance of final DRB decision on APE2024-01, denied on 10.30.24.
- Approval of Zoning Permit 2025-61 (amended driveway permit one), issued on 10.10.25.
- Notice of Appeal, APE2025-01, filed against Zoning Permit 2025-61 (amended driveway permit one), on 10.24.25.

¹ See Related Files 4.1-4.4 and Appellants Exhibits 1-4,
<https://www.richmondvt.gov/calendar/meeting/development-review-board-4-8-26>.

- Issuance of final DRB decision on APE2025-01, dismissed as moot because Zoning Permit 2025-61 was invalidated due to a procedural defect and technical error, on 12.16.25.
- Conditional approval of Zoning Permit 2025-75 (amended driveway permit two), issued on 2.23.26.
- Notice of Appeal, APE2026-01, filed against Zoning Permit 2025-75 (amended driveway permit two), on 3.10.26.
- Public notice posted onto the Town's website, at three (3) public locations, and forwarded to the DRB, on 3.23.26.
- Public notice mailed to Applicant, Abutters, and Appellants, on 3.24.26.
- Public notice posted in Seven Days, the publication of general circulation, on 3.25.26.

AUTHORITIES:

- Hearing & Notice Requirements: 24 V.S.A. § 4464; *accord* RZR § 8.4.
- Hearing on Appeal: 24 V.S.A. § 4468; *accord* RZR § 8.4.3 (citing RZR § 8.2.3).
- Evidentiary Standard: 3 V.S.A. § 810; *see* 24 V.S.A. § 4468.

FINDINGS OF FACT:

1. Public hearing was set for April 8, 2026, warned on March 25, 2026, in Seven Days and per Procedural History listed above.
2. The warning to hold a public hearing was in accordance with the Act, 24 V.S.A. § 4468; *accord* RZR § 8.4.3
3. Public hearing was opened on April 8, 2026, at the usual time and hybrid locations.
4. Appeal was heard and decision rendered on April 8, 2026.
5. The Development Review Board made their decision based on the written briefs and oral testimony provided by the Appellant, the Zoning Administrative Officer, and the Applicant-Appellee. The hearing and decision followed the provisions for review as per the Act (24 V.S.A. §§ 4464, 4468), as well as the applicable provisions of the Richmond Zoning Regulation § 8.4, Appeals and Variances.

ARGUMENTS ON APPEAL:

The Appellants, Zoning Administrative Officer, and Applicant-Appellee, presented the following arguments to the Development Review Board.

Appellants:

Appellants argue that Zoning Permit 2025-75 should be reversed or modified unless the Applicant submits revised plans demonstrating compliance with the Richmond Zoning Regulations.

Appellants contended that the Amended Zoning Permit introduced additional elements of (a) revised driveway dimensions, (b) stormwater infrastructure, (c)

ditching, (d) culverts, (e) defined limits of disturbance, and (f) expanded project boundaries that were not authorized by the original permit. Appellants argued that the plans which accompany the amended permit are a whole package, the permit application itself does not functionally separately from the plans. For those reasons, Appellants argued that the Amended Zoning Permit is non-compliant with the Zoning Regulations.

Appellants also maintained that the Zoning Administrative Officer made determinations regarding (1) driveway construction in five-foot no-build zone, (2) underground electrical utilities in the five-foot no-build zone, and (3) clearing limits which are inconsistent with the language and intent of the Zoning Regulations. As such, Appellants further requested that the Development Review Board determine that:

1. The exception in RZR § 3.2.4(e), allowing driveway construction within the five-foot no-build zone, apply only where the driveway is adjacent to the public or private right-of-way providing access to the lot and does not apply along interior lot lines extended approximately 200 feet from the right-of-way.
2. Underground electrical utilities are not exempt from the five-foot no-build zone established in RZR § 3.2.4(e) unless expressly authorized by the zoning regulations.
3. Activities including excavation, grading, filling, and stumping constitute land development subject to the Richmond Zoning Regulations where those activities are undertaken as part of site development for a permitted use.

Zoning Administrative Officer (ZAO):

The Town's ZAO argued that Amended Zoning Permit 2025-75 was issued in compliance with the Town's Zoning Regulations. As the ZAO understood it, the amended driveway permit narrowly captured all changes made from the original driveway permit. *See* RZR 5.3.4 ("Such application for a new [amended] permit shall be limited in scope to the changes from the permit already issued."). Put another way, the amended driveway permit was limited in scope to only encompass changes from the original, un-appealed driveway permit. The ZAO argued that any additional features depicted in the site plans are beyond the scope of the issued amended permit.

Per the Application materials, the Applicant-Appellee listed five (5) changes between the original driveway permit and the amendment driveway permit: (1) addition of four culverts, (2) removal of one culvert that was not installed, (3) addition of two small turnaround/parking areas, (4) reduction in the overall length of the driveway, and (5) narrowing the width of the driveway from the original plans. The ZAO agreed with changes one (1) through four (4), as written. Speaking to change five (5), the ZAO further noted that the specific driveway width requirement—which was imposed in the original driveway permit—was removed in this amended permit to reapply the general driveway standards of twelve (12) through thirty-six (36) feet of maximum width throughout. *See* RZR § 6.2.1(b). Because the amended permit was not for driveway construction in the no-build zone, was not for underground electrical

utilities,² and was not to capture existing clearing limits, the ZAO agreed with the specific changes listed by the Applicant-Appellee and maintained that this amended driveway permit was narrowly limited in scope to the five (5) changes listed by the Applicant-Appellee. And since the ZAO believed that the five (5) changes listed above comply with the Richmond Zoning Regulations, he requested that the DRB uphold issuance of the amended zoning permit.

Applicant-Appellee:

The Applicant-Appellee agreed with the ZAO's remarks, reiterating that this was a simple amendment to the original driveway plan. Applicant-Appellee's engineer noted that the biggest change was to the width of the driveway. He noted another change which included five (5) areas where the location of culverts is different. The engineer explained that the site, as it exists today, is substantially similar or substantially in accordance with the driveway plan that was initially approved and unappealed.

DECISION (DiPalma) In a vote of 4-1, the Board voted to **DENY** this appeal on the grounds that the amended driveway permit deals with five (5) items which are all consistent with the Town of Richmond's Zoning Regulations and therefore there is no basis for overturning the issuance of the amended permit. To the extent that there are any issues with the project as constructed in relation to the approval given in the permit as amended, that matter can be taken in connection with the issuance of the Certificate of Occupancy.

DRB VOTING ON THIS APPEAL:

David Sunshine, Chair	in Favor	Against	Abstain	Recused	Absent
Matt Dyer, Vice Chair	in Favor	Against	Abstain	Recused	Absent
Padraic Monks	in Favor	Against	Abstain	Recused	Absent
Matt Parisi	in Favor	Against	Abstain	Recused	Absent
Robert DiPalma	in Favor	Against	Abstain	Recused	Absent

The above vote occurred at a Development Review Board meeting on the 8th day of April 2026.

 DATED 05/08/2026
David Sunshine, DRB Chair

The application as approved shall conform with the terms of the final decision, referenced items, findings of fact, and conditions. Applicant and all other interested parties reserve

² See RZR § 5.10.4(a)(i); see also 24 V.S.A. §§ 4413(h)(1)-4413(h)(2)(B).

the right, under 24 V.S.A. § 4471, to appeal this decision to the Vermont Superior Court Environmental Division.

As stated by § 4471, “[a]n interested person who has participated in a municipal regulatory proceeding ... may appeal a decision rendered in that proceeding ... to the Environmental Division. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.” *Accord* RZR § 8.4.6(a).

An appeal must be filed within thirty (30) days of the date of this decision and be in accordance with the applicable rules of procedure and rules of the Environmental Division. *See* V.R.E.C.P. 5(b)(1); *see also* RZR § 8.4.6.