

Town of East Montpelier

ZONING PERMIT

NOTICE

[To Be Displayed on the Property in Full View of the Public Right-of-Way]

Date Issued: July 25, 2016

Effective Date: August 9, 2016

Location: 2023 County Road

Owner: Kathleen Friedland

For: Occasional Home Retail Sales of

At-Home Produced Bakery & Agricultural Goods

Application # 16-028

Approved by: **C. Bruce Johnson, ZA**

Do not start project or commence use prior to the Effective Date. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any state or local appeal process. This application is available for inspection at the Town Office. This poster must be displayed on the property in full public view for 15 days.

APPEALS TO DRB: A notice of appeal, including the \$150 fee, must be filed with the East Montpelier Town Clerk or Zoning Administrator at the Town Office by the listed Effective Date.

WARNING: State permits may be required for this project. Contact the state Permit Specialist, at (802) 505-5367, before beginning any construction.

TOWN of EAST MONTPELIER

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
eastmontadmin@comcast.net
(802) 223-3313 ext. 204

July 25, 2016

Kathleen Friedland
2023 County Road
Montpelier, VT 05602

Re: East Montpelier Zoning Application #16-028

Dear Ms. Friedland:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the home occupation retail sales use as requested in your zoning application #16-028, subject to the following conditions:

- **All parking must be accommodated on the property, not on County Road;**
- **Retail sales may be conducted a maximum of 3 days per week and only during daylight hours; and,**
- **Applicant must meet with the East Montpelier Zoning Administrator in two years to review the business activities**

You have the right to appeal the decision of the Development Review Board. 10 V.S.A. §8504, 24 V.S.A. §4471 and V.R.E.C.P. 5 provide guidance on appeals to the Environmental Division of the Vermont Superior Court, but should you wish to appeal you should seek the advice of an attorney to determine your rights and duties in this particular situation. Generally any appeal must be filed with the Environmental Division within 30 days of the issuance of the decision.

Based on the above-referenced DRB approval I have issued East Montpelier Zoning Permit #16-028 for occasional retail sales of at-home produced bakery and agricultural goods as described in zoning application #16-028.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

**TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Kathleen Friedland
 Keith Friedland
 2023 County Road
 Parcel # 03-039.000 Tax Map # 08-01-04.000

East Montpelier Zoning Application #16-028

INTRODUCTION & PROCEDURAL HISTORY

1. On June 13, 2016, Kathleen Friedland filed an application with the Town of East Montpelier to conduct limited retail sales of her own bakery and agricultural products at the residential property owned by Kathleen and Keith Friedland located at 2023 County Road.
2. The property in question lies in the Rural Residential & Agricultural District – Zone D, where onsite retail sales as part of an East Montpelier Land Use & Development Regulations Section 4.10 (B) home occupation require conditional use review by the Development Review Board as a Section 4.10 (C) home industry.
3. A public notice was duly published in the Times Argus on June 27, 2016 for a hearing, which was conducted on July 12, 2016 at 7:00 p.m.
4. Applicant Kathleen Friedland, co-owner Keith Friedland, and Zoning Administrator Bruce Johnson appeared and participated in the July 12, 2016 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the July 12, 2016 hearing were Curtis, Cueto, Lane, Welch, Watson, Santor, and Greenwald.

FINDINGS OF FACT

1. Kathleen Friedland operates a state-licensed bakery out of the home she and Keith Friedland own located at 2023 County Road. She would like to offer direct sales of her products along with seasonal vegetables and flowers from her property.
2. The property is located in Zone D – the rural residential & agricultural district, where no permit is required for conforming home occupations under East Montpelier Land Use & Development Regulations Section 4.10 (B). Retail sales as part of a conforming home

occupation, however, are not allowed without DRB approval under the standards laid out in Section 4.10 (C) home industry and Section 5.5 conditional use.

3. Currently Ms. Friedland's bakery products are sold direct to stores and farmers' markets. Applicant intends to operate on-site sales from a pop-up tent to be located on the existing driveway, close to the garage to allow better access and parking for customers. Products will include baked goods and home-grown flowers and vegetables. The intent is to offer sales occasionally during the week during the months of April through November, preferably in early evening hours to take advantage of commuter traffic along County Road.
4. The Friedlands may erect a greenhouse connected to the garage to facilitate the growth of vegetables and flowers. It is understood that the greenhouse may require a separate building permit.
5. Applicant does not expect a large number of customers. There is sufficient space for access and parking off County Road for a light customer load. There could be issues if the business gains popularity. Applicant agrees to undergo a permit review in two years to determine if the business is exceeding the expected scope of home occupation retail sales.
6. The business will have no employees other than the Applicant. Supplies will be delivered in personal vehicles. There will be no large truck traffic.
7. Applicant expects to install a conforming home occupation sign. Applicant may also use a portable sandwich board near County Road. Applicant understands that the portable sign must not interfere with road safety, must be located out of the road right-of-way, and must not be left out overnight.
8. No additional lighting to benefit the retail sales component of the home occupation is planned at this time.

CONCLUSIONS

The standards for the issuance of a conditional use permit for home occupation retail sales are set forth both in Section 4.10 (C) and in Section 5.5 of the East Montpelier Land Use & Development Regulations. It is found that the provisions of Section 4.10 (C) have been reviewed and the proposed use meets the listed requirements. It is also found that the five general standards in Section 5.5 (C) have been reviewed, and the proposed use will not adversely affect any of them. It is further found that the specific standards in Section 5.5 (E) are not applicable to the project. As part of conditional use review Section 5.4 (C) site plan standards have been evaluated and incorporated into this decision.

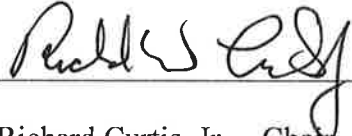
DECISION

By unanimous vote, the DRB approves Conditional Use Permit 16-028 to allow the requested retail sales use, subject to the following conditions:

- **All parking must be accommodated on the property, not on County Road;**
- **Retail sales may be conducted a maximum of 3 days per week and only during daylight hours; and,**
- **Applicant must meet with the East Montpelier Zoning Administrator in two years to review the business activities**

Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 505-5367 to speak to the state Permit Specialist before beginning any construction.

Dated this 25th day of July, 2016.



Richard Curtis, Jr. – Chair
East Montpelier Development Review Board

Notice: The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

1. “Participation” in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Division of the Vermont Superior Court and by mailing a copy to the East Montpelier Zoning Administrator, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Permit # 16-028
Zoning District D
Overlays -

ZONING PERMIT APPLICATION
TOWN OF EAST MONTPELIER
PO Box 157, East Montpelier, VT 05651

Date Received: 6/13/16
Parcel # 03-039.000
Tax Map # 08-01-04.000

A. 1. Name of Landowner Kathleen Friedland Phone No. 613-3187
2. Address of Landowner 2023 County Rd. Montpelier 05602
3. Applicant (other than owner) Phone No.
4. Address of Applicant
5. Location of Property 2023 County Rd.

B: Application is made (check appropriate boxes):

- | | | |
|--|--|--|
| To: | For: | For: |
| <input type="checkbox"/> Construct | <input checked="" type="checkbox"/> One <input type="checkbox"/> Two-family dwelling | <input type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input type="checkbox"/> Boundary adjustment |
| <input type="checkbox"/> Alter | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input type="checkbox"/> Commercial / Business | <input type="checkbox"/> Ground water withdrawal |
| <input type="checkbox"/> Remove | <input type="checkbox"/> Light Industrial | <input type="checkbox"/> Landfilling |
| <input checked="" type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input checked="" type="checkbox"/> Other |

Describe work to be performed.....
Selling baked goods and vegetable produce
from house.

- C. Lot description:
- | | |
|---|---|
| 1. acreage <u>2.02 ±</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage <u>300.17</u> Ft.
<u>per plat</u> | |
| 3. depth front yard <u>160 ft.</u> Ft.
(Road centerline to building) | 5. depth rear yard Ft.
(building to lot line) |

Important - Submit site location map which describes the property on which the proposed land development is to occur. The map should indicate the length in feet of each boundary, the location and dimensions in feet of the development within the property, the distance from that development to all adjacent property lines and the distance to the public road centerline. Each parcel created by land development should be clearly described.

READ BELOW CAREFULLY AND SEE SECTION D ON PAGE 2 OF APPLICATION:

In accordance with 24 V.S.A. §4446, no development or subdivision of land may begin in the Town of East Montpelier until all applicable municipal land use permits and approvals have been issued. The undersigned requests a zoning permit as described above, understanding that the permit will be voided and penalties imposed, if the land development is not completed as described. The permit will be voided if development is not substantially commenced within one year from date of issue. The undersigned hereby applies on the basis of the representations contained herein, and to the best of his/her knowledge believes them to be true. The undersigned acknowledges the Section D notices on page 2 of this application.

Landowner John McNeil Date 6-11-16
Applicant Kathleen M. Friedland Date 6-11-16

Zoning Permit Fee: \$ _____ Cash _____ Check _____ Date _____ Rec'd by _____
DRB Hearing Fee: \$ 225 Cash _____ Check 699 Date 6-11-16 Rec'd by D.B.
Make checks payable to the "Town of East Montpelier"

D. Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 505-5367 to speak to Peter Kopsco, our region's state permit specialist, before beginning any construction.

Notice: Your project may be subject to the state's residential or commercial energy code. For more information contact the Energy Code Assistance Center at 855-887-0673 or see the following web pages:
Residential Building Energy Standards: http://publicservice.vermont.gov/energy_efficiency/rbes
Commercial Building Energy Standards: http://publicservice.vermont.gov/energy_efficiency/cbes

E. Action by Zoning Administrator:

1. Granted Denied Date Reason.....

2. Appealed to Development Review Board By
Date

Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 16-028. Date Issued 07/25/16 Effective Date 08/09/16

DO NOT start this project prior to the effective date, as the statutes require a 15-day appeal period. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any appeal process.

4. Permittee is required to submit a Certificate of Compliance form to the Zoning Administrator in accordance with East Montpelier Land Use & Development Regulations Section 7.4:
 Yes (form included with permit) No

[Signature]
Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date 6.27.16

2. Date(s) of Hearing 7.12.16

3. Granted Without conditions With conditions (See written decision for conditions)

4. Denied (See written decision for reasoning)

[Signature]
Chairman, Development Review Board

The DRB's written decision was issued on: July 25, 2016

The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

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Kathleen Friedland
2023 County Rd.
Montpelier, VT 05602
(802)613- 3187

June 9, 2016

Town of East Montpelier
DRB Zoning Board
Bruce Johnson
Town and Zoning Administrator

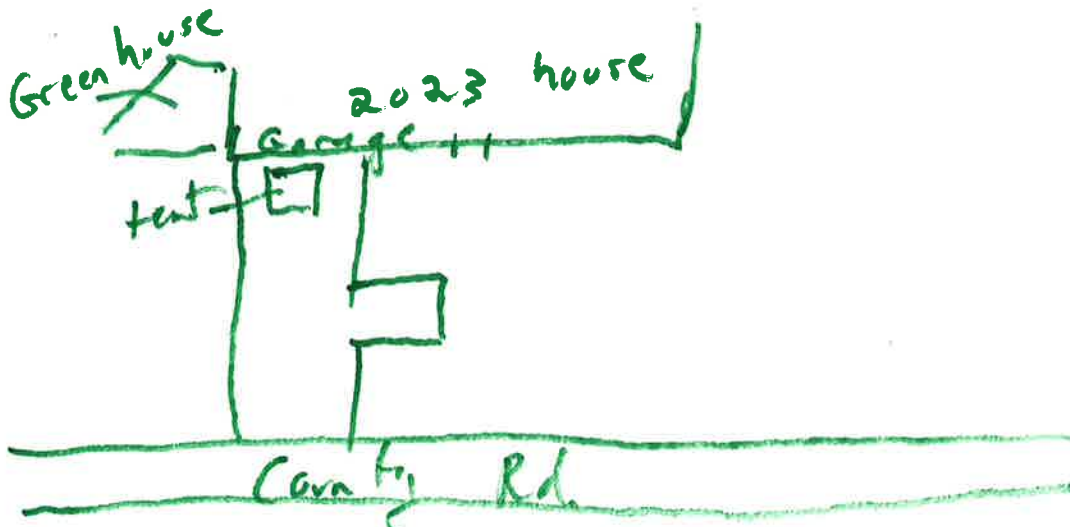
Dear Board,

I have a home bakery, licensed with the VT Dept. of Health, and would like to have the opportunity to sell my baked goods along with certain seasonal vegetables and flowers from our home seasonally. For starters, I would like to be open 1 day a week (probably Thursdays) from April to November from 3 to 6 pm, and if it goes well be open up to 3 days a week. We would put up a sign detailing days open and what is available and put up a tent in front of our garage when open on our driveway to sell goods and conduct business. The plan is to also build a greenhouse attached to the south side of the house, which during certain times of the year may be a location to conduct business. My hope is that 10 cars stop per day.

Thanks to all and I appreciate you considering this business operation.

Best Regards,

Kathleen Friedland





**Friedland -- 2023 County Road
Town of East Montpelier**



7/16/2014