

# Town of East Montpelier

# ZONING PERMIT

# NOTICE

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

Date Issued: November 18, 2016

Effective Date: December 3, 2016

Location: 1005 VT Rte 14 N

Owner: Douglas & Barbara Bragg

For: 12' x 16' Storage Shed

Application # 16-047

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

November 18, 2016

Doug & Barb Bragg  
PO Box 201  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #16-047

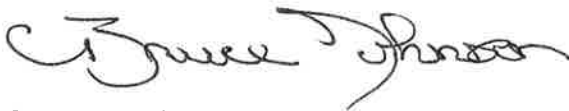
Dear Mr. & Ms. Bragg:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the installation of a 12' x 16' prefabricated storage shed on the Bragg Farm Sugarhouse & Gift Shop property as presented in your East Montpelier Zoning Application #16-047. 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 #16-047 for the requested storage shed on the Bragg Farm Sugarhouse property. This permit is an amendment to East Montpelier Conditional Use Permit 91-029 (as previously amended by 94-097, 02-056, 06-110, & 13-040).

Please 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:        Douglas & Barbara Bragg  
                                 1005 VT Rte. 14 N  
                                 Parcel # 08-008.100    Tax Map # 09-00-77.112

East Montpelier Zoning Application #16-047

**INTRODUCTION & PROCEDURAL HISTORY**

1. On September 16, 2016, Doug & Barb Bragg orally submitted an application with the Town of East Montpelier for a zoning permit to install a prefabricated 12' x 16' storage shed on the property of the Bragg Farm Sugarhouse & Gift Shop, located at 1005 VT Rte. N. The formal application was submitted on September 19, 2016.
2. The property in question is located in the Rural Residential/Agricultural District – Zone D, for which a neighborhood business requires conditional use approval. The existing business is subject to East Montpelier Conditional Use Permit #91-029 as amended by Permits #94-097, #02-056, #06-110, and #13-040.
3. A public notice was duly published in the Times Argus on September 18, 2016 for a hearing, which was conducted on October 4, 2016.
4. Zoning Administrator Bruce Johnson appeared and participated in the October 4, 2016 hearing. There was no additional public comment.
5. DRB Chair Curtis recused himself from the hearing; DRB member Cueto served as Acting Chair. The Board members who voted on this issue were Greenwald, Lane, Cueto, Hill, and Kappel.

**FINDINGS OF FACT**

1. The applicants propose to install a 12' x 16' prefabricated storage shed to the rear and north of the main building of the Bragg Farm Sugarhouse & Gift Shop, just to the north side of the truck/large vehicle loop road. The shed will be approximately in line with, but to the rear of, the existing larger shed/barn as seen from VT Rte. 14 N.

2. The new shed is designed to blend with the existing buildings, similar in style and color to the existing large shed/barn constructed in 2006. It will be installed on a stone bed. The shed will be used for storage and will not be accessible by customers.
3. The Zone D setbacks are 75 feet from road centerline and 50 feet from side and rear boundaries. The new shed is approximately 260 feet from the VT Rte. 14 N centerline, 70 feet from the Phillips property line to the north, and well over 200 feet from any other property line.
4. There will be no changes to the parking or internal traffic flow. There will also be no changes to the general operation of the business.

## CONCLUSIONS

The standards for the issuance of a conditional use permit are set forth in Section 5.5 of the East Montpelier Land Use & Development Regulations. It is 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 #16-047, as an amendment to the existing permit (91-029 as amended by 94-097, 02-056, 06-110, and 13-040), to allow the installation of a 12' x 16' prefabricated storage shed on the property of the Bragg Farm Sugarhouse and Gift Shop.

**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) 476-0195 to speak to the state Permit Specialist before beginning any construction.

Dated this 18<sup>th</sup> day of November 2016.



Jeff Cueto – Acting 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 # 16-047

ZONING PERMIT APPLICATION

Date Received: 9/19/16

Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 08-008.100

Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 89-00-77.112

\*\*\*\*\*

- A. 1. Name of Landowner: Doug + Barb Bragg Phone No. 223 5757  
 2. Address of Landowner: 8 1005 Vt Rt 14 North  
 3. Applicant (other than owner): NA Phone No. NA  
 4. Address of Applicant: PO Box 201 East Montpelier VT 05651  
 5. Location of Property: 1005 Vt Rt 14 NORTH

B: Application is made (check appropriate boxes):

- |   |   |  |
|---|---|--|
| To:   | For:  | For:   |
| <input checked="" type="checkbox"/> Construct | <input 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 checked="" type="checkbox"/> Commercial / Business                 | <input type="checkbox"/> Ground water withdrawal       |
| <input type="checkbox"/> Remove               | <input type="checkbox"/> Light Industrial                                 | <input type="checkbox"/> Landfilling                   |
| <input type="checkbox"/> Change use           | <input type="checkbox"/> Industrial                                       | <input type="checkbox"/> Other                         |

Describe work to be performed: We would like to install a 12' X 16' pre built storage shed.

C. Lot description:

- |   |   |
|---|---|
| 1. acreage <u>4.7</u>   | 4. depth side yards <u>330</u> Ft. <u>60</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>500</u> Ft.                                     |   |
| 3. depth front yard <u>260</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>275</u> Ft.<br>(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 Barbara LeGrand - Bragg Date 9/19/16  
Applicant Douglas Bragg Date 9/19/16

Zoning Permit Fee: \$ 260.00 Cash \_\_\_\_\_ Check #7922 Date 9/19/16 Rec'd by DB  
DRB Hearing Fee: \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_

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](http://publicservice.vermont.gov/energy_efficiency/rbes)  
Commercial Building Energy Standards: [http://publicservice.vermont.gov/energy\\_efficiency/cbes](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 # 16-047    Date Issued 11/18/16    Effective Date 12/03/16

**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 ..... Sept. 18, 2016

2. Date(s) of Hearing ..... Oct. 4, 2016

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

4.  Denied (See written decision for reasoning)

*[Signature]*  
Acting Chairman, Development Review Board

The DRB's written decision was issued on: 11/18/16

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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To neighbors driveway

875 ft.

To Phillips  
70 ft.

NEW SHED

12x16

BRABCO FARM

Sunc Sugarhouse

Barn

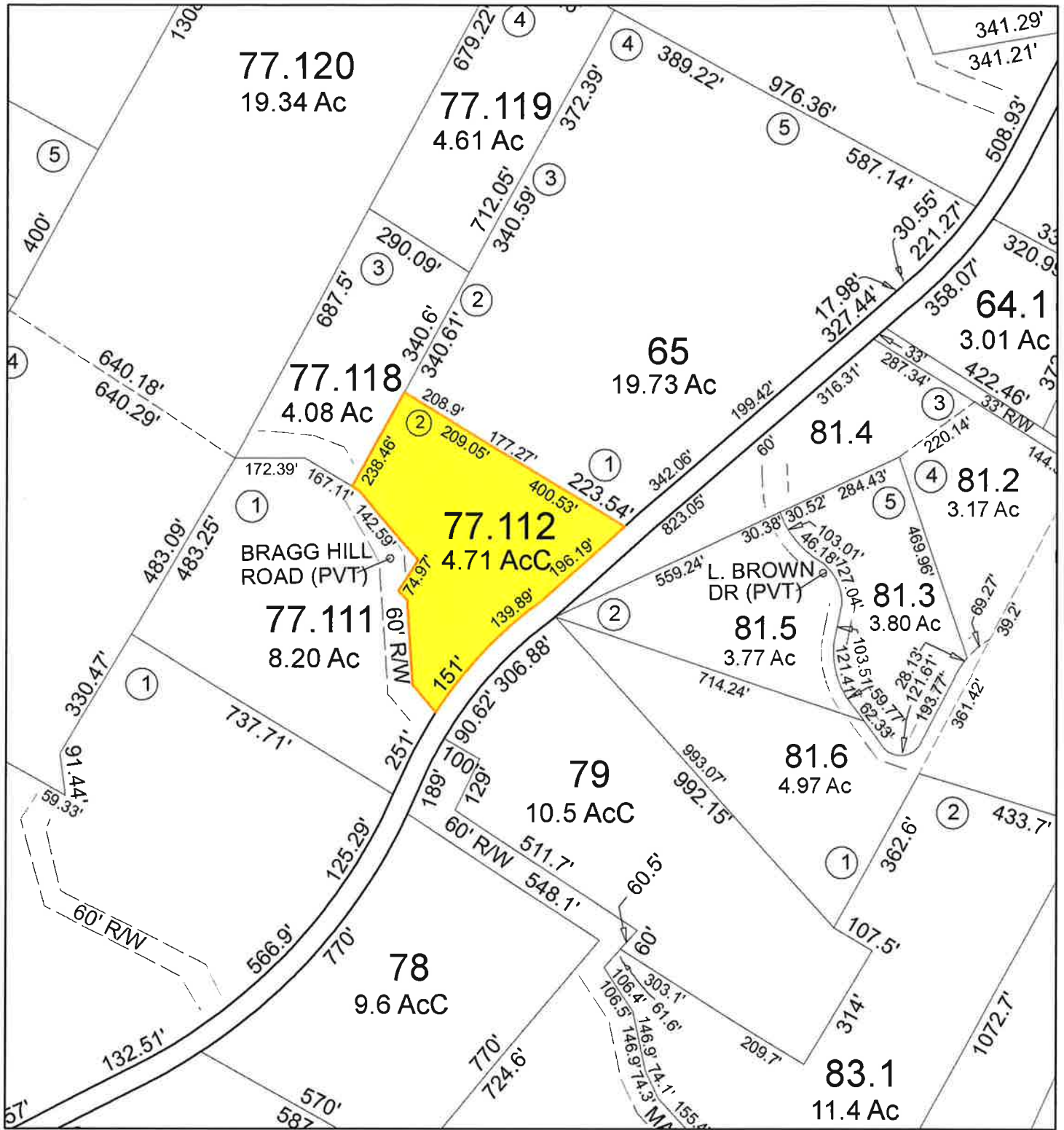
← 920 ft. →

858 ft.

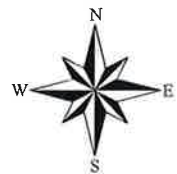
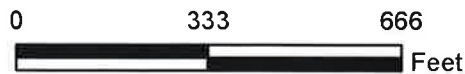
RT 14 NORTH

Property line





**Bragg Farm -- 1005 VT Rte. 14 N  
 East Montpelier**



9/28/2016