

Town of East Montpelier

# ZONING PERMIT

## NOTICE

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

Date Issued: April 13, 2018

Effective Date: April 28, 2018

Location: 115 Fasset Road

Owner: Crossroads Christian Church

For: Landfilling & Drainage  
Improvements

Application # 18-006

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

April 13, 2018

Crossroads Christian Church  
Attn: Richard Curtis  
PO Box 187  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-006

Dear Mr. Curtis:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your zoning application #18-006 subject to the following conditions:

- The project contractor must provide erosion control during and after construction; and,
- The project contractor must provide diffusion of outfall to ensure no significant increase in downstream flow intensity after completion of the project.

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 #18-006 for the landfilling project on the church property at 115 Fassett Road.

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:       Crossroads Christian Church  
                                  115 Fassett Road  
                                  Parcel # 09-063.000   Tax Map # 12-01-37.200

East Montpelier Zoning Application #18-006

**INTRODUCTION & PROCEDURAL HISTORY**

1. On March 14, 2018, Richard Curtis, on behalf of Crossroads Christian Church, submitted an application with the Town of East Montpelier for a zoning permit to add landfill to the gully area between the church parking lot and the abutting Core-Mark Midcontinent (Pine State) property.
2. The property in question is located in the Industrial District – Zone B. East Montpelier Land Use & Development Regulations Section 3.7 guides the consideration of landfill proposals which in this circumstance requires DRB conditional use review.
3. A public notice was duly published in the Times Argus on March 17, 2018 for a hearing, which was conducted on April 3, 2018.
4. Applicant Richard Curtis, abutting owner Core-Mark Midcontinent representative Tom Valentine, abutting owner Whistling Arrow Archery representatives Jake Davis & Tom Crawford, and Zoning Administrator Bruce Johnson appeared and participated in the April 3, 2018 hearing. There was no additional public comment.
5. Applicant Curtis, after consultation with the DRB and Mr. Valentine, amended the application by adding a second drainage pipe from the Core-Mark Midcontinent parcel to the schematic of the proposed drainage improvements.
6. The Board members who voted on this issue at the April 3, 2018 hearing were Welch, Lane, Watson, Dworkin, and Hill. Applicant Curtis, the DRB chair, recused himself from the proceedings. Vice-chair Kappel did not attend the meeting. The DRB selected Ms. Welch to serve as acting chairperson for the hearing.

**FINDINGS OF FACT**

1. Applicant requests permission to add a significant quantity of fill to a 250' long x 70' wide gully area on the Crossroads Christian Church property located between the church

parking lot and the neighboring Pine State parcel (Pine State is now a division of Core-Mark Midcontinent). The desire is to create a flatter, more assessable ground profile which would provide a grassy area for churchgoer enjoyment. The project includes drainage improvements that will be installed within the fill zone to capture existing property drain lines and funnel the flow beyond the fill. The fill, which is mostly gravel, will be capped with topsoil, then mulched and seeded for grass.

2. The property is located in Zone B – the Industrial District. Landfilling activities are subject to regulation under LUDR Section 3.7, which mandates DRB conditional use review if the activity will affect a neighboring property. Zoning Administrator Johnson made a preliminary decision that the proposed landfill project would potentially affect the neighboring Pine State property. This finding was not challenged by Crossroads Christian Church.
3. The Vermont Agency of Transportation is in the midst of replacing Bridge 68 in East Montpelier Village. Significant amounts of good fill will be available as a result of that project. The VTrans project contractor has tentatively arranged to place this fill on the church property, subject to approval by local and state authorities.
4. Crossroads Christian Church has received Act 250 permit amendment 5W0002-1B for the fill project.
5. There is a brook and wetland complex at the southern end of the church and Pine State parcels that continues south onto and through the Whistling Arrow Archery property. Applicant and the VTrans contractor are working with the VT Agency of Natural Resources to obtain the relevant permits, if any, for the project.
6. The proposal includes drainage improvements to extend existing drainage components into a catch basin with a 10” drainage pipe carrying the water in a southerly direction to daylight at the base of the filled area. Pine State representative Valentine provided evidence of an additional drainage line that will need to be run into the catch basin. The additional line was added to the drainage elements shown on the project site plan.
7. The proposed drainage improvements will result in a channeling of the flow 200-250’ south in a pipe, with open air discharge at the end. Concerns were raised by abutters regarding the potential for increased flow intensity into the brook/wetland area. Applicant intends to install an appropriate diffusion methodology, such as riprap at the outlet end, to discharge any excess energy.

## **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 #18-006 to allow as amended the requested landfilling activity on the 115 Fassett Road property subject to the following conditions:

- The project contractor must provide erosion control during and after construction; and,
- The project contractor must provide diffusion of outfall to ensure no significant increase in downstream flow intensity after completion of the project.

**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 6<sup>th</sup> day of April 2018.



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Carol Welch – 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 # 18-006  
Zoning District B  
Overlays WR

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

Date Received: 3/14/18  
Parcel # 09-063.000  
Tax Map # 12-01-37.200

\*\*\*\*\*

- A. 1. Name of Landowner Crossroads Christian Church Phone No. 802-476-4843  
2. Address of Landowner 115 Fessett Rd PO Box 187 East Montpelier, VT 05651  
3. Applicant (other than owner)..... Phone No.....  
4. Address of Applicant.....  
5. Location of Property 115 Fessett Rd

**B: Application is made (check appropriate boxes):**

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

Describe work to be performed Fill w/ drainage elements  
See Attached Doc

**C. Lot description:**

- |   |   |
|---|---|
| 1. acreage <u>4.8+</u>  | 4. depth side yards <u>0</u> Ft. <u>100+</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>~550</u> Ft.                                  |   |
| 3. depth front yard <u>0</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>100+</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 Richard W. East for Crossroads Christian Church Date 3.14.18  
Applicant ..... Date .....

\*\*\*\*\*

Zoning Permit Fee: \$ 110.00 Cash \_\_\_\_\_ Check 7533 Date 3/14/18 Rec'd by DS.  
DRB Hearing Fee: \$ 150.00 Cash \_\_\_\_\_ Check ↓ Date ↓ Rec'd by DS.

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 # 18-006 Date Issued 04/13/18 Effective Date 04/28/18

**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

  
Zoning Administrator

**F. Action by Development Review Board:**

1. Public Notice Date 3/17/18

2. Date(s) of Hearing 4/3/18

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

4.  Denied (See written decision for reasoning)

  
Chairman, Development Review Board

The DRB's written decision was issued on: 04/13/2018

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.

Crossroads Christian Church  
115 Fassett Rd/PO Box187  
East Montpelier VT 05651

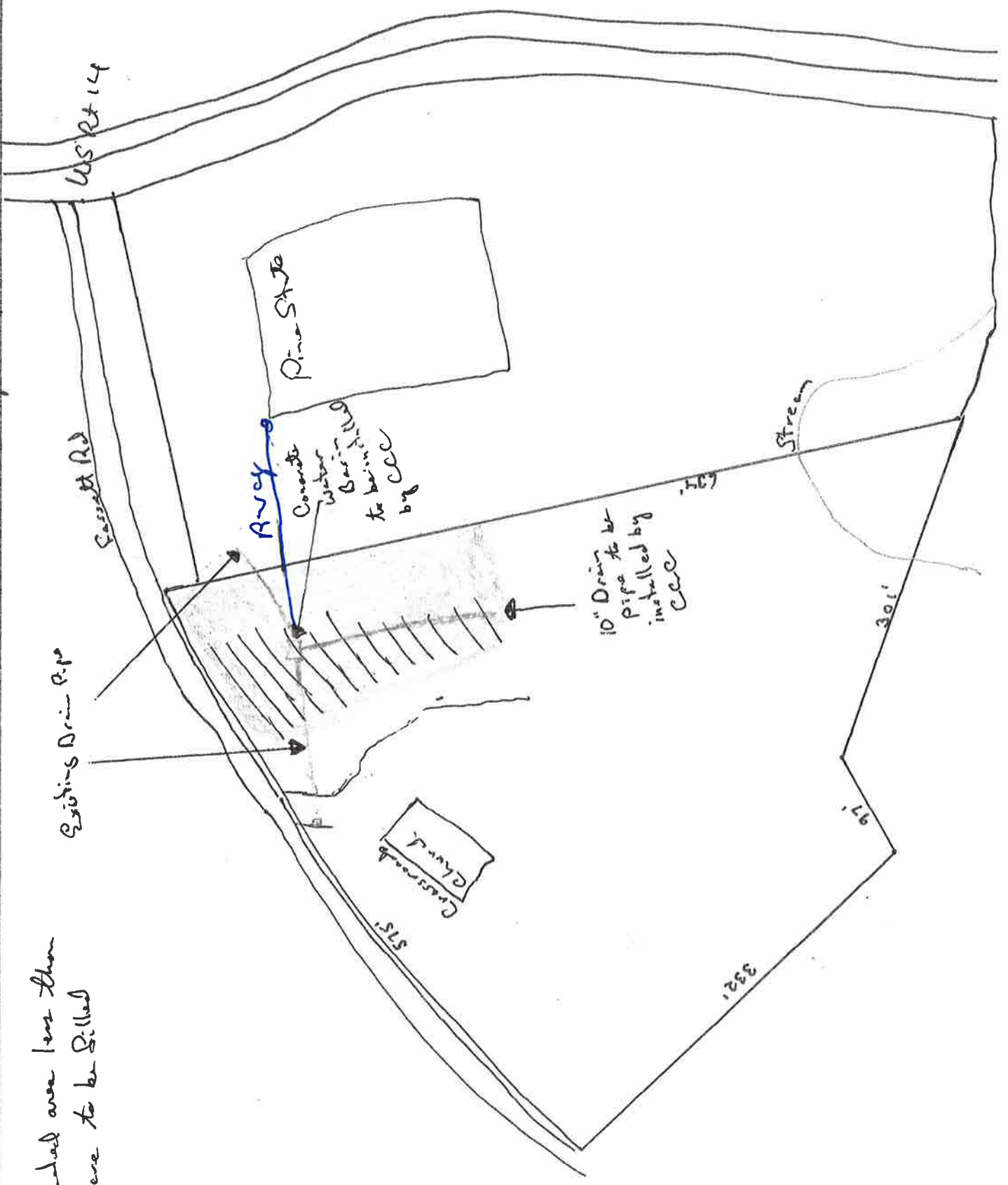
Crossroads Christian Church is located off RT 14 S at 115 Fassett Rd in East Montpelier. We would like to fill in the gully that is on our property between the church parking lot and The Pine State Trading property line to create lawn space. The gully is approximately 250' long by 70' wide. It is about 20' deep at its deepest end and 6' deep at the shallow end. The project includes installing a concrete water catch basin in the middle of the gully and laying a 10" drainage pipe the length of the gully. There is a small stream that passes through the far corner of our 4.6 acre lot approximately 250 feet from where we would end the filling. An ACT 250 Amendment has been applied for and we are working with the VT Dept of Environmental Resources to see if we need to submit a Wet Land application.

Richard W Curtis Jr  
430 Quaker Rd  
East Montpelier, VT 05651  
richcurtis@crossroadschurchvt.org  
802-272-7185



Crossroads Christian Church  
115 Fosssett Rd E. Montpelier, VT

Shaded area less than  
1 acre to be filled



# Crossroads Christian Church -- 115 Fassett Road





State of Vermont

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**LAND USE PERMIT  
ADMINISTRATIVE AMENDMENT**

**CASE:5W0002-1B**

Community Bible Chapel  
dba Crossroads Christian Church  
P.O. Box 187  
East Montpelier, Vermont 05651

**LAWS/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 – 6093 (Act 250)  
Act 250 Rule 34(D)

The District 5 Environmental Commission hereby issues Land Use Permit Administrative Amendment 5W0002-1B pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6093. This permit amendment applies to the lands identified in Book 74, Pages 306 and 307, of the land records of East Montpelier, Vermont. This permit authorizes the Permittee to install a concrete catch basin and 10" drainage pipe down the middle of an existing gully, approximately 250' long by 70' wide, that runs between the church parking lot and the Pine State Trading company. The area would then be filled to creating lawn space. The project tract is located at 115 Fassett Road in East Montpelier.

1. Except as amended herein, all terms and conditions of Land Use Permit 5W0002 and subsequent amendments remain in full force and effect.

Dated at Barre, Vermont, this 8<sup>th</sup> day of March 2018.

By

A handwritten signature in blue ink that reads "Susan Baird".

Susan Baird, District Coordinator  
District 5 Environmental Commission  
10 Baldwin Street  
Montpelier, Vermont 05633-3201  
802-476-0134  
[susan.baird@vermont.gov](mailto:susan.baird@vermont.gov)

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).