

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: February 23, 2016

Effective Date: March 9, 2016

Location: 2290 VT Rte 14 N

Owner: Orchard Valley Waldorf School

For: 15-foot Diameter Tipi

~ 300 square foot Platform

Application # 16-001

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

February 23, 2016

Orchard Valley Waldorf School
Attn: Kathy Clark
2290 VT Rte. 14 N
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #16-001

Dear Ms. Clark:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #16-001 as amended (to reflect a more accurate approximation of the platform's square footage). 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 #16-001 for the installation of a 15-foot diameter tipi on a permanent 300 square foot platform. The town now requires a Certificate of Compliance for most new non-residential structures. Issuance of the certificate is required prior to use of the new structure. When the project is complete, please fill out and submit the enclosed form.

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: Orchard Valley Waldorf School
 2290 VT Rte. 14 N
 Parcel # 08-027.000 Tax Map # 10-00-15.000

East Montpelier Zoning Application #16-001

INTRODUCTION & PROCEDURAL HISTORY

1. On January 7, 2016, Kathy Clark, on behalf of the Orchard Valley Waldorf School, filed an application with the Town of East Montpelier to erect a tipi on a permanent platform at the school's property located at 2290 VT Rte. 14 N.
2. The property in question lies in the Residential & Commercial District – Zone C where schools require conditional use approval from the Development Review Board. The existing school is subject to East Montpelier Conditional Use Permit #03-126 as amended by Permits #07-035, #07-036, and #10-035. The property is subject to limited regulatory oversight as an East Montpelier Land Use & Development Regulations Section 4.13 protected public use.
3. A public notice was duly published in the Times Argus on January 18, 2016 for a hearing, which was conducted on February 2, 2016.
4. Zoning Administrator Bruce Johnson presented the application on behalf of the Orchard Valley Waldorf School at the February 2, 2016 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the February 2, 2016 hearing were Cueto, Lane, Kappel, Welch, Santor, Watson, and Hill.

FINDINGS OF FACT

1. Applicant operates a school on a 55-acre parcel located at 2290 VT Rte. 14 N. OVWS operates under Conditional Use Permit #03-126, as previously amended by Permits #07-035, #07-036, and #10-035. Applicant proposes to construct a permanent platform to hold a 15-foot diameter tipi.

2. The property is located in Zone C – the Residential & Commercial District. There are mapped brooks along the southeastern edge of the parcel and along the northern property line. The property is bounded by the Kingsbury Branch to the east and a large portion of the eastern part of the parcel is within the Special Flood Hazard Area. Both the mapped water resources and the area within the flood zone are well away from the developed portion of the lot and the site of the new proposed development.
3. Zone C requires a 50-foot setback from the centerline of the road(s) the parcel abuts. This property is a corner lot with frontage along Coburn Road and VT Rte. 14 N. The proposed platform will be located some 275 feet from Coburn Road and over 600 feet from VT Rte. 14 N. Zone C also requires a 25-foot setback from side and rear property lines. Due to its nature as a corner lot, this property has no rear setback and the project site is hundreds of feet from any side property line and approximately 400 feet from the leading edge of the flood zone.
4. The proposal calls for the installation of a platform in the style of a dodecagon, a regular 12-sided polygon. Exact square footage is difficult to determine, but appears to be just shy of 300 square feet. The application states the platform will be 225 square feet. The application was amended to 300 square feet to more accurately reflect the planned construction. The platform will be installed on 36 posts. Other than the posts set in the ground, no other site disturbance is anticipated.
5. A 15-foot diameter tipi is proposed to be erected on the platform. The tipi will serve as a hut for the school's Forest Kindergarten.

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, as amended to reflect the correct platform square footage, Conditional Use Permit #16-001, as an amendment to the existing permit (#03-126; previously amended by Permits #07-035, #07-036, and #10-035), to allow the installation of a 15-foot diameter tipi on a permanent approximately 300 square foot platform. All prior conditions remain in force.

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 23rd day of February, 2016.

A handwritten signature in cursive script, appearing to read "Carol Welch", is written over a horizontal line.

Carol Welch – Vice-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 # 16-001

ZONING PERMIT APPLICATION

Date Received: 1/7/16Zoning District C

TOWN OF EAST MONTPELIER

Parcel # 08-027.000Overlays WR, FH

PO Box 157, East Montpelier, VT 05651

Tax Map # 10-00-15.000

- A. 1. Name of Landowner Orchard Valley Waldorf School Inc. Phone No. (802) 456-7400
2. Address of Landowner 2290 VT Rte 14 N, East Montpelier, VT 05651
3. Applicant (other than owner) _____ Phone No. _____
4. Address of Applicant _____
5. Location of Property _____

B: Application is made (check appropriate boxes):

To:

- ☒ Construct
☐ Repair
☐ Alter
☐ Extend
☐ Remove
☐ Change use

For:

- ☐ One ☐ Two-family dwelling
☐ Multi-family dwelling
☒ Accessory Structure
☐ Commercial / Business
☐ Light Industrial
☐ Industrial

For:

- ☐ Subdivision of land
☐ Boundary adjustment
☐ Extraction of earth resources
☐ Ground water withdrawal
☐ Landfilling
☒ Other

Describe work to be performed. Install a tipi on a wooden platform which sits atop 36 4x4 posts put in the ground. No other excavation or disturbance of the site will be needed. The 6'x8" 4x4 posts allow the platform to be leveled on any land grade. * The platform is (225) sq ft, round (see attached design). The tipi is made of fire retardant canvas (Reliable tents, Montana) and is easily assembled & disassembled atop the platform. The platform is also easily disassembled.

C. Lot description:

1. acreage 55
2. road frontage 0 Ft.
3. depth front yard 277.5 Ft.
(Road centerline to building)
4. depth side yards 693.5 Ft. 647.50 Ft.
(building to lot lines)
5. depth rear yard 1295 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 K. Clark for OVWS, Inc. Date 1/5/2016

Applicant _____ Date _____

Zoning Permit Fee: \$ 320.00 Cash _____ Check #14045 Date 1/7/16 Rec'd by D.B

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) 476-0195 to speak to the 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/topics/energy_efficiency/rbes
Commercial Building Energy Standards: http://publicservice.vermont.gov/topics/energy_efficiency/cbes

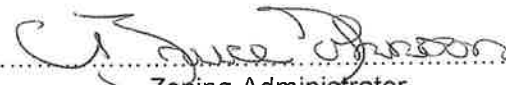
E. Action by Zoning Administrator:

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 # 16-001 Date Issued 02/23/16 Effective Date 03/09/16

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.


.....
Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date 1/18/16
2. Date(s) of Hearing 2/2/16
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: 02/23/2016

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.

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.

Bruce Johnson
East Montpelier Zoning Administrator
PO Box 157
East Montpelier, VT 05651

Dear Bruce,

Thank you for meeting with me the other day. Following is a description of our plan for placement of a tipi on our property at 2290 VT Rte 14N.

The Orchard Valley Waldorf School would like to request a permit to install a tipi on our site to be used as a cozy warming spot for our Forest Kindergarten when they are outside. The tipi is 15ft in diameter and 14ft high and sits atop a 12-sided platform in 12 triangles made of pressure treated fir. The platform will rest on 36 pressure treated 4X4 posts placed in the ground at varying levels in order to level the platform without disturbing the ground beneath or around it. No trees or other naturally occurring fauna will be disturbed. The site of placement is sloping so the entry of the tipi will be at ground level and the backside of the tipi will be roughly 4 ft above ground. It is in a hollow so unlikely to be seen by the road, perhaps the top few feet.

The construction of the tipi is treated, natural (off-white) canvas and pine poles made in Montana by Reliable Tents <http://www.reliabletent.com/> See the description of the canvas and poles below as taken from the retailer's website.

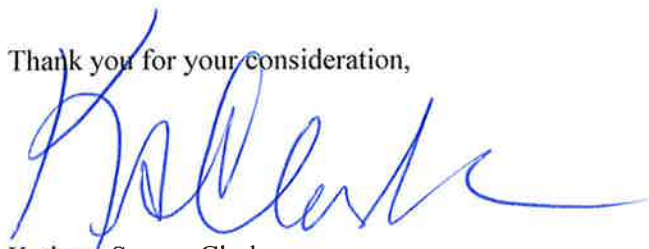
10.10oz. Marine/Flame Treated Army Duck – Our scent-free treated 10.10oz. per square yard army duck is double filled and is offered for its flame resistant qualities, meeting the flammability standards of CPAI-84, an industry wide standard. Flame resistant fabric is one of the most asked for features on our tents. In fact, flame resistant tents are required for use in California, Minnesota, Michigan, Louisiana, Massachusetts, New Jersey and New York. Our treated 10.10oz fits that bill. In addition to being flame resistant, it is also treated for water repellency and mildew resistance. This fabric makes an excellent choice where a durable, economic and flame resistant material is important.

Standard poles are completely peeled, high quality and ready to use. We sell Lodge Pole Pine tipi poles. Native Americans used these poles because they grew so tall and thin. The poles you will receive come peeled and ready for immediate use.

The platform has large eye bolts for the tipi to hook onto. The space has a solid cover over a space for a fire pit in the center.

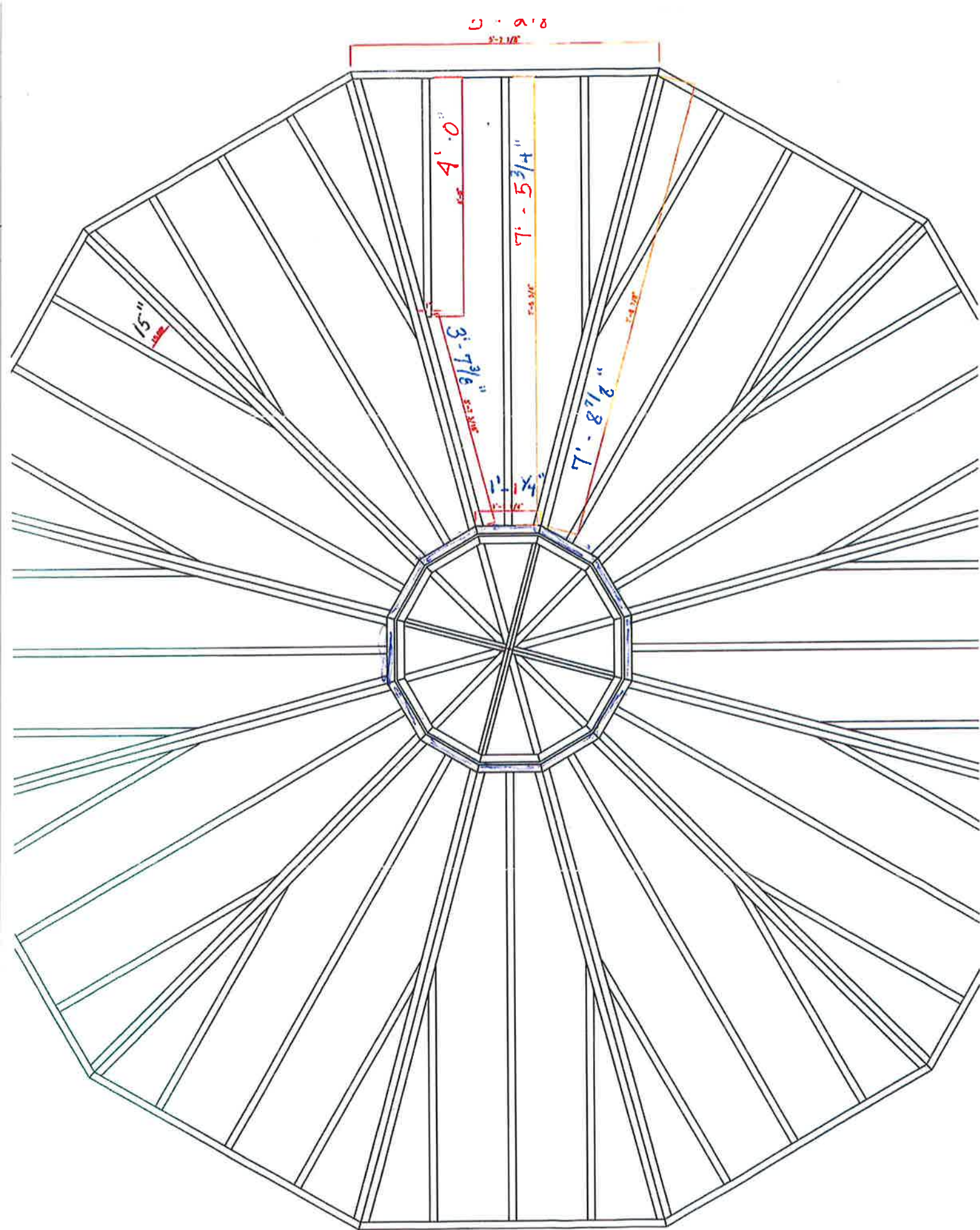
If you have any further questions, please let me know.

Thank you for your consideration,

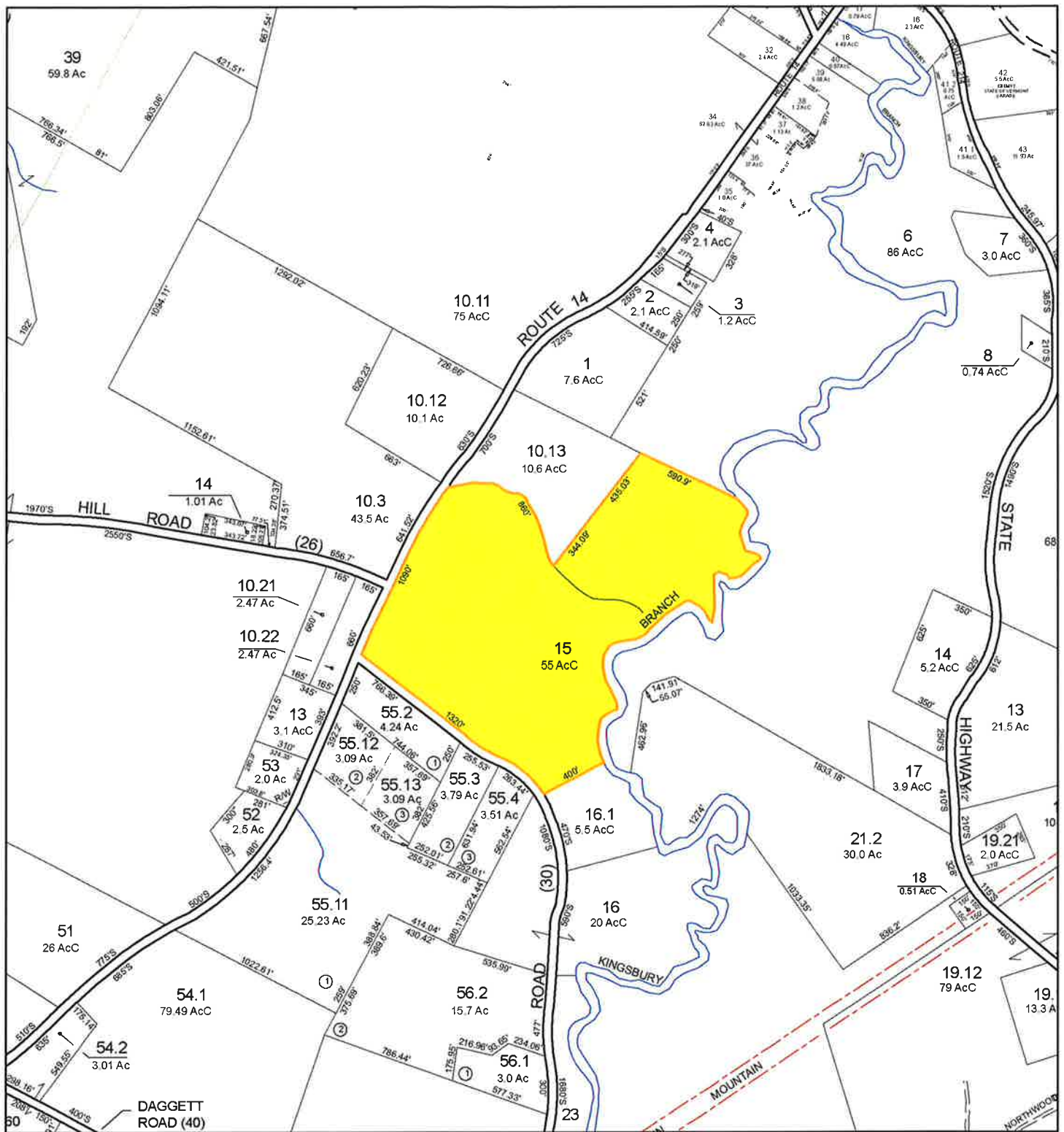


Kathryn Seaver Clark
Director of Operations
Orchard Valley Waldorf School
2290 VT Route 14N
East Montpelier, VT 05651

P.S. Clancy Desmet
and I had a conversation
and he was surprised
that you were seeking
a permit. He didn't
expect to get involved
but I sent him this
packet to review.
Kathy



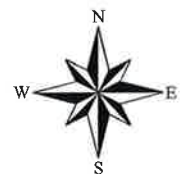




Orchard Valley -- 2290 VT Rte 14 N East Montpelier



1/12/2016





Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Parcels (where available)
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas



1: 1,574

January 5, 2016



DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

TOWN OF EAST MONTPELIER
MEMORANDUM OF MUNICIPAL ACTION

24 V.S.A. Section 4443(c)

RECORD TITLE OWNER(S) OF PROPERTY (GRANTOR)

Orchard Valley Waldorf School

APPLICANTS(S) IF DIFFERENT FROM TITLE OWNER

PROPERTY DESCRIPTION

ADDRESS OF PARCEL

2290 VT Rte 14 N

PARCEL ID NO

08-027.000

TAX MAP #

10-00-15.000

TYPE OF MUNICIPAL ACTION(S):

	PERMIT #	ACTION	DATE ISSUED	CONDITIONS
ZONING PERMIT	<u>16-001</u>	<u>Granted</u>	<u>02/23/16</u>	<u>See Decision</u>
SUBDIV. APPROVAL				
SIGN PERMIT				
CURB CUT PERMIT				
R-O-W PERMIT				
VIOLATION NOTICE				

All Records of Municipal Actions are located in the Town Clerk's Office.

Received for Record

_____ AD, _____ at _____ o'clock AM PM

Recorded in Permit Book, Volume _____ Page _____

Attest _____
TOWN CLERK / ASSISTANT TOWN CLERK