

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: 1528 US Rte. 2

Owner: R & T East Montpelier LLC

For: Change of Use to Allow
Day Spa Business Use

Application # 16-038

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

Ashley Demers
Josh & Randy Demers
1528 US Rte. 2
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #16-038

Dear Ms. Demers:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the addition of a day spa use at the 1528 US Rte. 2 property as requested in your East Montpelier Zoning Application #16-038, subject to the following conditions:

- The hours of operations shall be from 8:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. until noon on Saturday;
- Applicant must submit an application for permit amendment if the spa use will have employees other than owner Ashley Demers or if the spa use exceeds 20 hours per week on a regular basis; and,
- All prior conditions from Permit 10-025 remain in effect.

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 #16-038 for the requested change of use to allow the day spa at the 1528 US Rte. 2 property. This permit is an amendment to East Montpelier Conditional Use Permit 10-025.

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: R & J East Montpelier LLC
 1528 US Rte. 2
 Parcel # 10-018.000 Tax Map # 12-01-30.000

East Montpelier Zoning Application #16-038

INTRODUCTION & PROCEDURAL HISTORY

1. On August 9, 2016, Ashley Demers, on behalf of R & J East Montpelier LLC, submitted an application with the Town of East Montpelier for a zoning permit to add a business day spa use to the existing motor vehicle sales and service use on the 1528 US Rte. 2 property.
2. The property in question is located in the Industrial District – Zone B and in the Special Flood Hazard Area. East Montpelier Land Use & Development Regulations Section 4.11 guides the consideration of mixed use properties, which require DRB conditional use review.
3. A public notice was duly published in the Times Argus on August 21, 2016 for a hearing scheduled to be held on September 6, 2016. Due to unforeseen circumstances the hearing was canceled. Once the applicant resolved the issues forcing the hearing cancelation, the hearing was reset for October 4, 2016. New notice was provided to all abutting property owners.
4. A new public notice was duly published in the Times Argus on September 18, 2016 for a hearing, which was conducted on October 4, 2016.
5. Owner representative Randy Demers, Applicant Ashley Demers, and Zoning Administrator Bruce Johnson appeared and participated in the October 4, 2016 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the October 4, 2016 hearing were Curtis, Cueto, Lane, Kappel, Greenwald, and Hill.

FINDINGS OF FACT

1. Applicant requests permission to operate Green Mountain Day Spa, which will offer personal services including nails, waxings, and body treatments, within the existing building on the 1528 US Rte. 2 parcel. The property and building are already the location of Demers Auto, a motor vehicle sales and service business.
2. The property is located in Zone B – the Industrial District, where retail sales, professional offices, and motor vehicle sales & service uses are permitted activities. Uses similar in nature to other allowed uses in Zone B are allowed as a conditional use. Zone B allows a mix of principal uses, subject to conditional use review by the DRB.
3. A portion of the parcel and the existing structure are in the Special Flood Hazard Area. No new buildings or exterior improvement of the existing structure is proposed as part of this application. The estimated cost of the interior renovations is \$2,000. Zoning Administrator Bruce Johnson determined that the renovations do not reach the regulatory “substantial improvement” level to trigger flood hazard review.
4. The additional business use will require renovations to the interior of the existing structure to separate the new use from the motor vehicle business. There will be no changes to the parking or internal traffic flow. Eight existing parking spaces will be set aside for Green Mountain Day Spa use. There will be no additional exterior lighting.
5. Hours of operation for the spa use will be Monday-Friday 8:00 a.m. until 8:00 p.m. and Saturday 8:00 a.m. until noon. These hours differ from the approved motor vehicle business hours under Permit 10-025 of 8:00 a.m. until 5:00 p.m. Monday through Saturday. The spa use is expected to operate on very limited hours, less than 20 hours per week. There will be no employees other than spa owner Ashley Demers.
6. On September 7, 2016, the Vermont Agency of Transportation issued a letter of intent to issue an access permit onto US Rte. 2 for the business uses as proposed in this application.

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 #16-038, as an amendment to existing permit 10-025, to allow the requested spa use as an additional use on the 1528 US Rte. 2 property subject to the following conditions:

- The hours of operations shall be from 8:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. until noon on Saturday;
- Applicant must submit an application for permit amendment if the spa use will have employees other than owner Ashley Demers or if the spa use exceeds 20 hours per week on a regular basis; and,
- All prior conditions from Permit 10-025 remain in effect.

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 18th day of November 2016.



Rich Curtis – 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 # 16-038Zoning District BOverlays FF

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 8/9/16Parcel # 10-018.000Tax Map # 12-01-30.000

- *****
- A. 1. Name of Landowner Josh & Randy Demers Phone No. 802-229-6262
2. Address of Landowner 1528 US-2 E Montpelier, VT 05651
3. Applicant (other than owner) Ashley Demers Phone No. 802-793-0146
4. Address of Applicant PO Box 659 Montpelier, VT 05601
5. Location of Property 1528 US-2 E Montpelier, VT 05651

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 Renovation of the Interior

C. Lot description:

1. acreage 3.15 RD
2. road frontage 250 150 Ft.
3. depth front yard 75 108 Ft.
(Road centerline to building)
4. depth side yards 40 Ft. 50 Ft.
(building to lot lines)
5. depth rear yard 250 100 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 [Signature] Date 8/6/16Applicant Ashley Demers Date 7/10/16Zoning Permit Fee: \$ 225.00 Cash Check # 1552 Date 8/9/16 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) 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 # 16-038 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


Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date 9.18.2016

2. Date(s) of Hearing 10.4.2016

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: 11/18/2016

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Ashley Demers
Po Box 659
Montpelier, VT 05601
802-793-0146

Green Mountain Day Spa will open its business doing Nails, Waxing's, & Body Treatments.

The Business will have its own entrance which is shown in the floor plan attached with the hours of
Monday-Friday 8-^{AP}8, Sat 8-12.

The spa will be utilizing 400 square feet of existing building space with its own bathroom.

8 Parking spots will be available for clients and business owner (No employees planned).

Thanks


Ashley Demers

CONSTRUCTION BID FORM

Andy Emerson LLC

OWNER INFORMATION

Name Ashley Demers
Address 1528 us rte 2
City, State ZIP East Montpelier VT 05651
Phone 802-229-6262
Email demersautobody@gmail.com

Project name renovate business

CONTRACTOR INFORMATION

Company Andy Emerson LLC
Name Andy Emerson
Address
City, State ZIP
Phone 802-793-1075
Email
Completion date 1/1/2017

SCOPE OF WORK

work to be performed we will be adding one wall to separate the office space now held by demers auto and adding a half bath

NOT INCLUDED

COMPANY PROPOSAL

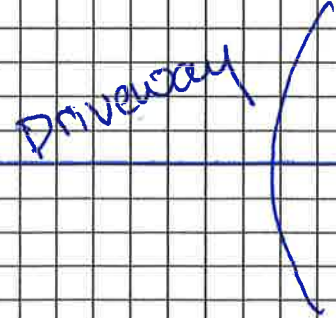
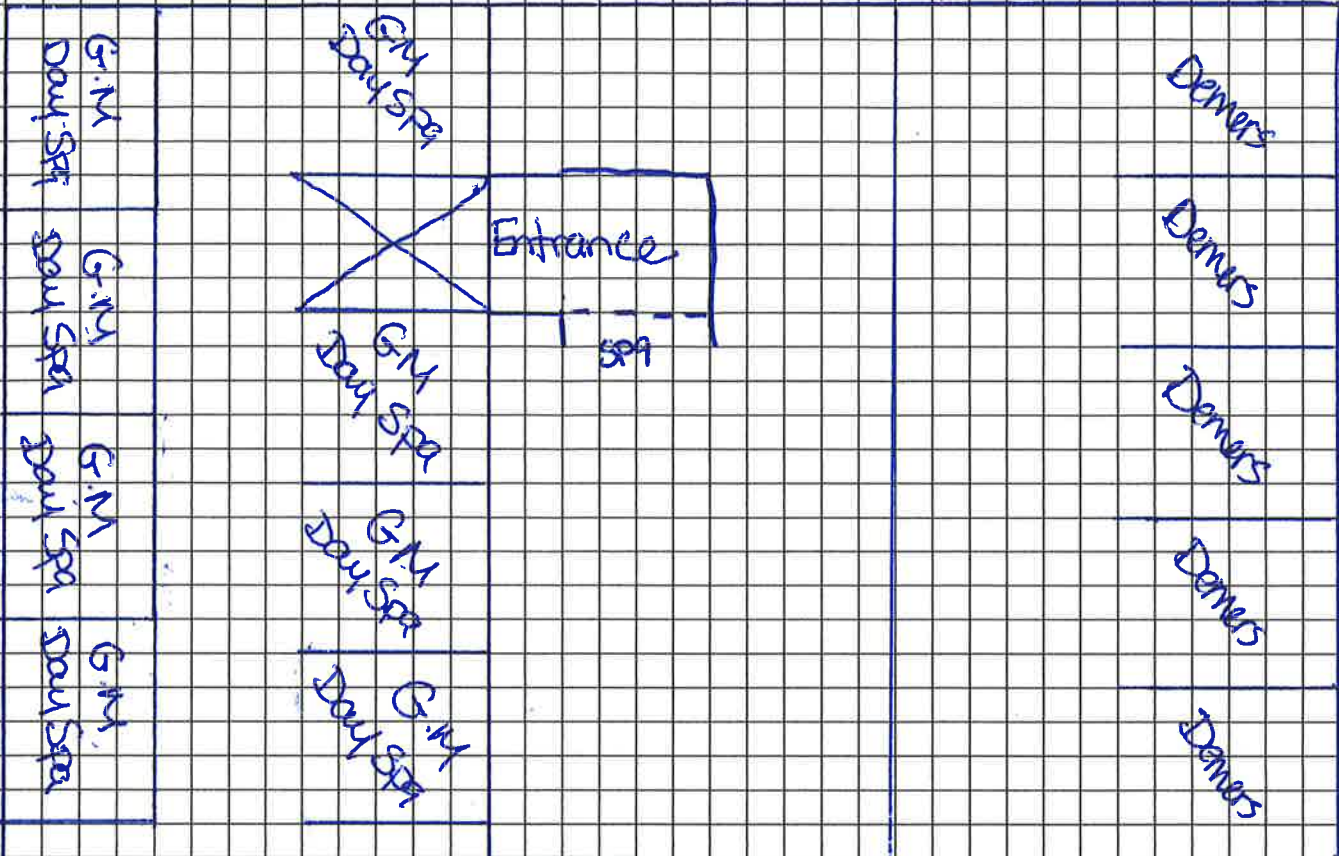
we will brake office into two separate spots for a total of approximately \$2000


Submitted by (Company Representative)

9/15/16
Date

OWNER ACCEPTANCE

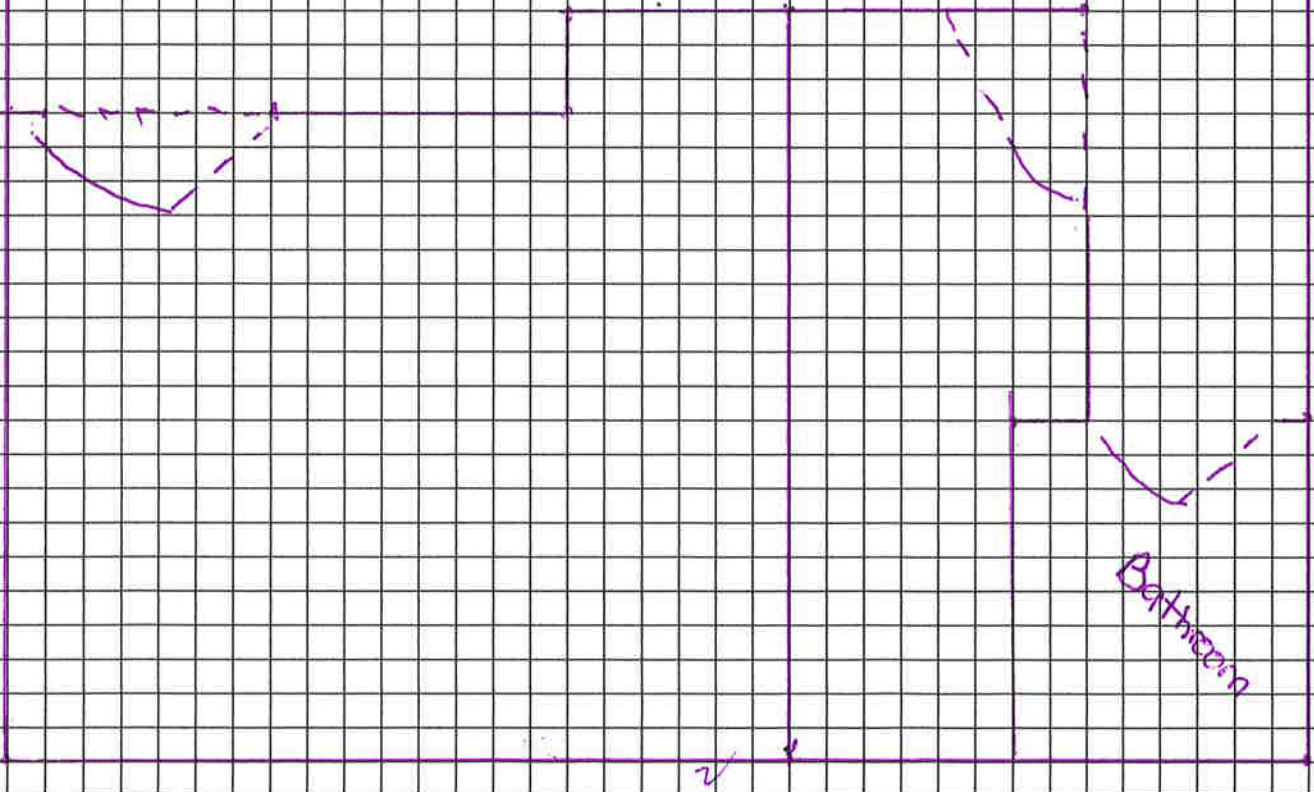
I, Ashley Demers , do accept the above scope of work, proposed to be completed by 1-1-17 for the amount of \$2000.00

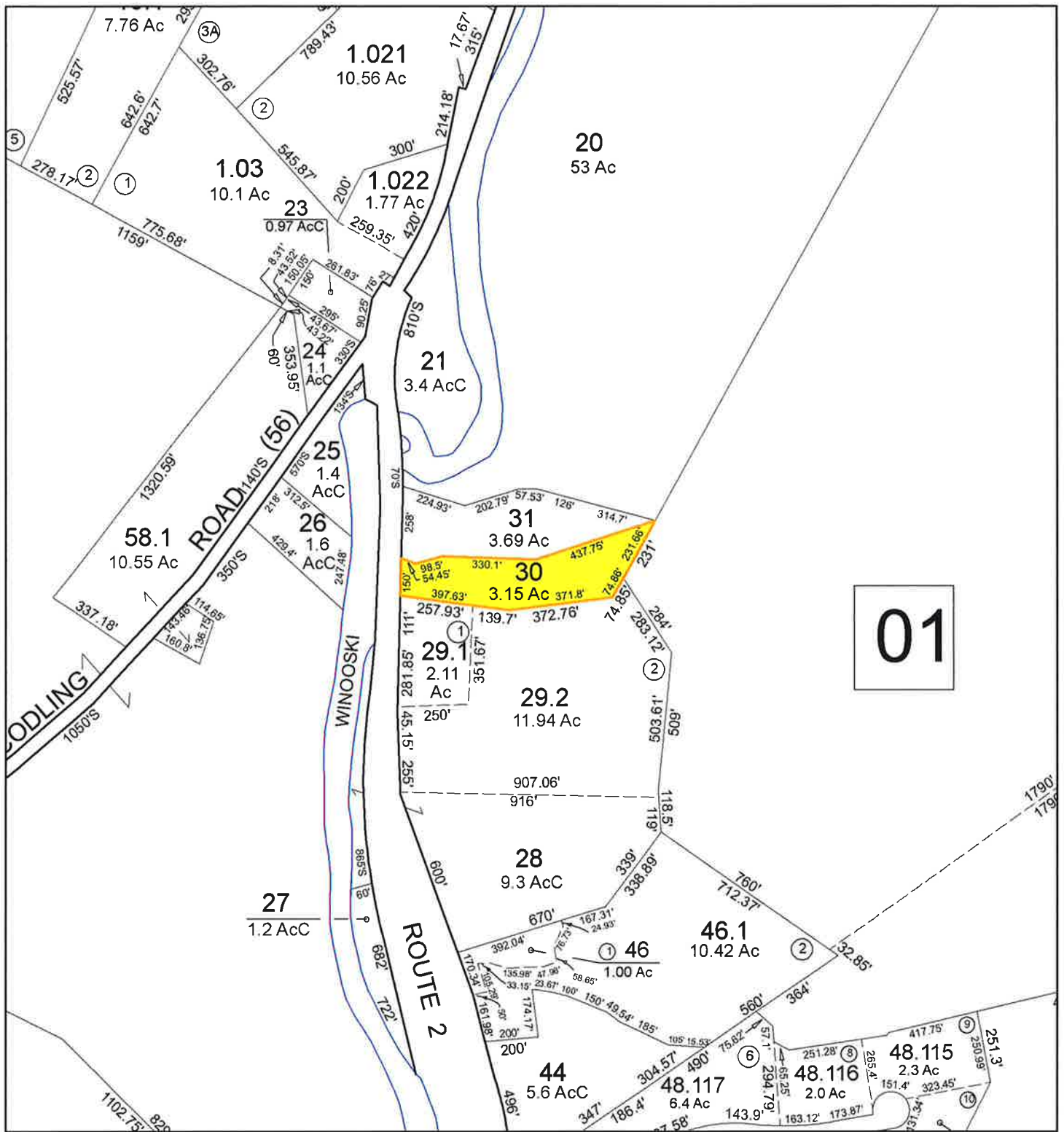


Entrance

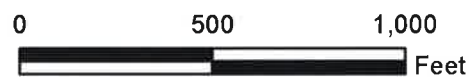
2 Squares
= 1 Foot

Inside
Floor Plan





Demers -- 1528 US Rte. 2
East Montpelier



8/9/2016

