

# 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 9, 2018

Effective Date: November 24, 2018

Location: 2952 US Rte. 2

Owner: The Gloria A. Biron Living Trust

For: Applicant Joseph Carriveau

Motor Vehicle Sales & Service Use

Application # 18-031

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 9, 2018

Joseph Carriveau  
3728 County Road  
Montpelier, VT 05602

Re: East Montpelier Zoning Application #18-031

Dear Mr. Carriveau:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your site plan application #18-031 as amended, subject to the following condition:

- **Permanent outdoor lighting fixtures shall not direct light onto adjacent properties or roads, and shall minimize glare.**

As the applicant, you may 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 #18-031 for the requested motor vehicle sales and service use on the 2952 US Rte. 2 property. A copy of this permit packet has been provided to property owner Gloria Biron.

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

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

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

November 9, 2018

The Gloria A. Biron Living Trust  
Gloria Biron, Trustee  
890 Lyle Young Road  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-031; 2952 US Rte. 2

Dear Ms. Biron:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the Joseph Carriveau site plan application #18-031 as amended, subject to the following condition:

- **Permanent outdoor lighting fixtures shall not direct light onto adjacent properties or roads, and shall minimize glare.**

As the property owner, you may 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 #18-031 for the requested motor vehicle sales and service use on your 2952 US Rte. 2 property. You are being provided a courtesy copy of the permit documents; the original decision and permit documents were delivered to applicant Joseph Carriveau.

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:        Joseph Carriveau, Applicant  
                                 Gloria Biron, Trustee of The Gloria A. Biron Living Trust  
                                 2952 US Rte. 2  
                                 Parcel # 10-064.000    Tax Map # 21-52-38.000

East Montpelier Zoning Application #18-031

**INTRODUCTION & PROCEDURAL HISTORY**

1. On July 19, 2018, Joseph Carriveau, on behalf of Gloria Biron as Trustee of The Gloria A. Biron Living Trust, submitted an application with the Town of East Montpelier for a zoning permit to reestablish a motor vehicle sales and service use on the property located at 2952 US Rte. 2. At the November 6, 2018 hearing Mr. Carriveau amended the application to limit the maximum number of vehicles offered for sale to 20 at any particular time.
2. The property in question lies in the Residential/Commercial District – Zone C, where motor vehicle sales and service is a permitted activity subject to East Montpelier Land Use & Development Regulations Section 5.4 site plan review by the Development Review Board.
3. A public notice was duly published in the Times Argus on July 21, 2018 for a hearing, which was opened on August 7, 2018, and then continued to September 4, 2018, and then to October 2, 2018, and then to November 6, 2018. The multiple continuations were due to delays in the issuance of the VT Agency of Transportation’s letter of intent (LOI) to issue an access permit for the 2952 US Rte. 2 parcel. Once the LOI was issued on October 26, 2018, the DRB was free to move forward with the hearing, which was finally conducted on November 6, 2018.
4. Applicant Joseph Carriveau and Zoning Administrator Bruce Johnson appeared and participated in the November 6, 2018 hearing. Neighboring property owner Arthur Montague submitted a letter of concern regarding the property’s septic system. There was no additional public comment.
5. The Board members who voted on this issue at the November 6, 2018 hearing were Curtis, Welch, Lane, Watson, Dworkin, Lange, Cueto, and Kappel.

## **FINDINGS OF FACT**

1. Applicant requests to reestablish a motor vehicle sales and service use on the 2952 US Rte. 2 property. The property has an older two story structure with a one story shed attachment on the back. Formerly the ground floor was used for commercial ventures, including used car sales & service, and the second story contained a residential apartment. Both uses have been abandoned for well over a decade. The most current activity was non-commercial storage and garage use by the owner's extended family.
2. The property is located in Zone C – the Residential & Commercial District, where motor vehicle sales and service is a permitted activity. Applicant intends to conduct a used car sales and service business. The site is space-limited, so at most there will be 20 vehicles displayed for sale at any time.
3. Applicant has no intention of resuming residential use of the upstairs apartment. Any such use would require additional state and local permitting.
4. The property is served by the Crystal Springs Water Company for water supply. The wastewater system and capacity are both suspect and the intention is to minimize the stress on the existing infrastructure. There will be no public restrooms.
5. There is no specific lighting proposal, but the intent is to install some exterior lighting. One option is to have GMP put in a site light on an existing telephone pole. Another option would be for applicant to install a couple of down-facing lights on the building.
6. On October 26, 2018, the Vermont Agency of Transportation issued a Letter of Intent to authorize the use of the existing curb cut onto US Rte. 2. The parcel is encumbered by a deep road right-of-way and a line-of-sight easement that limits the use of the land near the road.

## **CONCLUSIONS**

The standards for the issuance of site plan approval are set forth in Section 5.4 of the East Montpelier Land Use & Development Regulations. It is found that the site plan standards in Section 5.4 (C) have been evaluated and incorporated into this decision.

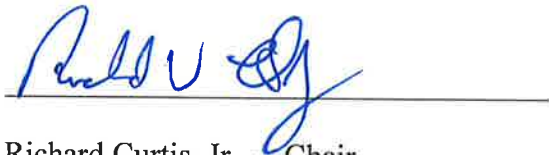
## DECISION

By unanimous vote, the DRB gives site plan approval for Permit Application #18-031, as amended, to allow the requested motor vehicle sales and service use subject to the following condition:

- Permanent outdoor lighting fixtures shall not direct light onto adjacent properties or roads, and shall minimize glare.

**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 9<sup>th</sup> day of November, 2018.



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 # 18-031  
Zoning District C  
Overlays —

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

Date Received: 07/19/18  
Parcel # 10-064.000  
Tax Map # 21-52-38.000

\*\*\*\*\*

- A.**
- Name of Landowner..... Gloria Biron Phone No.....
  - Address of Landowner..... 890 Lyle Young Rd E.M 05651
  - Applicant (other than owner)..... Joseph Carriveau Phone No. 802-522-2528
  - Address of Applicant..... 3728 County Rd Montpelier, VT 05602
  - Location of Property..... 2952 US Route 2 E. Montpelier 05651

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

- |  |   |  |
|--|---|--|
| <b>To:</b>                                     | <b>For:</b>   | <b>For:</b>  |
| <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 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 checked="" type="checkbox"/> Change use | <input type="checkbox"/> Industrial                                       | <input checked="" type="checkbox"/> Other              |

Describe work to be performed..... Car dealership, repair shop,  
inspection station  
2000 cars for sale maximum

JPC

**C. Lot description:**

- acreage ..... 0.45 acres
- road frontage ..... Ft.
- depth front yard ..... Ft.  
(Road centerline to building)
- depth side yards ..... Ft. .... Ft.  
(building to lot lines)
- 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 X Gloria Biron Date X 7-19-18  
Applicant Joseph Carriveau Date 7-19-18

\*\*\*\*\*

Zoning Permit Fee: \$ 2257.75 Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_  
DRB Hearing Fee: \$ 250 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 # 18-031 ..... Date Issued 11/09/18 ..... Effective Date 11/24/18 .....

**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 7-21 .....

2. Date(s) of Hearing 8-7 continued to 11-6-2018 .....

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: November 9, 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.

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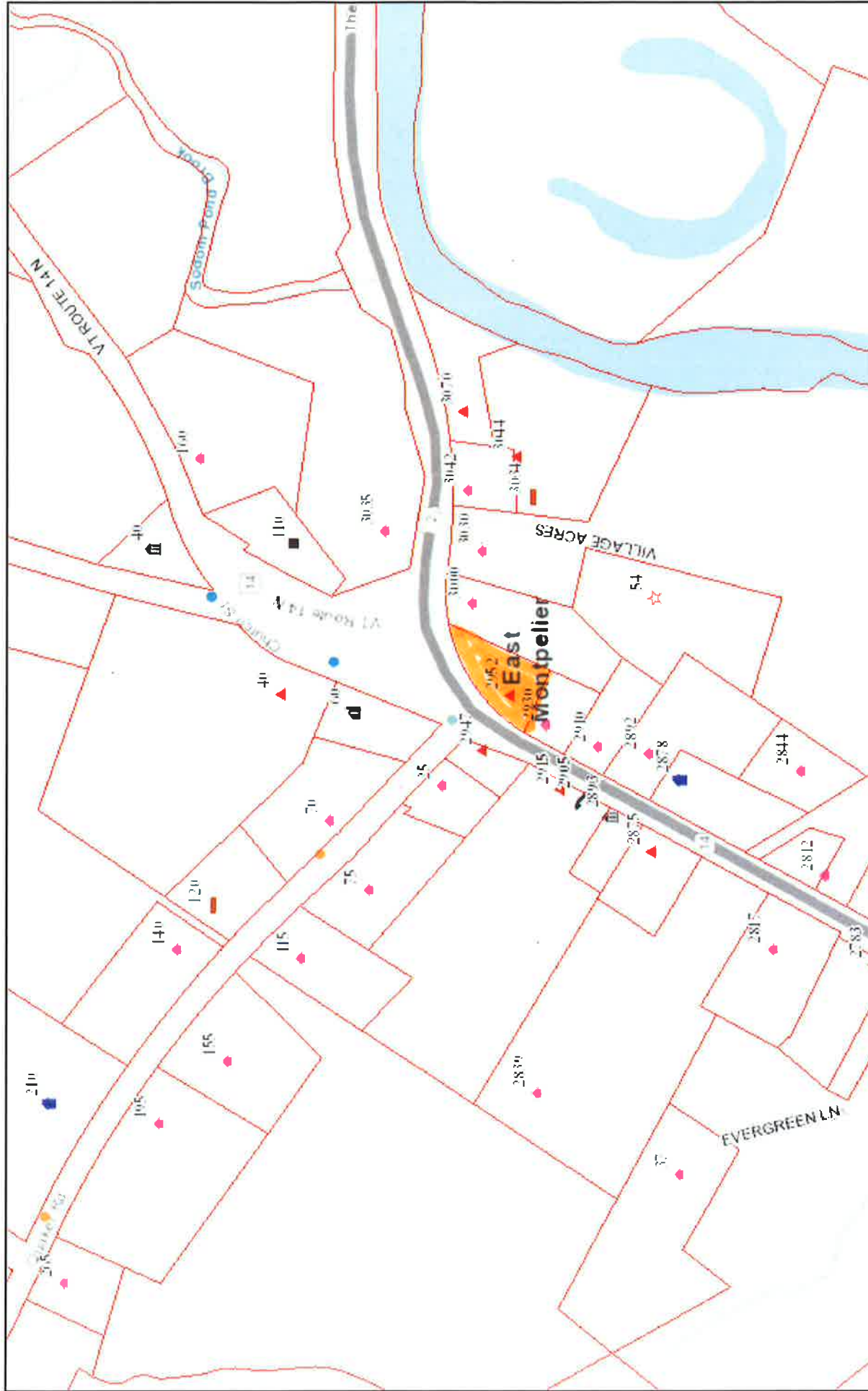
2952 US-2, East Montpelier, VT, X Q

Show search results for 2952 US...

Used Cars  
For Sale

Customer/  
Sold Parking

# Carriveau -- 2952 US Rte. 2



July 18, 2018

- Contours 50 Foot
- East Montpelier Parcels 2017
- Accessory Bldg - Barns, Garages, etc.
- Other
- Unknown; UNKNOWN



1:4,514  
0.06  
0.03  
0.04  
0.09  
0.17 km

VCGI, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA