

Permit # 19-046
Zoning District E
Overlays WR

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

Date Received: 09/10/2019
Parcel # 06-039.000
Tax Map # 09-00-68.000

- A. 1. Name of Landowner Town of East Montpelier Phone No. 223-3313
2. Address of Landowner PO Box 157, East Montpelier, VT 05651
3. Applicant (other than owner) Phone No.
4. Address of Applicant
5. Location of Property 555 Vincent Flats Road

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 checked="" 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 type="checkbox"/> Landfilling |
| <input type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed. The Recreation Board would like to install a 12' x 24' multi-purpose structure (storage & concession uses) and remove the existing shed/concession stand at the town's recreation field. This is similar, but not identical to the now-expired, DRB-approved Permit #15-027. The new structure is a bit bigger than that approved under 15-027 and the intended location is about 10' further from the road.

C. Lot description:

- | | |
|---|--|
| 1. acreage <u>12.0</u> acres | 4. depth side yards <u>33'</u> Ft. <u>400+'</u> Ft.
(building to lot lines) |
| 2. road frontage <u>500'</u> Ft. | |
| 3. depth front yard <u>61'</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>800+'</u> 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 9/10/19
Applicant on behalf of Town of EM Date

Zoning Permit Fee: \$ 0 Cash ☐ Check ☐ Date ☐ Rec'd by ☐
DRB Hearing Fee: \$ ☐ Cash ☐ Check ☐ Date ☐ Rec'd by ☐

Make checks payable to the "Town of East Montpelier"

Vincent Flats Road

EOP

East Montpelier Recreation Field

Proposed
BLDG

OLD
BLDG

EXISTING
SIGN

WOOD FENCE

WOOD FENCE

Scale
1" = 20'

Town of East Montpelier

The East Montpelier Development Review Board will hold a Public Hearing Tuesday, October 1, 2019 at 7:00 p.m. at the Municipal Office Building to conduct conditional use review of zoning application #19-046 submitted by the Town of East Montpelier. The town's Recreation Board would like to remove the existing combo shed/concession stand and install a new structure in a location about 61 feet from the Vincent Flats Road centerline, 25 feet closer to the road than the current location. In 2015 the DRB authorized the Rec Board to move the existing shed to a location 50' from the road centerline and no closer to the EMES property line. The Rec Board has determined that the shed is not salvageable so is moving forward with a new, prefabricated unit. The following notice will appear in the Times Argus Saturday, September 14, 2019:

The East Montpelier Development Review Board will hold a Public Hearing on Tuesday, October 1, 2019 at 7:00 p.m. at the Municipal Office Building to consider the following:

Conditional use review of application #19-046, submitted by the Town of East Montpelier, to remove the existing, non-conforming 18.5' x 12' concession shed and install a 12' x 24' concession shed in a new location on the town's recreation field complex located at 555 Vincent Flats Road. The applicant is requesting a 14-foot §3.14 front setback waiver to move the shed closer to the road and a 16.67-foot §3.14 side setback waiver to allow the shed to stay at the same distance as the existing shed from the EMES property line. The property, subject to DRB regulation as a §4.13 protected public use, is in the Agriculture & Forest Conservation District [Zone E], where the front setback is 75 feet from road centerline and the side setback is 50 feet.

The applicant must hand deliver or send by certified mail a copy of this notice to all abutting landowners at least 15 days before the Development Review Board's hearing date. Neighbors do not need to attend the hearing unless they would like to make comments to the Development Review Board. **However, participation (in person or in writing) in the local proceeding is a prerequisite to the right to appeal any resulting decision or action of the Development Review Board, pursuant to 24 VSA §4464(a)(1)(c).**

Questions may be directed to the zoning administrator at the East Montpelier Municipal Office Building (802-223-3313x204) or by e-mail at eastmontadmin@comcast.net.

C. Bruce Johnson
East Montpelier Town & Zoning Administrator
P.O. Box 157
East Montpelier, VT 05651



East Montpelier Recreation Field -- 555 Vincent Flats Road

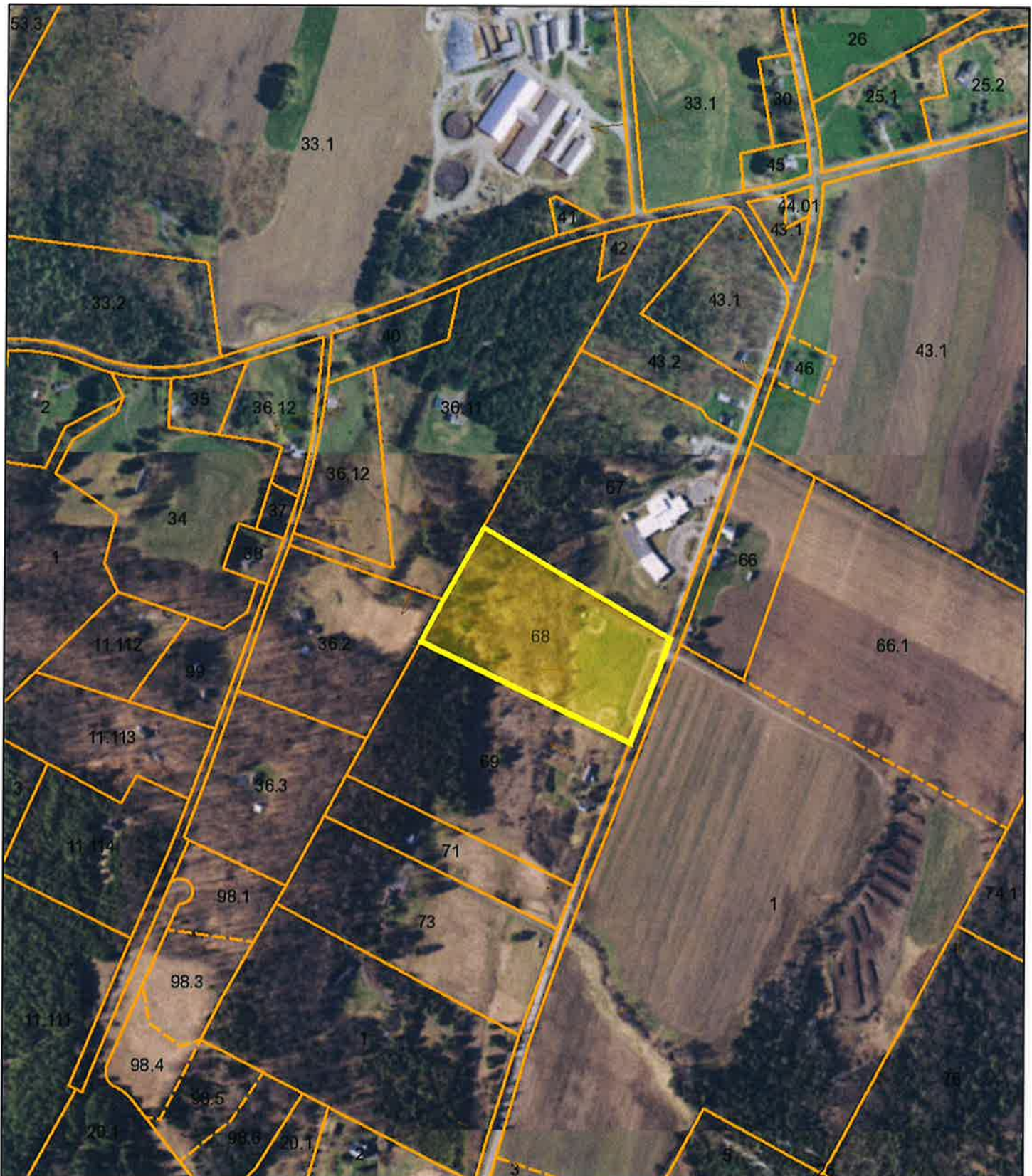
East Montpelier, VT



September 6, 2019

1 inch = 602 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Town of East Montpelier

ZONING PERMIT

NOTICE

Date Issued: October 22, 2015

Effective Date: November 6, 2015

Location: 555 Vincent + Tats Road

Owner: Town of East Montpelier

For: Relocation & Repair of

Existing Concession Stand / Shed

Application # 15-027

Approved by: C. Bruce Johnson

East Montpelier Zoning Administrator

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 appeal process. This application is available for inspection at the Town Office. This poster must be displayed on the property, in full view of the public way, for 15 days. **WARNING:** State permits may be required for this project. Contact the state Permit Specialist, at (802) 476-0195, before beginning any construction.

**TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Town of East Montpelier
 555 Vincent Flats Road
 Parcel # 06-039.000 Tax Map # 09-00-68.000

East Montpelier Zoning Application #15-027

INTRODUCTION & PROCEDURAL HISTORY

1. On September 16, 2015, Phillip Heinz of the East Montpelier Recreation Board, on behalf of the Town of East Montpelier, submitted an application with the Town of East Montpelier for a zoning permit to relocate the existing concession stand/shed on the town's recreation field complex.
2. The property in question is located in the Agricultural & Forest Conservation District (Zone E) and is an East Montpelier Land Use & Development Regulations Section 4.12 public facility, which requires conditional use review. Applicant is requesting a 25' Section 3.14 front setback waiver.
3. A public notice was duly published in the Times Argus on September 21, 2015 for a hearing, which was conducted on October 6, 2015.
4. Immediately prior to the hearing DRB members, town representatives, and abutting neighbors conducted a site visit at the recreation field complex.
5. Applicant Phillip Heinz, abutting landowners Cliff & Shirley King, and Zoning Administrator Bruce Johnson appeared and participated in the October 6, 2015 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the October 6, 2015 hearing were Curtis, Cueto, Lane, Kappel, Welch, Watson, and Hill.

FINDINGS OF FACT

1. Applicant proposes to shift the location of the existing concession stand/shed on the East Montpelier recreation field complex, located at 555 Vincent Flats Road, to a site closer to the road.

2. The property is located in Agricultural & Forest Conservation District – Zone E where structures require a front setback of 75 feet from the road centerline and a setback of 50 feet from side and rear property lines. The existing shed is currently located about 80 feet from the centerline of Vincent Flats Road, but only about 25 feet from the side property line with the East Montpelier Elementary School. The shed is a pre-existing, non-conforming structure due to non-compliance with the side setback requirement.
3. The proposal calls for the shed to be relocated to a site 50 feet from the Vincent Flats Road centerline, remaining at the same 25-foot distance from the school property line. The shed currently interferes with emergency access to the fields and with the trail access from the school property. Shifting the location closer to the road will open up access to the fields for all uses. The shed configuration will be shifted so that its front will face west rather than south, putting the front more in proper perspective with the fields and the trail connecting the fields with the school.
4. The shed will be placed on a better foundation and the entrance area will be improved to meet the requirements of the safety audit conducted by the town's insurer, the Vermont League of Cities & Towns. Parts of the shed may need to be rebuilt/replaced as part of the relocation, but the shed dimensions will remain the same.
5. The shift in location of the shed will require a relocation of the existing portable toilet. The toilet will need to be moved around and, perhaps, away from the shed to provide some degree of screening from the road.

CONCLUSIONS

The standards for the issuance of a setback waiver are set forth in Section 3.14 of the East Montpelier Land Use & Development Regulations. It is found that the requested 25' setback waiver is necessary to allow for a reasonable relocation of the concession shed/stand given the existing configuration of the fields and trails on the East Montpelier recreation field complex. It is further found that the requested waiver is in conformance with the Town Plan and the goals of 24 V.S.A. §4302, will not affect the overall character of the neighborhood, and does not exceed one-third of the required front setback.

The standards for the issuance of a conditional use permit are set forth in Section 5.4 of the East Montpelier Land Use & Development Regulations. It is found that the five general standards in Section 5.4 (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 5.4 (E) are not applicable to the project. As part of conditional use review Section 5.3 (C) site plan standards have been evaluated and incorporated into this decision.

DECISION

By unanimous vote, the DRB approves a Section 3.14 one-third (25') setback waiver and approves Conditional Use Permit #15-027, to allow the requested relocation of the concession stand/shed subject to the following conditions:

- The concession shed/stand will be relocated no closer to the East Montpelier Elementary School property line than its current location; and,
- The portable toilet will be situated so that it meets the full 75-foot front setback from Vincent Flats Road.

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 22nd day of October 2015.



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.