

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: January 22, 2019

Effective Date: February 6, 2019

Location: 505 Quaker Road

Owner: Robert & Rebekah Brown

For: The Addition of a Motor Vehicle

Repair Use to the Existing Residential Use

Application # 18-055

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, VERMONT
SELECTBOARD

Amy Willis (2017 – 2020)

Gene Troia (2018 – 2020)

Kim Swasey (2017 – 2019)

Carl Etnier (2016 – 2019)

Chair, Seth Gardner (2018 – 2021)

January 22, 2019

Robert & Rebekah Brown
505 Quaker Road
East Montpelier, VT 05651

Re: East Montpelier Access Permit #19-002

Dear Mr. & Ms. Brown:

The East Montpelier Selectboard met on Monday, January 21, 2019, and approved the requested addition of the commercial use to the residential curb cut serving your 505 Quaker Road house. Please understand that parcels are limited to one curb cut absent special approval from the Selectboard. In your case, the existing drive east of the brook to the garage/shed is considered a grandfathered use and is not at issue in this situation. In line with the DRB's condition regarding expansion of the commercial use to that side of the property, the Selectboard would have to authorize commercial use of the second access prior to any use beyond normal single-family residential and any remnant agricultural use.

In setting up the business use it is possible that you will be asked for a separate E-911 number for the business/garage location. My recommendation is to continue to use the 505 number for both as I'm loathe to issue a new number for the garage unless it becomes a business-only structure. Please let me know if the situation presents itself.

Now that the access permit has been approved and in accordance with the January 15, 2019 DRB decision, I have issued Zoning Permit 18-055 authorizing the requested commercial motor vehicle repair use on your 505 Quaker Road parcel.

Sincerely,



C. Bruce Johnson
East Montpelier Town & 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

January 15, 2019

Robert & Rebekah Brown
505 Quaker Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-055

Dear Mr. & Ms. Brown:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your request to add a commercial motor vehicle service use to the existing residential use of your 505 Quaker Road property as described in application #18-055, subject to the following condition:


- Expansion of the commercial use to include the utilization of the eastern access along with the associated property area and existing structure will require application to the DRB for an amendment to this approval.

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.

As stated in the decision, the issuance by me of the actual permit for the auto repair business is on hold pending the approval by the East Montpelier Selectboard of a commercial use expansion of the curb cut onto Quaker Road serving your main driveway.

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: Robert & Rebekah Brown
 505 Quaker Road
 Parcel # 06-027.000 Tax Map # 21-51-17.000

East Montpelier Zoning Application #18-055

INTRODUCTION & PROCEDURAL HISTORY

1. On December 11, 2018, Robert & Rebekah Brown submitted an application with the Town of East Montpelier for conditional use approval to add a motor vehicle service use to its residential property located at 505 Quaker Road.
2. The property in question is located in the Residential & Commercial District – Zone C, where motor vehicle service is a permitted activity. Since the property currently has a single family residential use, also a permitted activity in Zone C, the application is seeking an East Montpelier Land Use & Development Regulations Section 4.11 mixed use approval for the combination of an existing residential use coupled with the requested motor vehicle facility use. Mixed uses require condition use review by the Development Review Board.
3. A public notice was duly published in the Times Argus on December 22, 2018 for a hearing, which was conducted on January 8, 2019.
4. Applicants Robert & Rebekah Brown and Zoning Administrator Bruce Johnson appeared and participated in the January 8, 2019 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the January 8, 2019 hearing were Welch, Lane, Watson, Dworkin, and Hill.

FINDINGS OF FACT

1. Applicants request to add a motor vehicle service use to their 505 Quaker Road property. Currently there is an active residential use, including a house and outbuildings, on the parcel. Applicants intend to utilize the existing garage next to the house for the proposed business use. Business parking will be along the west side of the driveway to the garage.
2. The property is located in Zone C – the Residential/Commercial District, where motor vehicle service is a permitted activity. Single family residence is also a permitted use in Zone C. Section 4.11 mixed use allows, subject to conditional use review, multiple primary uses on one parcel.
3. This parcel is affected by the wetland overlay district as well as two mapped streams. The section of the parcel designated for the motor vehicle service use is limited to the developed northwest section of the 10.67-acre parcel, outside of the overlay area and at a regulatory significant distance from the streams.
4. There will be no new lighting, signage, or other external improvements to the property related to the requested commercial use. No employees are anticipated other than the owner/operator of the business. Hours of garage operation will be Monday-Friday from 8:00 a.m. until 6:00 p.m., with expected customer vehicle drop-off/pick-up hours from 7:00 a.m. until 7:00 p.m. Saturday hours are limited to 9:00 a.m. until 2:00 p.m.
5. The new business will use the existing residential access serving the house. The dual use of the curb cut onto Quaker Road requires approval by the East Montpelier Selectboard. No permit for the added business use will be issued by the East Montpelier Zoning Administrator until/unless the Selectboard authorizes the expanded curb cut use.
6. Applicants understand that the second, easterly access on the property and the shed/garage at the end of that access cannot be utilized for the commercial use without an amendment to this conditional use approval. There is no such limitation on the residential use.

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 #18-055 to allow the requested mixed commercial and residential use of the 505 Quaker Road property subject to the following condition:

- **Expansion of the commercial use to include the utilization of the eastern access along with the associated property area and existing structure will require application to the DRB for an amendment to this approval.**

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 15th day of January, 2019.



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 # 18-055

ZONING PERMIT APPLICATION

Date Received: 12/11/18Zoning District C

TOWN OF EAST MONTPELIER

Parcel # 06-027.000Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 21-51-17.000

- A. 1. Name of Landowner: Robert + Rebekah Brown Phone No. 802-229-9010
2. Address of Landowner: 5059 Lake Rd E. Montpelier, VT 05651
3. Applicant (other than owner)..... Phone No.....
4. Address of Applicant.....
5. Location of Property: SAR.....

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 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 type="checkbox"/> Other |

Describe work to be performed: We would like permission to operate an Automotive Repair Business out of our existing Garage

C. Lot description:

- | | |
|--|--|
| 1. acreage <u>16.67</u> | 4. depth side yards <u>25+</u> Ft. <u>25+</u> Ft.
(building to lot lines) |
| 2. road frontage <u>347'</u> Ft. | 5. depth rear yard <u>25+</u> Ft.
(building to lot line) |
| 3. depth front yard <u>150'</u> Ft.
(Road centerline to building) | |

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 12/10/18Applicant [Signature] Date _____

Zoning Permit Fee: \$ 225.00 Cash 3671 Date _____ Rec'd by D.S.

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 # 18-055 Date Issued 01/22/19 Effective Date 02/06/19

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 12/22/2018

2. Date(s) of Hearing 1/8/2019

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: 01/15/2019

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.
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December 10, 2018

To Whom It May Concern,

We own a single family residence located at 505 Quaker Road. We would like to open an automotive repair business at this location. Our Property is currently zoned as commercial/Residential. We will be utilizing the existing structures and driveway for the day to day operation of this business. We will be operating as a single entity and there will be no additional employees working at this business.

We will be sharing our current driveway to our home with the business and our personal vehicles will be parked in the driveway along with any customer vehicles that are waiting to be worked on or waiting to be picked up. The driveway area is ample for the projected needs to support the business.

We expect little impact on the road traffic as we project 6 or less vehicles a day frequenting the business and we hope to attract a number of residents from town that would normally be travelling the road. The plan is to operate the business between the hours of 7am-7pm Monday – Friday and 9am-2pm Saturday's. These hours are not continuous but merely a reflection of when we expect customers coming and going from the business.

We have been in touch with Peter Kopsko for a Permit review and have also been in touch with Susan Baird about any Act 250 permits that may be needed.

Attached is a Permit Application including a site plan outlining the portion of our property we would be utilizing for the business.

Please contact us if you have any questions

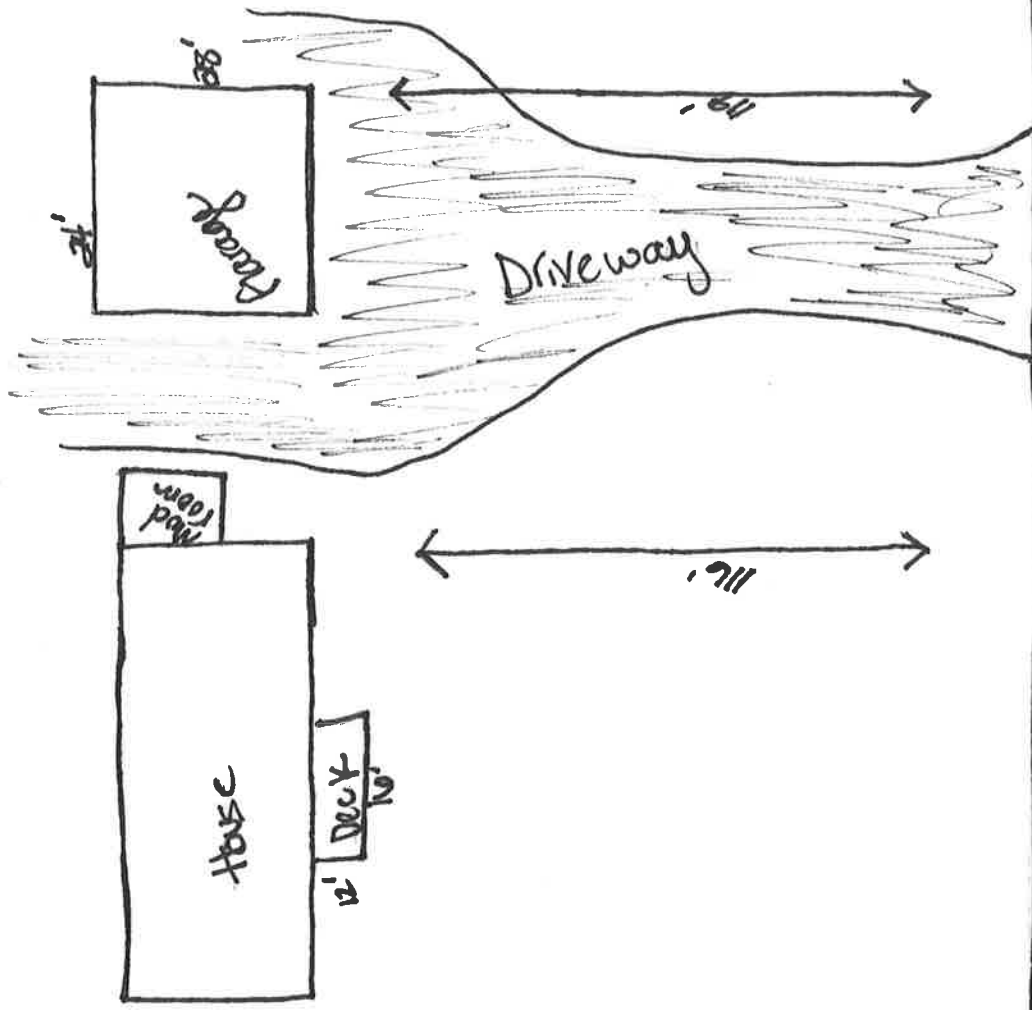
Handwritten signatures of Robert and Rebekah Brown in blue ink. The signature on the left is 'R' and the one on the right is 'RB'.

Robert & Rebekah Brown

Rob -802-522-2608
Becky – 802-522-2035

Portion of property that will be used for Business is shown

- * Driveway
- * Garage

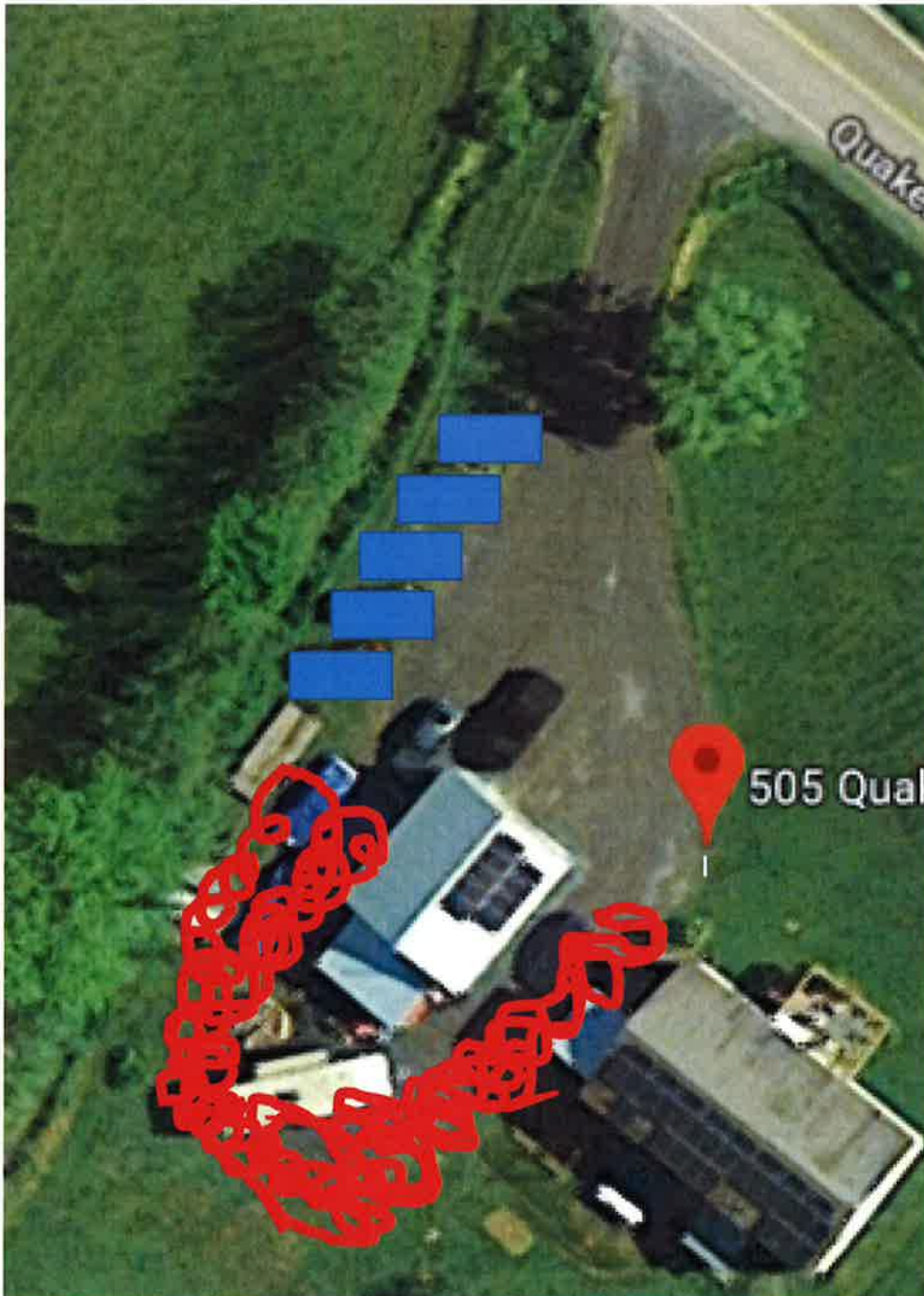


Quaker Road

Stream
Convey

Customer Parking

~~Personal Parking~~ Personal Parking





Brown -- 505 Quaker Road Abutters

East Montpelier, VT

1 inch = 537 Feet



December 19, 2018

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.