

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: October 3, 2019

Effective Date: October 18, 2019

Location: 555 Vincent Flats Road

Owner: Town of East Montpelier

For: Removal of Existing Shed
Installation of 12' x 24' Shed

Application # 19-046

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

October 3, 2019

Town of East Montpelier
Attn: C. Bruce Johnson
PO Box 157
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #19-046

Dear Mr. Johnson:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the setback waiver request contained in your zoning application #19-046 as presented. 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 #19-046 for the removal of the existing shed and installation of a pre-fabricated 12' x 24' shed at the town's recreation field facility located at 555 Vincent Flats Road.

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

East Montpelier Zoning Application #19-046

INTRODUCTION & PROCEDURAL HISTORY

1. On September 10, 2019, Bruce Johnson, East Montpelier Town & Zoning Administrator, on behalf of the Town of East Montpelier, submitted an application with the Town of East Montpelier for a zoning permit to remove the existing concession stand/shed and install a new 12' x 24' pre-fabricated multi-purpose shed in a slightly different location at 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 both a 16.67' Section 3.14 side setback waiver and a 14' Section 3.14 front setback waiver.
3. A public notice was duly published in the Times Argus on September 14, 2019 for a hearing, which was conducted on October 1, 2019.
4. Applicant representative Bruce Johnson appeared and participated in the October 1, 2019 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the October 1, 2019 hearing were Kappel, Cueto, Lane, Justis, Weyant, Cutler, and Oates.

FINDINGS OF FACT

1. Applicant proposes to remove the existing concession stand/shed on the East Montpelier recreation field complex, located at 555 Vincent Flats Road, and install a new pre-fabricated 12' x 24' multi-purpose shed in a location closer to the road than the current shed's site.

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 33 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 new shed to be located on a site 61 feet from the Vincent Flats Road centerline, remaining at the same approximately 33-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.
4. The new 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.
5. The shift in location of the shed will likely result in a relocation of the existing portable toilet. The toilet will remain west of 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 16.67' side setback and 14' front setback waivers are necessary to allow for a reasonable placement of the new multi-purpose shed 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 setback distances.

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 Section 3.14 16.67' side & 14' front setback waivers and approves Conditional Use Permit #19-046 to allow the requested installation of a pre-fabricated 12' x 24' multi-purpose shed as presented in Zoning Application #19-046.

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 3rd day of October 2019.

A handwritten signature in blue ink, appearing to read 'Steve Kappel', is written over a horizontal line.

Steve Kappel – 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 # 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"

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 # 19-046 Date Issued 10/03/19 Effective Date 10/18/19

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 Sept 14 2019

2. Date(s) of Hearing Oct 1 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: October 3, 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.

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Vincent Flats Road

EOP

East Montpelier Recreation Field

EXISTING
SIGN

WOOD FENCE

WOOD FENCE

Scale
1" = 20'

25'

6'

33'

Proposed
BLDG 24'

18.5'
OLD
BLDG 12'

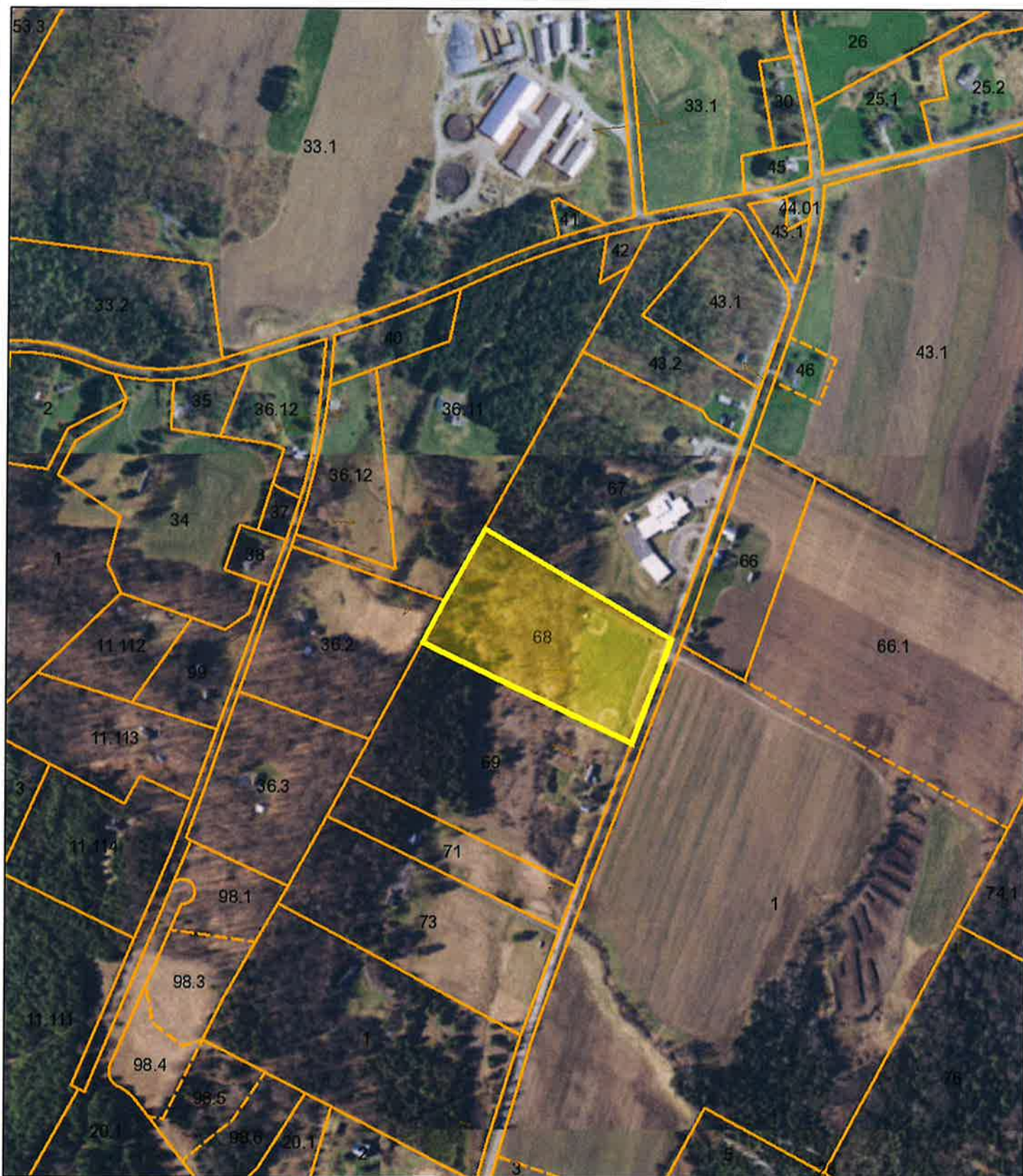
33'



1 inch = 602 Feet



www.cai-tech.com



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