

# 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 7, 2021  
Effective Date: January 22, 2021  
Location: 2290 VT Rte. 14 N  
Owner: Orchard Valley Waldorf School  
For: 3 - 20' x 24' & 1 - 24' x 24'

Partially Enclosed Pavilion Classroom Structures

Application # 20-050

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  
manager@eastmontpeliervt.org  
(802) 223-3313 ext. 204

January 7, 2021

Orchard Valley Waldorf School  
Attn: Madelief Becherer  
2290 VT Rte. 14 N  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #20-050

Dear Ms. Becherer:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your zoning application #20-050 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 #20-050 for the construction of four pavilion structures on the school's property at 2290 VT Rte. 14 N. The town requires a Certificate of Compliance for most new non-residential structures. Issuance of the certificate is generally required prior to use of the new structure(s). Given the after-the-fact nature of this permit, please fill out and submit the enclosed form as soon as possible.

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:      Orchard Valley Waldorf School  
                                 2290 VT Rte. 14 N  
                                 Parcel # 08-027.000   Tax Map # 10-00-15.000

East Montpelier Zoning Application #20-050

**INTRODUCTION & PROCEDURAL HISTORY**

1. On November 11, 2020, Madelief Becherer, on behalf of the Orchard Valley Waldorf School, filed an application with the Town of East Montpelier for construction of four pavilion structures at the school's property located at 2290 VT Rte. 14 N.
2. The property in question lies in the Residential & Commercial District – Zone C where schools require conditional use approval from the Development Review Board. The existing school is subject to East Montpelier Conditional Use Permit #03-126 as amended by Permits #07-035, #07-036, #10-035 and #16-001. The property is subject to limited regulatory oversight as an East Montpelier Land Use & Development Regulations Section 4.13 protected public use.
3. A public notice was duly published in the Times Argus on November 14, 2020 for a hearing, which was conducted on December 1, 2020.
4. Applicant Madelief Becherer and Zoning Administrator Bruce Johnson appeared and participated in the December 1, 2020 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the December 1, 2020 hearing were Kappel, Cueto, Watson, Hill, Weyant, Cutler, and Lane.

**FINDINGS OF FACT**

1. Applicant operates a school on a 55-acre parcel located at 2290 VT Rte. 14 N. OVWS operates under Conditional Use Permit #03-126, as previously amended by Permits #07-035, #07-036, #10-035 and #16-001. Applicant proposes to construct four pavilion structures for outdoor classroom use. Due to the Covid-19 pandemic the school is teaching outdoors to the extent possible. The structures are designed to allow a continuation of the outdoors education throughout the winter.
2. The property is located in Zone C – the Residential & Commercial District. There are mapped brooks along the southeastern edge of the parcel and along the northern property

line. The property is bounded by the Kingsbury Branch to the east and a large portion of the eastern part of the parcel is within the Special Flood Hazard Area. Both the mapped water resources and the area within the flood zone are well away from the developed portion of the lot and the site of the new proposed development.

3. Zone C requires a 50-foot setback from the centerline of the road(s) the parcel abuts. This property is a corner lot with frontage along Coburn Road and VT Rte. 14 N. Zone C also requires a 25-foot setback from side and rear property lines. Due to its nature as a corner lot, this property has no rear setback. The four proposed classroom structures are sized and situated as follows:

Structure #1:

Size: 20' x 24'

Setbacks:

198' to centerline of Coburn Road

166' to centerline of VT Rte. 14 N

>500' to north and east property lines

>500' to nearest point of Kingsbury Branch, river corridor and flood zone

Use: For combined 1 / 2 class

Structure #2:

Size: 20' x 24'

Setbacks:

131' to centerline of Coburn Road

340' to centerline of VT Rte. 14 N

>500' to north and east property lines

>500' to nearest point of Kingsbury Branch, river corridor and flood zone

Use: For middle school (grades 5-8)

Structure #3:

Size: 24' x 24'

Setbacks:

500' to centerline of Coburn Road

321' to centerline of VT Rte. 14 N

>500' to north and east property lines

>500' to nearest point of Kingsbury Branch, river corridor and flood zone

Use: For combined 3 / 4 class

Structure #4:

Size: 20' x 24'

Setbacks:

750' to centerline of Coburn Road

387' to centerline of VT Rte. 14 N

>400' to north and east property lines

>500' to nearest point of Kingsbury Branch, river corridor and flood zone

Use: For preschool/kindergarten class

4. The pavilions will be built on 6"x6" posts. The buildings will be roofed, but only partially (up to three sides) sided. The structures will not have heat, electricity or water.

## 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 #20-050, as an amendment to the existing permit (#03-126; previously amended by Permits #07-035, #07-036, #10-035 and #16-001), to allow the construction of four pavilion structures. All prior conditions remain in force.

**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 7<sup>th</sup> day of January, 2021.



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 # 20-050**ZONING PERMIT APPLICATION**Date Received: 11/11/2020Zoning District C**TOWN OF EAST MONTPELIER**Parcel # 08-027.000Overlays WE, RC, SEHA PO Box 157, East Montpelier, VT 05651Tax Map # 10-00-15.000

\*\*\*\*\*

A. 1. Name of Landowner **Orchard Valley Waldorf School** Phone No. **802-456-7400**2. Address of Landowner **2290 VT Route 14 N, East Montpelier VT 05651**3. Applicant (other than owner) **Madelief Becherer** Phone No. **802-456-7400**

4. Address of Applicant .....

5. Location of Property **2290 VT Route 14 N, East 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 .....

**Construction of 4 partially enclosed, roofed structures on piers for use as outdoor classrooms.****See narrative for details on the buildings.**

C. Lot description:

**SEE NARRATIVE**1. acreage 55.0 acres 4. depth side yards ..... Ft. .... Ft.  
(building to lot lines)2. road frontage 2,410 ..... Ft.3. depth front yard ..... Ft.  
(Road centerline to building)5. 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 M. Becherer for orwos Date 11/10/20

Applicant ..... Date .....

\*\*\*\*\*

Zoning Permit Fee: \$ 320 Cash ..... Check \$00051138 Date 11/11/20 Rec'd by DS

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](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 .....

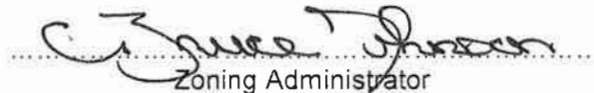
**Notice:** Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 20-050 Date Issued 01/07/21 Effective Date 01/22/21

**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 11/14/2020
2. Date(s) of Hearing 12/01/2020
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: 01/07/2021

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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*Awakening the highest potential in every child.*

Bruce Johnson  
East Montpelier Zoning Administrator  
PO Box 157  
East Montpelier, VT 05651

November 10th, 2020

Dear Bruce,

Thank you for taking the time to meet with Tom Beck and myself to discuss the need of outdoor pavilions at Orchard Valley Waldorf School. In response to the Coronavirus Pandemic we have committed to teaching students outdoors as much as possible. Transmission rates are significantly lower outside, and coupled with increased hand hygiene, the use of facial coverings and increased disinfecting, we feel optimistic about our ability to keep our students, staff and greater community safe and healthy.

We opened our doors to 5 full days of in person instruction in September with party tents and have successfully had our 70 students on our East Montpelier campus outside over 85% of the time. We have not had any COVID-19 cases associated with our school and hope to keep it that way. As the snow flies we will no longer be able to rely on the party tents as they are unable to handle the weight of the snow per the manufacturers speculations.

As such, we are requesting a permit for 4 simple pavilion structures with siding to protect the children from precipitation and prevailing winds for outdoor learning in all (safe) weather. We do expect to bring the children indoors a few times a day to warm up, but depend on these structures to make outdoor learning more accessible in inclement weather. When the pandemic has passed we anticipate continuing to utilize these structures as outdoor learning spaces as we move towards a more robust outdoor program as part of our curriculum. It is possible that we will take one or two down, but we would like to be able to have the option to leave them up if we find them to be as useful as we anticipate.

I have attached our permit application, structural specs for the trusses and LVL's, architectural drawings for the pavilions, site plan noting setbacks and locations for the 4 pavilions and a check to cover permit fees.

Please don't hesitate to reach out with any questions or for more information.

Warmly,

Madelief Becherer  
Administrative Director



**Addendum to Orchard Valley Waldorf School Narrative for Application #20-050**  
**[Developed by ZA Johnson from information provided by OVWS]**

**Describe work to be performed: Construction of 4 pavilions. Each pavilion is built with PT (pressure treated) 6x6 posts, 4:12 pitch trusses, lvl (laminated veneer lumber) ledger, green corrugated roofing, and siding to block prevailing winds. Please see the attached site plan, drawings and truss and lvl specs for details.**

**Below are the uses and placement of each pavilion:**

**Structure #1:**

**Size: 20' x 24'**

**Setbacks:**

- 198' to centerline of Coburn Road
- 166' to centerline of VT Rte. 14 N
- >500' to north and east property lines
- >500' to nearest point of Kingsbury Branch, river corridor and flood zone

**Use: For combined 1 / 2 class**

**Structure #2:**

**Size: 20' x 24'**

**Setbacks:**

- 131' to centerline of Coburn Road
- 340' to centerline of VT Rte. 14 N
- >500' to north and east property lines
- >500' to nearest point of Kingsbury Branch, river corridor and flood zone

**Use: For middle school (grades 5-8)**

**Structure #3:**

**Size: 24' x 24'**

**Setbacks:**

- 500' to centerline of Coburn Road
- 321' to centerline of VT Rte. 14 N
- >500' to north and east property lines
- >500' to nearest point of Kingsbury Branch, river corridor and flood zone

**Use: For combined 3 / 4 class**

**Structure #4:**

**Size: 20' x 24'**
















**Setbacks:**

- 750' to centerline of Coburn Road
- 387' to centerline of VT Rte. 14 N
- >400' to north and east property lines
- >500' to nearest point of Kingsbury Branch, river corridor and flood zone

**Use: For preschool/kindergarten class**



## LEGEND

-  Parcels (standardized)
- Roads**
  -  Interstate
  -  US Highway; 1
  -  State Highway
  -  Town Highway (Class 1)
  -  Town Highway (Class 2,3)
  -  Town Highway (Class 4)
  -  State Forest Trail
  -  National Forest Trail
  -  Legal Trail
  -  Private Road/Driveway
  -  Proposed Roads
- Stream/River**
  -  Stream
  -  Intermittent Stream
-  Town Boundary



1: 3,251

November 11, 2020



## NOTES

Map created using ANR's Natural Resources Atlas

165.0 0 82.00 165.0 Meters

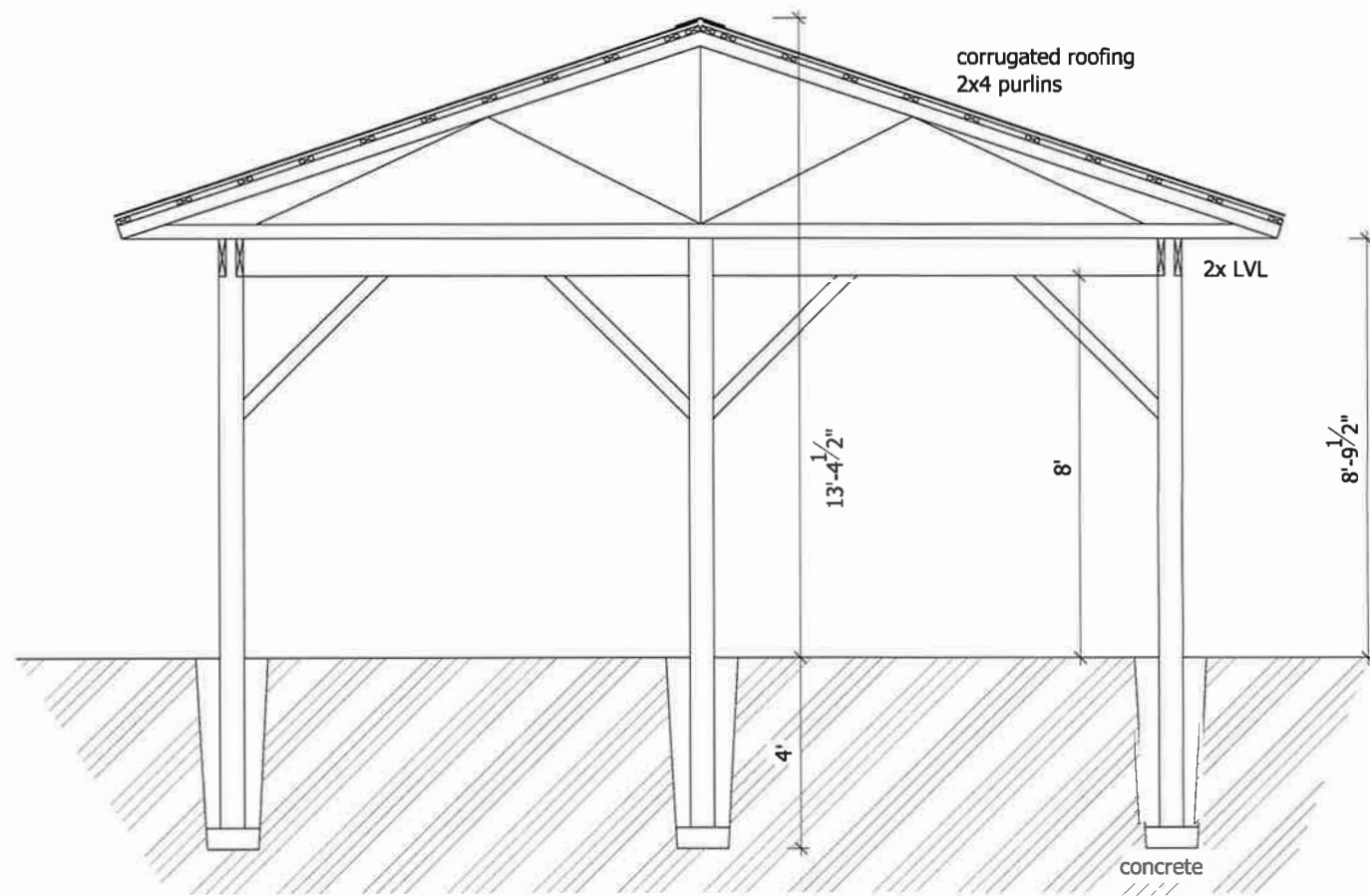
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© Vermont Agency of Natural Resources

1" = 271 Ft. 1cm = 33 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



**Tomas VONDRA**  
Architectural Engineering

71 Headwaters Ln.  
Cabot, VT 05647

phone (802) 595 0738  
tomas@vondradesign.com

**OVWS Pavilion**

**section**

scale: 1/4" = 1'  
paper: letter  
date: September 13, 2020

**03**





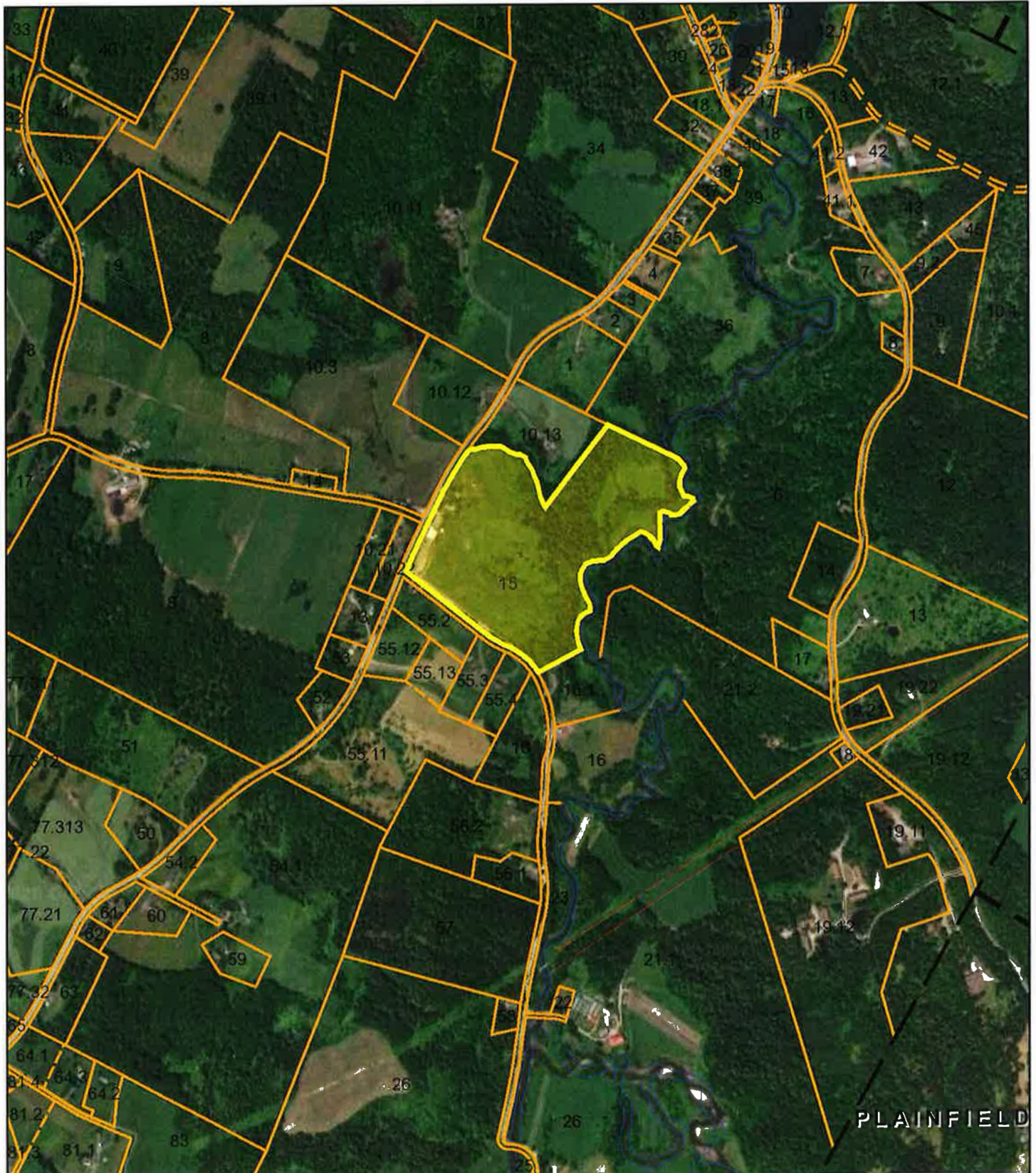
Orchard Valley Waldorf School -- 2290 VT Rte. 14 N

East Montpelier, VT

1 inch = 1078 Feet



November 11, 2020



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