

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: March 10, 2021

Effective Date: March 25, 2021

Location: 1678 US Rte. 2

Owner: Chris & Patti Morrison

For: Addition of a Kennel Use (Doggie Daycare)
to the Existing Residential Use

Application # 21-005

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

March 10, 2021

Chris & Patti Morrison
1678 US Rte. 2
East Montpelier, VT 05651

Re: East Montpelier Zoning Applications #21-005 & 21-006

Dear Mr. & Ms. Morrison:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your sign application #21-006 as presented and your change of use application #21-005 as presented subject to the following condition:

➤ **No dog waste will be disposed of within 100 feet of the Winooski River's riverbank.**

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 #21-005 authorizing the addition of a kennel use, in the form of a commercial doggie daycare, to the existing residential use of the property located at 1678 US Rte. 2. Further, I have issued East Montpelier Zoning Permit #21-006 for the installation of a 2' x 7' lighted sign. Please note that the lighting of the sign is limited to business hours only, and not later than 10:00 p.m.

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: Chris & Patti Morrison
 1678 US Rte. 2
 Parcel # 10-021.000 Tax Map # 12-01-21.000

East Montpelier Zoning Applications #21-005 & 21-006

INTRODUCTION & PROCEDURAL HISTORY

1. On January 13, 2021, Chris & Patti Morrison filed two zoning applications with the Town of East Montpelier for their 1678 US Rte. 2 property. The first, #21-005, is for a change of use to add a second principal use, a doggie daycare, to the existing single-family residential use. The second, #21-006, is for a sign in support of the proposed business use.
2. The property in question lies in the Residential/Commercial District – Zone C where a doggie daycare, considered a “kennel” use under the East Montpelier Land Use & Development Regulations, requires conditional use approval as a use similar in nature to other permitted or conditional uses. Since the property currently has a single-family residential use, 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 business kennel use. Mixed uses require condition use review by the Development Review Board.
3. A public notice was duly published in the Times Argus on January 16, 2021 for a hearing, which was conducted on February 2, 2021.
4. Owners Chris & Patti Morrison and Zoning Administrator Bruce Johnson appeared and participated in the February 2, 2021 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the February 2, 2021 hearing were Kappel, Cueto, Justis, Oates, Weyant, Watson and Cutler.

FINDINGS OF FACT

1. Applicants propose to add a kennel use to the single-family residential use of the 1678 US Rte. 2 property. The intent is to operate “Ellie May’s Doggie Daycare” out of the south portion of the house and retain the existing residential use in the north portion of the house.
2. The property is located in Zone C – the Residential/Commercial District, where a kennel use is not a listed activity and thus falls under Conditional Use #16, the catch-all category for uses

the DRB determines to be similar in scale, intensity and potential impact as allowed uses in the district. Single-family residential is a permitted use in Zone C. Section 4.11 mixed use allows, subject to conditional use review, multiple primary uses on one parcel. The property is also in the Special Flood Hazard Area and the River Corridor regulatory zones.

3. Applicants propose to repurpose the southern portion of the main existing structure on the property to house the doggie daycare business. This portion of the building was the location of The Gallery of Cabinets until that business closed in 2011. No significant exterior work will be done to the structure. No fill or grading is proposed. Applicants plan to install a 20' x 40' fence connected to the business portion of the building. The fence will be chain-link facing toward the road and privacy fencing around the side and back.
4. Applicants propose to install a sign just outside the US Rte. 2 right-of-way off the south side of the driveway. A lighted freestanding sign no larger than 16 square feet per face is allowed in Zone C. The two sign faces will each be approximately 14 square feet set into a post sign platform with a top sign height of 7 feet off the ground. The sign will be lit from the top. The lighting will be aimed and shielded so as to light only the sign faces. Sign lighting is limited to hours when the premises are occupied or open for business, with an outside limit of 10:00 p.m. Applicants understand the lighting limitation and will abide by the requirements.
5. Outside of the sign with associated lights and the fence, no new lighting or other external improvements to the property related to the requested commercial use are proposed. The doggie daycare will have one full-time and possibly one part-time employee. Expected usage is in the range of 20 dogs per day. Business hours are Monday-Friday from 7:00 a.m. until 5:30 p.m. There will be an increase in the traffic to and from the property, especially during morning and evening drop-off/pick-up periods. Applicants have been working with VTTrans on access safety issues. There appears to be sufficient parking for the proposed uses.
6. There are no changes proposed for the existing residential use of the property.
7. US Rte. 2 access is controlled by the VT Agency of Transportation (VTTrans). VTTrans has provided a Letter of Intent to issue a permit authorizing the use of US Rte. 2 access for the Morrison proposal.

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) have been evaluated and incorporated into this decision. As part of conditional use review Section 5.4 (C) site plan standards have been evaluated and incorporated into this decision.

The standards for the issuance of a sign permit are set forth in Section 3.15 of the East Montpelier Land Use & Development Regulations. It is found that the relevant general standards in Section 3.15 (B) have been reviewed and the proposed sign will not violate any of them.

DECISION

By unanimous vote, the DRB approves Conditional Use Permit #21-005 to allow the requested mixed commercial and residential use of the 1678 US Rte. 2 property as presented in Zoning Application #21-005 subject to the following condition:

- No dog waste will be disposed of within 100 feet of the Winooski River's riverbank.

By unanimous vote, the DRB approves Zoning Permit #21-006 to allow the requested sign as presented.

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 10th day of March, 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 # 21-005**ZONING PERMIT APPLICATION**Date Received: 1/13/21Zoning District C**TOWN OF EAST MONTPELIER**Parcel # 10-021.000Overlays WR, RL, SFHA

PO Box 157, East Montpelier, VT 05651

Tax Map # 12-01-21.000

- A. 1. Name of Landowner Chris & Patti Morrison Phone No. 802-229-4890
2. Address of Landowner 1678 us route 2
3. Applicant (other than owner)..... Phone No.....
4. Address of Applicant.....
5. Location of Property 1678 us route 2

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 Opening of Doggie Day care in old cabinet showroom
Doggie day care that will consists of 1 full time and possibly 1 part time employee.
Approximate number of dogs per day will be between 20-25. Hours of operation
will be from 7:00 am to 5:30 pm M-F. Traffic impact will be mainly between the hours
of 7-8:00 am and 4-5:30 pm flowing with the natural flow of traffic.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>3.73</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage 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 Chris Morrison Date

Applicant Chris Morrison Date 1/9/2021

Zoning Permit Fee: \$ 225.00 Cash Check #3143 Date 1/13/21 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 # 21-005 Date Issued 03/10/21 Effective Date 03/25/21

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 01/16/2021

2. Date(s) of Hearing 02/02/2021

3. ☒ Granted ☐ Without conditions ☒ With conditions (See written decision for conditions)

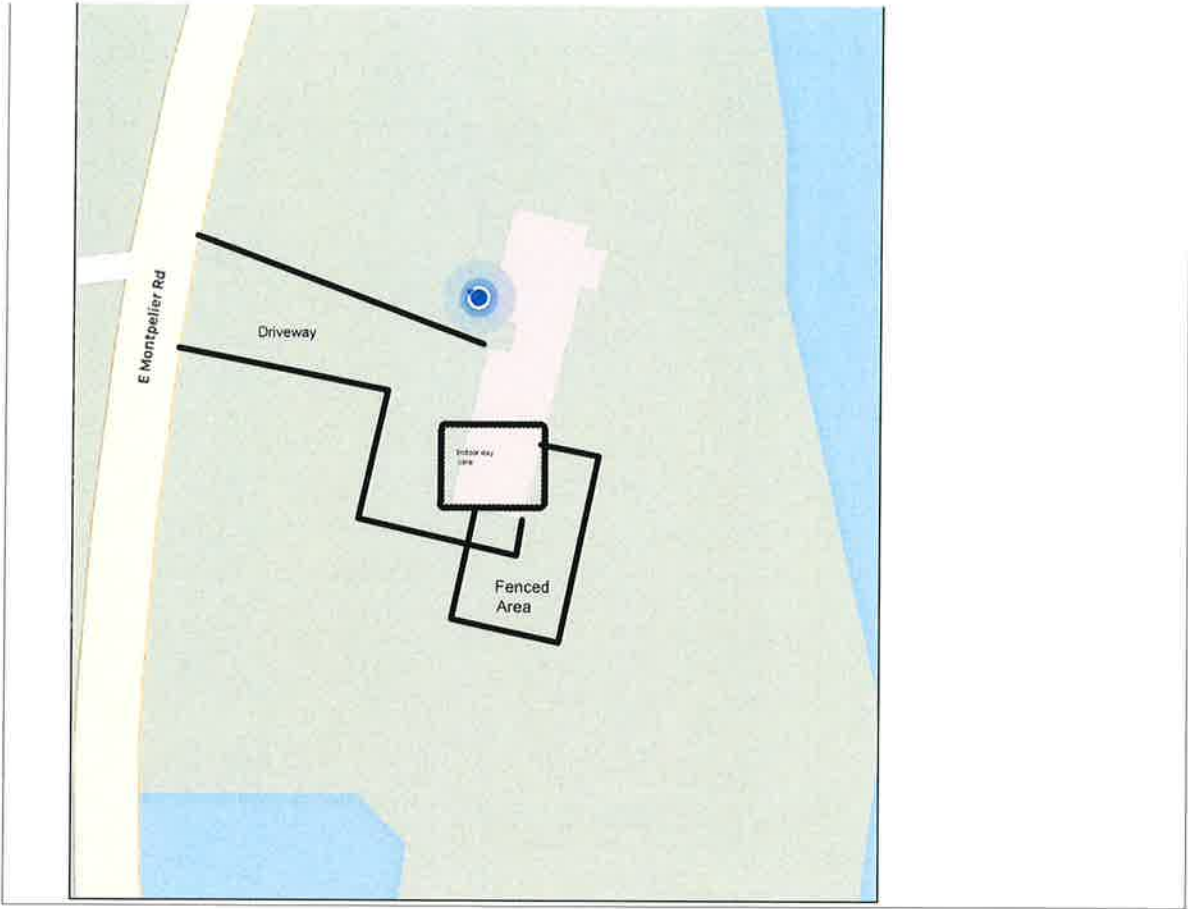
4. ☐ Denied (See written decision for reasoning)


Chairman, Development Review Board

The DRB's written decision was issued on: March 10, 2021

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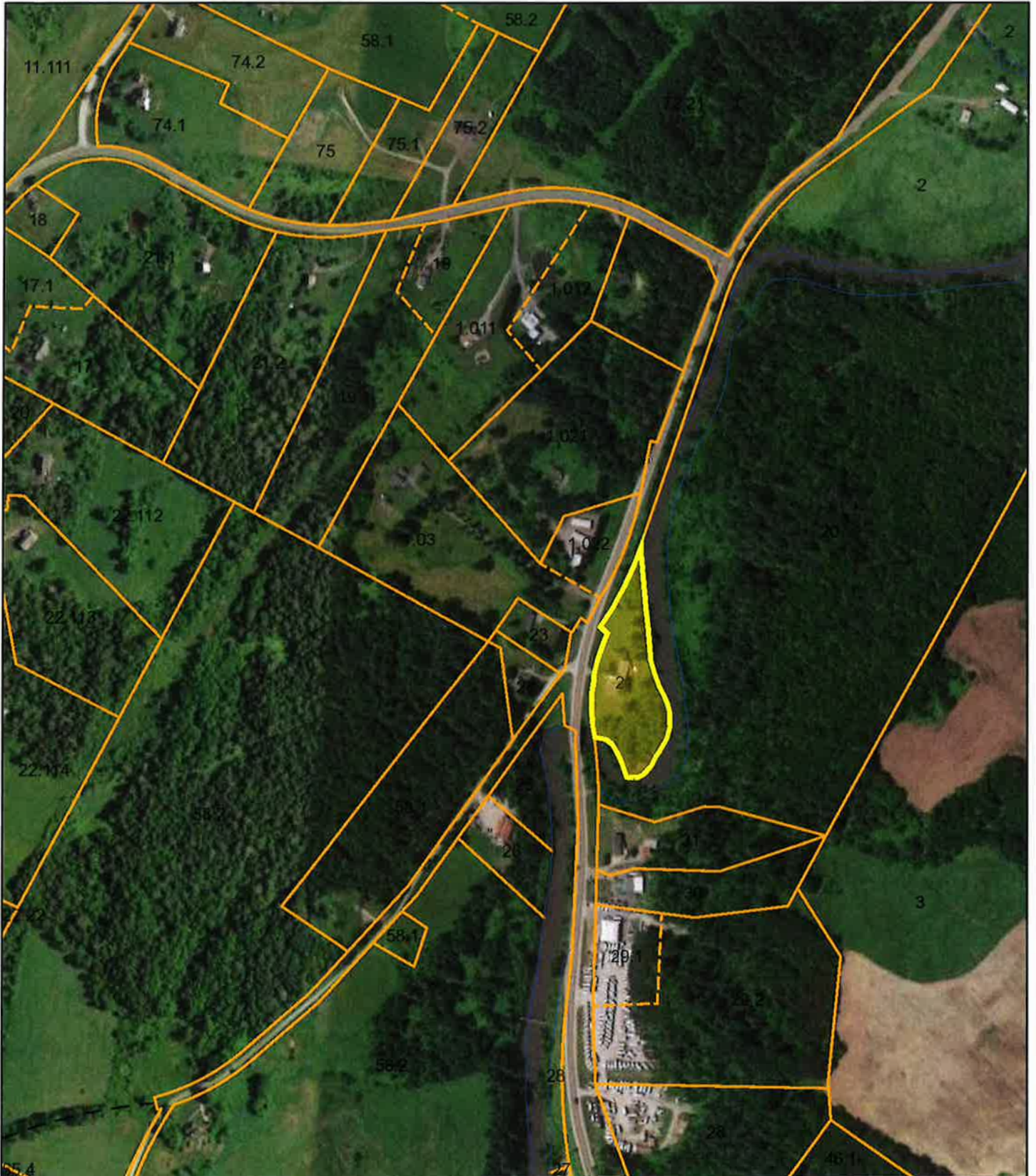
Morrison -- 1678 US Rte. 2

East Montpelier, VT

1 inch = 539 Feet



January 14, 2021



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.