

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued:

April 9, 2021

Effective Date:

April 24, 2021

Location:

3070 US Rte. 2

Owner:

Jason Lawrence

Applicant:

Doni Cain

For:

Change of Use: Retail Market
& Restaurant / Bar

Application #

21-010

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

April 9, 2021

Doni Cain
4304 East Hill Road
Plainfield, VT 05667

Re: East Montpelier Zoning Applications #21-010 & 21-011

Dear Mr. Cain:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your sign application #21-011 as presented and your change of use application #21-010 as presented subject to the following condition:

- **The use of the portion of the building designated as the 1999 addition is limited to the existing remnant storage use in support of the former antiques business. No active use by the former antiques business is authorized and any new use of that space will require additional permitting.**

As applicant you may 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 #21-010 authorizing the retail and restaurant uses at the 3070 US Rte. 2 property. Further, I have issued East Montpelier Zoning Permit #21-011 for the installation of the 15-square-foot 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

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
manager@eastmontpeliervt.org
(802) 223-3313 ext. 204

April 9, 2021

Jason Lawrence
33 Maple Avenue
Barre, VT 05641

Re: East Montpelier Zoning Applications #21-010 & 21-011

Dear Mr. Lawrence:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your sign application #21-011 as presented and your change of use application #21-010 as presented subject to the following condition:

- **The use of the portion of the building designated as the 1999 addition is limited to the existing remnant storage use in support of the former antiques business. No active use by the former antiques business is authorized and any new use of that space will require additional permitting.**

As owner you may 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 #21-010 authorizing the retail and restaurant uses at the 3070 US Rte. 2 property. Further, I have issued East Montpelier Zoning Permit #21-011 for the installation of the 15-square-foot 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. The original permit was sent to applicant Doni Cain.

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

**TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Jason Lawrence, Owner
 Doni Cain, Applicant
 3070 US Rte. 2
 Parcel # 10-070.000 Tax Map # 21-52-42.000

East Montpelier Zoning Applications #21-010 & 21-011

INTRODUCTION & PROCEDURAL HISTORY

1. On March 9, 2021, Jason Lawrence, as owner, and Doni Cain, as applicant, filed two zoning applications with the Town of East Montpelier for Mr. Lawrence's 3070 US Rte. 2 property. The first, #21-010, is for a change of use to allow both retail market and restaurant use of the property. The second, #21-011, 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 both retail and restaurant uses are allowed under the East Montpelier Land Use & Development Regulations (LUDR). Since multiple new principal uses are requested plus there will be a remnant storage use in support of the former antiques sales and restoration business, the application is seeking a LUDR Section 4.11 mixed use approval for the combination of uses. Mixed uses require conditional use review by the Development Review Board.
3. A public notice was duly published in the Times Argus on March 20, 2021 for a hearing, which was conducted on April 6, 2021.
4. Applicant Doni Cain and Zoning Administrator Bruce Johnson appeared and participated in the April 6, 2021 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the April 6, 2021 hearing were Kappel, Cueto, Hill, Oates, Weyant, Watson and Cutler.

FINDINGS OF FACT

1. Applicant proposes to utilize the 3070 US Rte. 2 property, including the main portion of the existing structure, for a combination of two businesses, a retail food market and a restaurant/bar. The intent is to operate a fresh, local food market out of the west portion of the building and utilize the upper east portion for a community gathering restaurant/bar space. There will also be an outdoor community space at the center back of the property.
2. The property is located in Zone C – the Residential/Commercial District, where both retail and restaurant uses are permitted activities. LUDR Section 4.11 mixed use allows, subject to

conditional use review, multiple primary uses on one parcel. The property is also partially in the Special Flood Hazard Area and the River Corridor regulatory zones, but neither zone impacts the proposed development.

3. Applicants propose to repurpose the main level of the existing structure on the property. 1,000 square feet will be dedicated to the market and 880 square feet (indoors) to the community restaurant space. The market and restaurant will have separate entrances and no public mixing between the two areas. The restaurant will be limited to 23 seats. The building will be served by the existing water and wastewater infrastructure.
4. Applicant proposes to install a sign advertising "Fox Market" just off the northwest corner of the building, approximately 45 feet from the US Rte. 2 centerline and 20 feet outside the road right-of-way. 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 15 square feet atop a two-post sign platform with a top sign height of 16 feet off the ground. The sign lighting will be designed to avoid glare. Sign lighting is limited to hours when the premises are occupied or open for business, with an outside limit of 10:00 p.m. Applicant understands the lighting limitation and will abide by the requirements.
5. Outside of the sign, the only new lighting is designed to provide safe usage of the facility, primarily for the entrance and parking areas. Lights will be down-directed, designed to avoid glare and casting light off-property. The two businesses will each have one full-time employee. Business hours are Tuesday-Saturday from 11:00 a.m. until 8:00 p.m. There will be an increase in the traffic to and from the property, especially during the evening commuter period. Applicants have been working with the VT Agency of Transportation (VTrans) on access safety issues. There appears to be sufficient parking for the proposed uses.
6. There is an existing storage use by the Lawrence family of the portion of the east side of the building known as the 1999 addition. This use is essentially a remnant aspect of the former antiques sales and restoration business use of the property. Owner and Applicant understand that no active use of the antiques business is allowed. Further, Owner and Applicant understand that any additional and/or new use of the 1999 addition is prohibited until and unless authorized by the DRB.
7. US Rte. 2 access is controlled by the VTrans, which has provided a Letter of Intent to issue a permit authorizing the use of US Rte. 2 access for the Cain 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 #21-010 to allow the requested mixed commercial use of the 3070 US Rte. 2 property as presented in Zoning Application #21-010 subject to the following condition:

- The use of the portion of the building designated as the 1999 addition is limited to the existing remnant storage use in support of the former antiques business. No active use by the former antiques business is authorized and any new use of that space will require additional permitting.

By unanimous vote, the DRB approves Zoning Permit #21-011 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 9th day of April, 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 # 21-010

ZONING PERMIT APPLICATION

Date Received: 3/9/21Zoning District C

TOWN OF EAST MONTPELIER

Parcel # 10-070.000Overlays RC, SFHA

PO Box 157, East Montpelier, VT 05651

Tax Map # 21-52-42.000

- A. 1. Name of Landowner Jason Lawrence Phone No. 802 595 8604
2. Address of Landowner 33 Maple Ave
3. Applicant (other than owner) Dan Cain Phone No. 802 522 2322
4. Address of Applicant 4304 E Hill Road Plainfield 05667
5. Location of Property 3070 Rt 2 East Mont pelier

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. I would like to change the main level of the building at 3070 Rt 2 into a Farm Market and community space bar, 23 seats & 2 employees.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>.56</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage <u>303</u> 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 [Signature] Date 2-18-21Applicant [Signature] Date 3-08-21

Zoning Permit Fee: \$ 225.00 Cash ☐ Check #1001 Date 3/9/21 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

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 _____

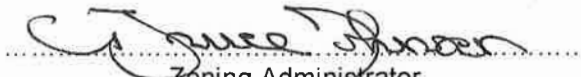
Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 21-010 Date Issued April 9, 2021 Effective Date April 24, 2021

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 March 20, 2021

2. Date(s) of Hearing April 6, 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: April 9, 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.

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Change of use for property at 3070 Rt. 2 in East Montpelier

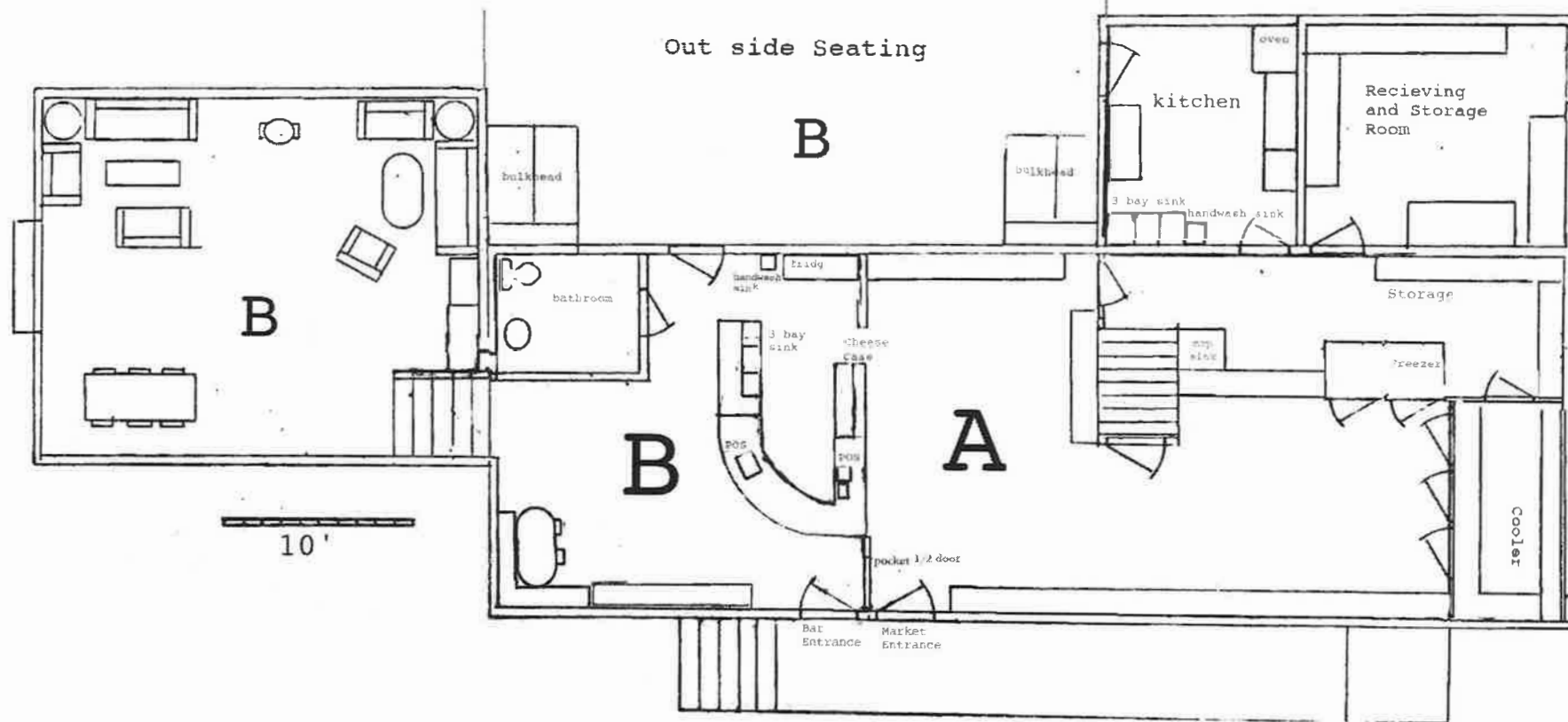
We are seeking to put a new farm market and community space called Fox Market in the building currently owned by the Lawrence's at 3070 Rt. 2. We will be doing all of the much needed maintenance of the building that has been neglected over the years. We plan on painting the building where needed, replacing the parts of the roof that need to be replaced and upgrading windows, doors and more. We hope to bring the building up to the standards that many of the other buildings have set recently in the village. We also think that the farm market and community space is a much needed asset to the village of East Montpelier.

We will use 1000 square feet of gross building space (labeled A) for a fresh market with a strong emphasis on selling local and organic produce, cheese, meat, beer, wine, and snack food. We will have a wide variety of Vermont products throughout the market. The market will be open 11 to 8, Tuesday through Saturday. There will be one employee managing the market during all open hours with support from restaurant/bar staff.

We will use 880 square feet of gross building space (labeled B) for a community restaurant/bar space. There will be 3 to 5 tables as well as several couches and coffee tables. The outdoor space will have a couple picnic tables. It will be roped off between the building and the existing fence on both sides. We will have 23 seat capacity from the health department for the restaurant. Food will be sliced meats, cheeses, crackers, as well as a selection of small plates. The restaurant will be open 11 to 8, Tuesday through Saturday. There will be one employee working the restaurant with support from the market manager.

Parking/Loading Spaces: For the 1000 square feet retail space I will need 5 parking spaces to meet the town requirements and for the 880 square feet of restaurant/bar I will need 6 parking spaces to meet the town requirements for a total of 11 parking spaces. I will have in my sight plan 11 parking spaces to meet the requirements. I also have one loading zone for delivery trucks that are too large to use a parking space. Any large trucks making deliveries will do so during times the market is closed.

Trash/Recycling/Compost: Trash and recycling will be picked up on a weekly basis by Cacella and compost will be picked up by Quill Pig Farm (a registered solid waste transporter). There will be a nonpermeable curbed rubber pad put at the rear of the building for the trash and compost bins to sit on.





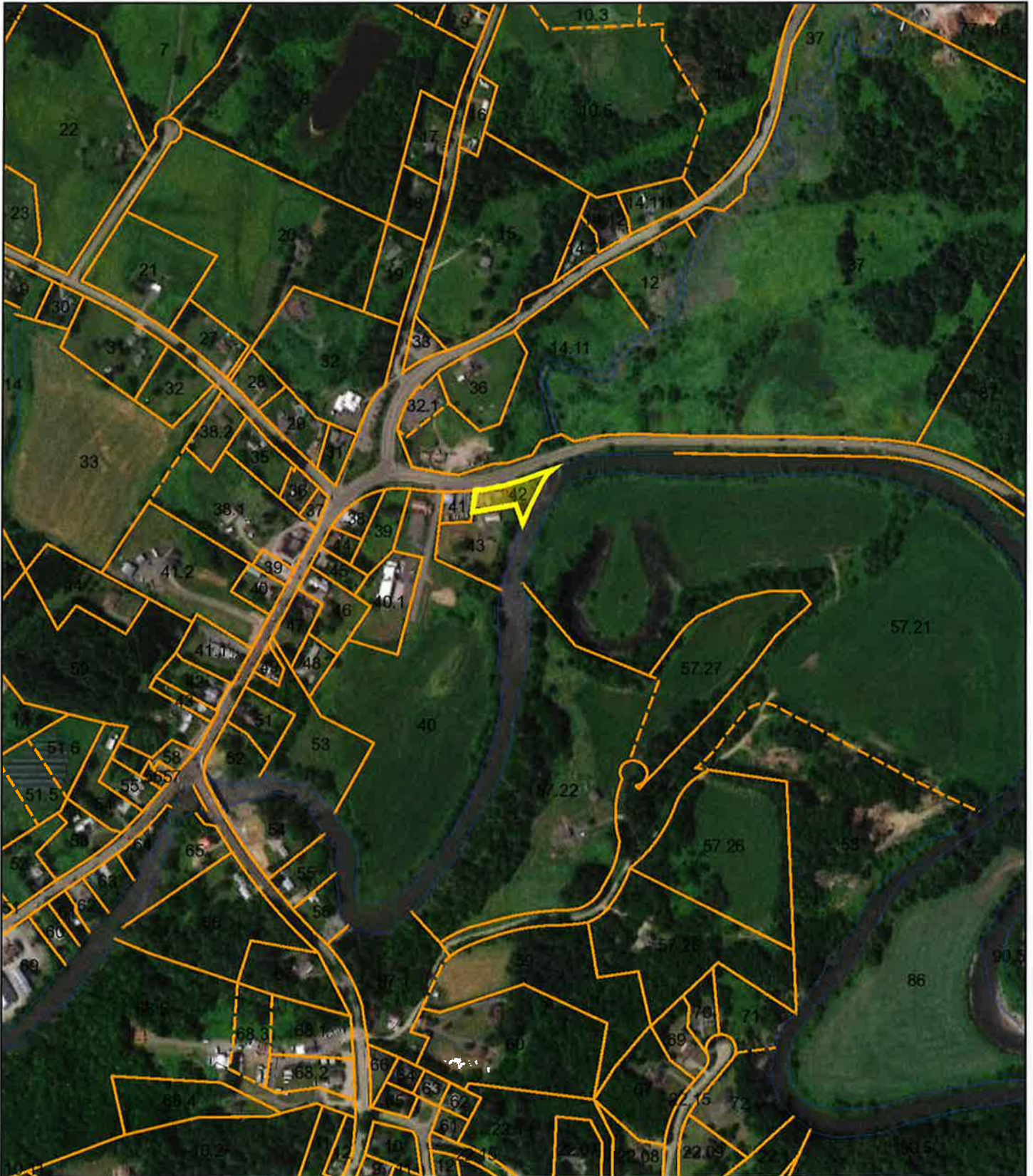
3070 US Rte. 2

East Montpelier, VT

1 inch = 539 Feet



March 17, 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.