

# Town of East Montpelier

# ZONING PERMIT

## NOTICE

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

Date Issued: June 10, 2021

Effective Date: June 25, 2021

Location: 4423 US Rte. 2

Owner: M. Bolduc Leasing LLC

For: Addition of Use: Motor Vehicle Service  
in 1<sup>st</sup> Story of Retail Building  
VT Auto Spa LLC

Application # 21-031

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

June 10, 2021

M. Bolduc Leasing LLC  
VT Crossroads Auto Repair LLC  
VT Auto Spa LLC  
4423 US Rte. 2  
East Montpelier, VT 05651

Joseph Cantiello  
117 Hardwood Mountain Road  
Plainfield, VT 05667

Re: East Montpelier Zoning Application #21-028, 21-029, 21-030 & 21-031; 4423 US Rte. 2

Dear Ms. Bolduc, Mr. Russell & Mr. Cantiello:

Please find enclosed the written decision of the East Montpelier Development Review Board approving applications 21-028, 21-029, 21-030 & 21-031 as presented.

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 the following East Montpelier Zoning Permits for 4423 US Rte. 2:

- 21-028; to allow construction of a 6' x 20' addition to back end of the western storage building for auto parts recycling use in support of the auto repair business use;
- 21-029; to allow the use of upper story of the retail building for Peak Hydroponic Garden Supplies;
- 21-030; to allow a 8' x 2' sign on the retail building in support of the 21-029 retail use; and,
- 21-031; to allow the use of the lower story of retail building for VT Auto Spa LLC.

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:       M. Bolduc Leasing LLC, Owner  
                              VT Crossroads Auto Repair LLC, Applicant for Zoning Application #21-028  
                              Joseph Cantiello, Applicant for Zoning Applications #21-029 & 21-030  
                              VT Auto Spa LLC, Applicant for Zoning Application #21-031  
                              4423 US Rte. 2  
                              Parcel # 10-078.000   Tax Map # 09-00-93.300

East Montpelier Zoning Applications #21-028, 21-029, 21-030 & 21-031

**INTRODUCTION & PROCEDURAL HISTORY**

1. On May 12, 2021, the following four zoning applications were filed with the Town of East Montpelier for the 4423 US Rte. 2 property owned by M. Bolduc Leasing LLC:
  - Application 21-028, filed by the owner and applicant VT Crossroads Auto Repair LLC, to construct a 6' x 20' addition to back end of the western storage building for auto parts recycling use in support of the auto repair business use;
  - Application 21-029, filed by the owner and applicant Joseph Cantiello, to change the use of upper story of the retail building to retail use for Peak Hydroponic Garden Supplies;
  - Application 21-030, filed by the owner and applicant Joseph Cantiello, for a 16-square-foot sign in support of the proposed retail use; and,
  - Application 21-031, filed by the owner and applicant VT Auto Spa LLC, to change the use of the lower story of retail building to motor vehicle service use.
2. The property in question is a developed commercial property with two existing primary uses, motor vehicle sales & service and storage, and as such is subject to East Montpelier Land Use & Development Regulations Section 4.11 mixed use. The property lies in the Commercial District – Zone A where both retail and motor vehicle service uses are allowed. Conditional use review by the Development Review Board is required for all commercial building and use modifications on properties subject to Section 4.11.
3. A public notice was duly published in the Times Argus on May 15, 2021 for a hearing, which was conducted on June 1, 2021.
4. Marcie Bolduc and Chris Russell, representing owner M. Bolduc Leasing LLC and applicants VT Crossroads Auto Repair LLC and VT Auto Spa LLC, applicant Joseph Cantiello and Zoning Administrator Bruce Johnson appeared and participated in the June 1, 2021 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the June 1, 2021 hearing were Kappel, Cueto, Hill, Lane, Weyant, Watson and Justis.

## FINDINGS OF FACT

1. M. Bolduc Leasing LLC owns and manages a commercial property located at 4423 US Rte. 2. The property currently has two active, permitted business uses: storage and motor vehicle sales & service. There are four primary structures on the parcel: the east storage unit building, the west storage unit building, the auto repair shop and the two-story retail building. The storage use operates mainly out of the two storage unit buildings. The motor vehicle sales & service use, operated by VT Crossroads Auto Repair LLC, primarily utilizes the auto repair shop. The retail building has not had a separate, permitted, primary use in a number of years.
2. The overall proposal is to add two new primary uses, a second motor vehicle service use and a retail use, to the existing uses. The retail use will operate out of the second, upper story of the retail building. The second motor vehicle service use will operate out of the lower story of the retail building. In addition, there is a proposed 6' x 20' addition to the north end of the west storage unit building and a 16-square-foot-sign for the retail use.
3. The property is located in Zone A – the Commercial District, where both retail and motor vehicle service uses are permitted activities. LUDR Section 4.11 mixed use allows, subject to conditional use review, multiple primary uses on one parcel.
4. Applicant VT Crossroads Auto Repair LLC would like to construct a 6' x 20' addition to the north (back) end of the west storage unit building to house its used car parts for recycling or disposal. No hazardous materials will be stored in the new unit. The Zone A side and rear setback is 25 feet from the property line. The nearest point of the proposed addition is 28 feet.
5. Applicant Joseph Cantiello would like to operate his Peak Hydroponic Garden Supplies retail store out of the upper story of the retail building. The business currently operates out of the old Plainfield Hardware building at 20 School Street in Plainfield. The upper story of the retail building was last permitted for a thrift store business that shut down in 2014. The proposed store will operate 7 days a week, starting at 10:00 a.m. and closing at or before 6:00 p.m. Mr. Cantiello is anticipating 4-6 cars per day. No new lighting is proposed.
6. Mr. Cantiello proposes to install a 2' x 8' sign advertising "Peak Hydroponics" just over the entrance to the upper story of the retail building. The sign will not be lighted and will be directly affixed to the building. Wall signs in Zone A can be a maximum of 50 square feet. The proposed sign is 16 square feet.
7. Applicant VT Auto Spa LLC would like to operate out of the lower story of the retail building. The motor vehicle service use, focused on auto detailing services, will have hours of operation in line with the existing VT Crossroads Auto Repair LLC business. The lower story of the retail building was last permitted for a motor vehicle sales use that closed in 2015.
8. US Rte. 2 access is controlled by the VTrans, which has provided a jurisdictional opinion that no access permit is necessary for the proposed alterations to the 4423 US Rte. 2 property.

## 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 addition and the two additional uses 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 as presented the following for the 4423 US Rte. 2 property:

- Conditional Use Permit #21-028 to allow the requested addition to the north end of the west storage unit building.
- Conditional Use Permit #21-029 to allow the requested retail use of the second story of the retail building.
- Conditional Use Permit #21-031 to allow the requested motor vehicle service use of the lower story of the retail building.
- Zoning Permit #21-030 to allow the requested sign on the retail building.

**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 10<sup>th</sup> day of June, 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 # 21-031  
Zoning District A  
Overlays

**ZONING PERMIT APPLICATION**  
**TOWN OF EAST MONTPELIER**  
PO Box 157, East Montpelier, VT 05651

Date Received: 05/12/2021  
Parcel # 10-078.000  
Tax Map # 09-00-93.300

\*\*\*\*\*

- A. 1. Name of Landowner M. Bolduc Leasing LLC Phone No. 223-3393  
2. Address of Landowner 4423 US Rte. 2, East Montpelier, VT 05651  
3. Applicant (other than owner) VT Auto Spa LLC Phone No. 223-3393  
4. Address of Applicant 4423 US Rte. 2, East Montpelier, VT 05651  
5. Location of Property 4423 US Rte. 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

Motor vehicle service use of lower story of store building by VT Auto Spa LLC

This space was last formally permitted for motor vehicle sales use by Fresh Start Auto Sales

**C. Lot description:**

- |                                                               |                                                                  |
|---------------------------------------------------------------|------------------------------------------------------------------|
| 1. acreage 2.69 ac                                            | 4. depth side yards 100+ Ft. 100+ Ft.<br>(building to lot lines) |
| 2. road frontage 426 Ft.                                      |                                                                  |
| 3. depth front yard 100+ Ft.<br>(Road centerline to building) | 5. depth rear yard 100+ Ft.<br>(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 Maurice Bolduc Date 5/12/2020  
Applicant Chris Kull Date 5/12/2020

\*\*\*\*\*

Zoning Permit Fee: \$ 75 Cash check \$379 Date 5/13/20 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 \_\_\_\_\_

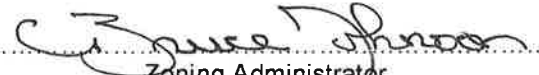
2. Appealed to Development Review Board \_\_\_\_\_ By \_\_\_\_\_  
Date \_\_\_\_\_

**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 # 21-031 Date Issued 06/10/21 Effective Date 06/25/21

**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 05/15/2021

2. Date(s) of Hearing 06/01/2021

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

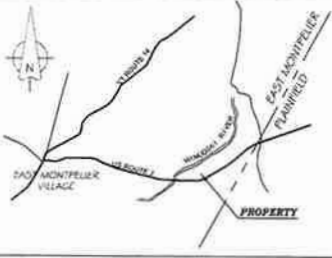
4. ☐ Denied (See written decision for reasoning)

  
Chairman, Development Review Board

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

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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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LOCATION MAP  
NOT TO SCALE

#### REFERENCES:

1. BOUNDARY PLAT FOR JAMES L. & THERESA GOSLANT, BY DWIGHT M. BAKER, DATED OCTOBER 4, 1986, ON FILE IN THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER IN MAP BOOK 2, PAGE 151.
2. A PLAN ENTITLED "PLAT OF REVISED SUBDIVISION FOR NATHAN R. DANFORTH, U.S. ROUTE 2, EAST MONTPELIER, VERMONT" DATED LAST REVISED AUGUST 21, 2003 AS RECORDED IN THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER IN MAP SLIDE 63, PAGE 170.
3. REFERENCE IS MADE TO EXISTING PERMITS  
A. STATE OF VERMONT AGENCY OF ENVIRONMENTAL CONSERVATION PERMITS EC-5-1320, EC-5-1320-1, EC-5-1320-2, EC-5-1320-3, PB-5-0873 AND WM-5-2343.  
B. TOWN OF EAST MONTPELIER SUBDIVISION PERMIT #68-005.

LAND OF  
NORMAN & CARLA MESSIER  
PID 10-077-400  
437 U.S. ROUTE 2

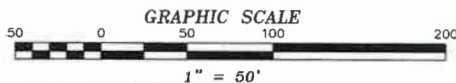
LAND OF  
KEVIN BAILEY  
BOOK 115 PAGE 338  
PID 10-077-600

Land of  
Casey & Amanda Northrup  
(Lot 3B)  
3.16 Ac. before adjustment  
2.42 Ac. after adjustment

Portion of Land of  
Casey & Amanda Northrup  
to be conveyed to and merged with  
land of  
K & A Leasing, LLC  
0.74 Ac.

Land of  
K & A Leasing, LLC  
(Lot 3A)  
1.95 Ac. before adjustment  
2.69 Ac. after adjustment

**ZONING INFORMATION**  
ZONE A - COMMERCIAL DISTRICT  
MIN. LOT SIZE: 1 ACRE  
MIN. LOT FRONTAGE: 150'  
SETBACKS:  
FRONT: 75'  
SIDE: 25'  
REAR: 25'  
MAX. BUILDING HEIGHT: 35'



- LEGEND:**
- EDGE OF RIVER
  - ROAD RIGHT OF WAY LINE
  - EDGE OF PAVEMENT
  - EDGE OF GRAVEL
  - CONCRETE MONUMENT FOUND
  - IRON ROD FOUND
  - #5 REBAR SET W/1" D. CAP (10A/HT)
  - UTILITY POLE
  - DRILLED WELL
  - PROPERTY LINE
  - UNMONUMENTED POINT

#### SURVEY NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A LIETZ SET 4 TOTAL STATION TOGETHER WITH A STEEL TAPE, WITH AN ERROR OF CLOSURE WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD. PHYSICAL EVIDENCE LOCATED, AND INFORMATION SUPPLIED BY OWNERS AND ADJUTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, AND RESERVATIONS OF RECORD.
5. A 60' WIDE UNRESTRICTED EASEMENT FOR ACCESS AND UTILITIES IS TO BE CONVEYED TO NORTHROP BY K & A LEASING, LLC AS PART OF THE EXCHANGE OF DEEDS NECESSARY TO COMPLETE THIS PROPOSED BOUNDARY ADJUSTMENT.
6. THE EXISTING EASEMENT OVER LOT 3A IN FAVOR OF LOT 3B FOR THE MAINTENANCE OF THE EXISTING WATERLINE IS TO REMAIN IN PLACE. THE EASEMENT IS TO BE DEFINED AS 10' EITHER SIDE OF THE WATERLINE AS IT EXISTS.
7. THE EXISTING SEPTIC EASEMENT OVER OF LOT 3A OVER LOT 3B WILL BE EXTINGUISHED BY THE PROPOSED ADJUSTMENT AND AMENDMENT TO THE EXISTING STATE OF VERMONT WASTEWATER AND WATER SUPPLY PERMIT WILL BE REQUIRED TO PERMIT THIS CHANGE AT THE STATE LEVEL.

PROPERTY INFORMATION	
<b>Owner:</b> K & A Leasing LLC 4423 US Route 2 East Montpelier, VT 05651	<b>Owner:</b> Casey & Amanda Northrup 4379 US Route 2 East Montpelier, VT 05651
PID 10-078-000 Tax Map #: 09-00-93-300 Span 195-062-10244 Deed Book 81/1Page 400	PID 10-078-100 Tax Map #: 09-00-93-300 Span 195-062-10245 Deed Book 83/1Page 383

New Recycle Area  
2-story retail building  
M. Bolduc Leasing Property

#### CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND CONFORMS WITH THE REQUIREMENTS SET FORTH IN 26 V.S.A. THE SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

5/7/2020 *William R. Chase*  
DATED: WILLIAM R. CHASE RLS #542 VERMONT  
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

**BOUNDARY LINE ADJUSTMENT**  
**CASEY & AMANDA NORTHRUP**  
**AND K & A LEASING, LLC**  
4379 + 4423 U.S. ROUTE 2 WEST  
EAST MONTPELIER, VERMONT

SCALE: 1" = 50' [DATE: 5/7/2020] [PROJ#: 2020 045] [DWG#: 20043A]  
DRAWN BY: TDM [CHECKED BY: WRC/FB/PC: 93/ 078] [SHEET 01A1]

**Chase & Chase**

301 North Main Street, Suite 1  
Barre, VT 05641  
802-479-9636  
Surveyors & Septic  
Designers, Inc



