

DRB Memo

July 20, 2021 DRB Meeting

Conditional Use Review of R & J East Montpelier LLC Application (21-032)

- **This hearing cannot go forward this evening due to the fact the mandatory VTrans Letter of Intent has not been issued; latest information is that there is a stormwater/hydraulic element that needs to be resolved; both sides feel this is a short-term snag that should be cleared up within a couple of weeks**
- **Recommendation: Open the continued hearing, hold a general discussion and then continue the hearing to September 7, 2021; the Demers family is in agreement with that date and apologizes for causing a second hearing continuation**
- **As discussed at the July 6th meeting, in-person (with a experimental hybrid/remote component) meetings are now allowed; the DRB should probably choose to hold the September 7th meeting in that manner; we can easily send out new announcements for the Demers hearing to ensure compliance with notice requirements**

- Owner: R & J East Montpelier LLC; 1528 US Rte. 2; Zone B; 3.15 acres
- Zone B (Industrial); LUDR Section 4.11 mixed use commercial property; the front of the property and the front & mid parts of the building are in the special flood hazard area (but not the river corridor)
- The proposal is to expand the Green Mountain Day Spa use, add two 720 sq. ft. wings to the front of the building and do associated site work, including revamped parking and traffic flow as well as adding external lighting
- The existing mound system at the front of the property will be abandoned with a new mound system to be established toward the rear of the parcel; state water/wastewater permit WW-5-8169
- In 2016 (16-038) the DRB authorized internal renovations and the addition of a day spa use to the existing motor vehicle sales and service operation; conditions on the spa use include:
 - Hours of operation from 8:00 am to 8:00 pm M-F; 8:00 am to noon Saturday
 - Applicant must submit an application for permit amendment if the spa use will have employees other than owner Ashley Demers or if the spa use exceeds 20 hours per week on a regular basis
- Currently there are two issues with this application:
 - VTrans has not issued a letter of intent to issue an access permit for the property nor has it issued a jurisdictional opinion that no permit amendment is necessary; this is a mandatory element of site plan/conditional use applications on a state route; no hearing can go forward prior to clearing this hurdle
 - The regional floodplain manager for our district, Ned Swanberg, has not issued his review of the project; technically the town can move forward with the application as the 30-day window for a state response has passed
- The building renovations do not appear to reach the “substantial improvement” level (but it is a close call; this aspect is part of the back-and-forth between the state and the engineer); the new wings have been professionally designed to meet the requirements of LUDR Section 9.6

Zoning Activity Report:

- 1 new application since last DRB meeting; 46 so far in 2021

Next DRB Meeting Date:

- Scheduled September 7, 2021 meeting date (no regular August meeting); no applications as yet, but there is a likely Twin Valley Seniors hearing on a minor building front renovation