

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: September 20, 2021

Effective Date: October 5, 2021

Location: 4583 US Rte. 2

Owner: Twin Valley Seniors, Inc.

For: Stairs Replacement; 6' x 8' Landing Construction;

Side Driveway Addition; Other Site Improvements

Application # 21-053

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
eastmontadmin@comcast.net
(802) 223-3313 ext. 204

September 20, 2021

Twin Valley Seniors, Inc.
PO Box 152
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #21-053

Dear Ms. Copeland:

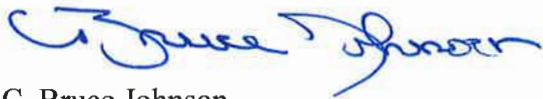
Please find enclosed the written decision of the East Montpelier Development Review Board approving the Twin Valley Seniors, Inc. request to replace stairs, construct a landing and make other improvements at the front of the Blueberry Hill Commons building at the 4583 US Rte. 2 property as presented in application #21-053.

Twin Valley Seniors, Inc. has 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 #21-053 for the requested stair replacement, 6' x 8' landing construction and other improvements to facilitate the Twin Valley Senior Center Meals on Wheels program operated out of the Blueberry Hill Commons building located at 4583 US Rte. 2.

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: Twin Valley Seniors, Inc.
 4583 US Rte. 2
 Parcel # 10-082.000 Tax Map # 09-00-97.200

East Montpelier Zoning Application #21-053

INTRODUCTION & PROCEDURAL HISTORY

1. On August 19, 2021, Rita Copeland, on behalf of Twin Valley Seniors, Inc., submitted an application with the Town of East Montpelier to replace stairs, construct a 6' x 8' landing and make site improvements to the front of the Twin Valley Senior Center part of the Blueberry Hill Commons building located at 4583 US Rte. 2.
2. The property in question lies in the Commercial District – Zone A, where the minimum front setback is 75 feet from the US Rte. 2 centerline. The existing Blueberry Hill Commons building is located well inside the front setback and as such the applicant is requesting an East Montpelier Land Use & Development Regulations Section 7.6 setback variance as well as conditional use approval from the Development Review Board. The use of the property is subject to East Montpelier Conditional Use Permit #13-043.
3. A public notice was duly published in the Times Argus on August 21, 2021 for a hearing, which was conducted on September 7, 2021.
4. Applicant representatives Denise Wheeler and Susan Crampton, and Zoning Administrator Bruce Johnson appeared and participated in the September 7, 2021 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the September 7, 2021 hearing were Kappel, Cueto, Lane, Watson, Cutler, Hill, Justis and Weyant.

FINDINGS OF FACT

1. Applicant requests to replace the stairs, construct a 6' x 8' landing, install a short drive extension and make other improvements at the front of the Twin Valley Senior Center

side of the Blueberry Hill Commons building. The intent of project is to construct upgrades to improve code compliance and enhance the safety of the meals transfer from the Twin Valley Senior Center kitchen to the delivery vehicles in support of the local Meals on Wheels program.

2. The property in question lies in Zone A – the commercial district, where the minimum front setback is 75 feet from the US Rte. 2 centerline. The Blueberry Hill Commons building is a pre-existing, non-conforming to front setback structure that is, at its closest point at the west side apartment entrance, about 48 feet from the US Rte. 2 centerline. The proposed structural improvements will increase the intrusion into the front setback on the east side of the building to approximately the same 48-foot distance.
3. The proposed gravel drive extension is a short one-vehicle width pad running just in front of the building from the parking area to the east. Driveways are not subject to setback limitations, but are subject to both conditional use review and road right-of-way restrictions. The proposed pad is closer to the building than the existing sidewalk that runs in front of the building, which is outside of the US Rte. 2 right-of-way.
4. There will be no changes to the business operations and there is no expected increase in traffic flow as a result of this proposed project.
5. The improvements cannot be permitted under the Section 3.14 setback waiver provision as the proposal requires more than a one-third decrease in the mandated front setback. No determination was made under Section 3.10 (A) (4) as the necessary Section 7.6 variance was granted.
6. The property has a developed commercial curb cut on US Rte. 2. The Vermont Agency of Transportation has issued a jurisdictional opinion that no access permit will be required for the proposed project.

CONCLUSIONS

The standards for the issuance of a setback variance are set forth in Section 7.6 of the East Montpelier Land Use & Development Regulations. A variance from the zoning regulations can only be granted if the DRB determines that the proposal meets the five criteria set forth in state law (24 V.S.A. §4469(a)). It is found that the proposal meets the five criteria.

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 proposal 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, as presented, a Section 7.6 setback variance and Conditional Use Permit #21-053, as an amendment to existing permit #13-043, to allow the replacement of stairs, construction of a 6' x 8' landing and site improvements at the front of the Twin Valley Senior Center part of the Blueberry Hill Commons 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 20th day of September, 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 # 21-053Zoning District AOverlays —

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 8/19/21Parcel # 10-082.000Tax Map # 09-00-97.200

- A. 1. Name of Landowner TWIN VALLEY SENIOR CENTER Phone No. 802-223-3322
 2. Address of Landowner 4583 US ROUTE EAST MONTPELIER, VT
 3. Applicant (other than owner) FRANK BLAKE Phone No. 802-249-1030
 4. Address of Applicant 33 SAWMILL RD MARSHFIELD, VT 05651
 5. Location of Property PO Box 152, EM, VT 05651

B: Application is made (check appropriate boxes):

- | | | |
|---|---|--|
| To: | For: | For: |
| <input checked="" 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 checked="" 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 type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed 1) REPAIR EXIST STEPS TO FRONT PORCH
2) CONSTRUCT LANDING - FOR MEALS + WALK 6' X 6'
TOWARD ROAD FROM FRONT PORCH 6'
3) EXTEND DRIVEWAY ALONG SIDE WALK TO FRONT (SEB)

C. Lot description:

- | | |
|---|--|
| 1. acreage <u>1.6 ACRES</u> | 4. depth side yards <u>50'</u> Ft. <u>50'</u> Ft.
(building to lot lines) |
| 2. road frontage <u>392</u> Ft. | |
| 3. depth front yard <u>48'</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>50'</u> 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 Rita Copeland Date 8/20/2021Applicant [Signature] Date 8/18/2021

Zoning Permit Fee: \$ 260.00 Cash Check #3182 Date 8/19/21 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 # 21-053 Date Issued 09/20/21 Effective Date 10/05/21

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.

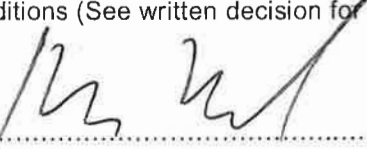
4. Permittee is required to submit a Certificate of Compliance form to the Zoning Administrator in accordance with East Montpelier Land Use & Development Regulations Section 7.4:

☐ Yes (form included with permit) ☒ No


Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date 08/21/2021
2. Date(s) of Hearing 09/07/2021
3. ☒ Granted ☒ Without conditions ☐ With conditions (See written decision for conditions)
4. ☐ Denied (See written decision for reasoning)

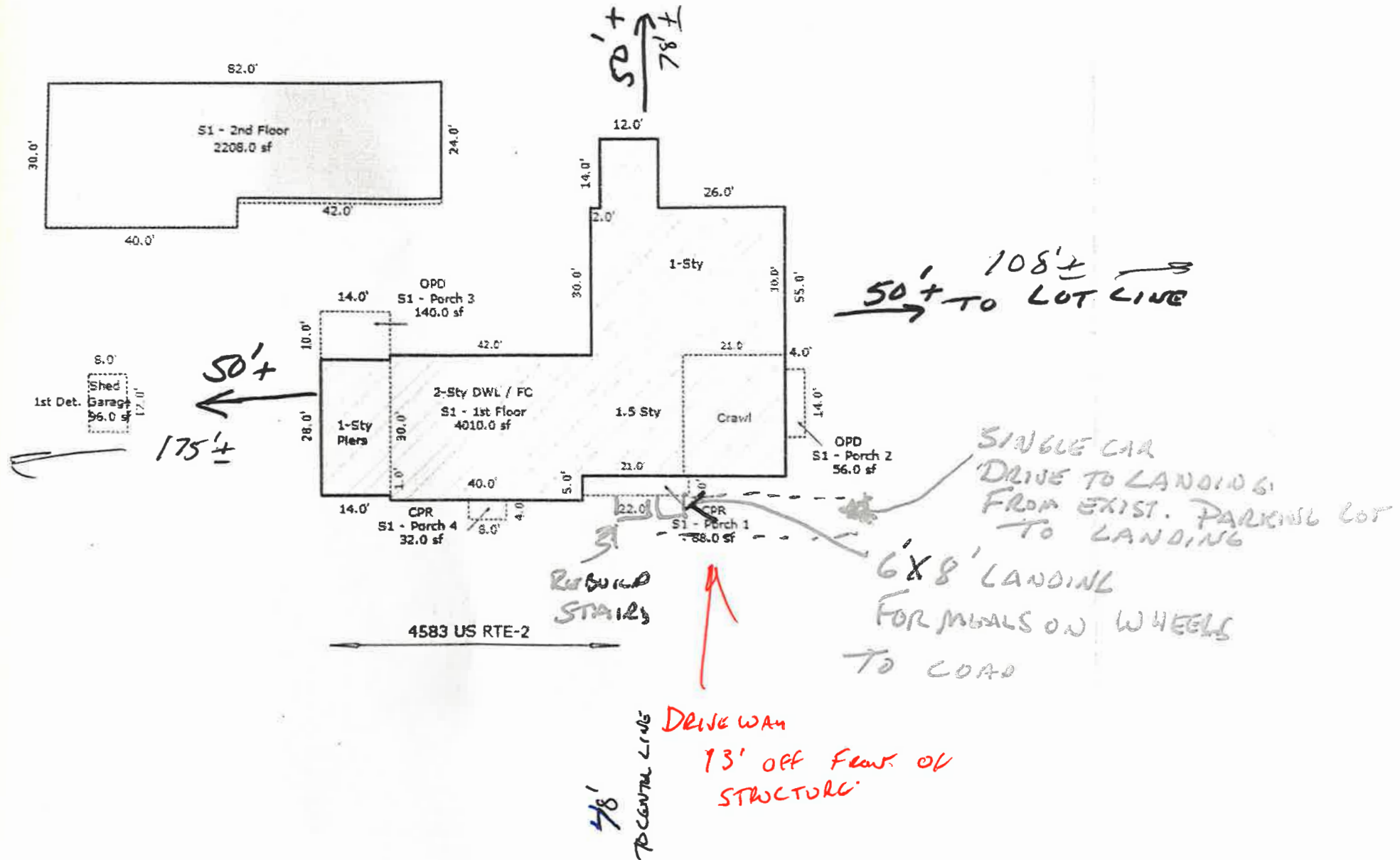

Chairman, Development Review Board

The DRB's written decision was issued on: September 20, 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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Sketch





1 inch = 773 Feet



CAI Technologies
Precision Mapping. Geospatial Solutions.

[illegible]

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.