Town of East Montpelier **ZONING PERMIT**

NOTICE

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

Date Issued:

May 19, 2022

Effective Date:

Tune 3, 2022

Location:

2290 VT Rte. 14 N

Owner: Orchard Valley Wolderf School

For: 24' x 24' Barn Plus Parking Traffic

Flow, Pedestrian Access & Other Improvements

Application #

22-017

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) 477-2241 or jeff.mcmahon@vermont.gov, before beginning any construction.

TOWN of EAST MONTPELIER

P.O. Box 157 East Montpelier, VT 05651-0157 C. Bruce Johnson, ZA zoning@eastmontpeliervt.org (802) 223-3313 ext. 205

May 19, 2022

Orchard Valley Waldorf School Attn: Madelief Becherer 2290 VT Rte. 14 N East Montpelier, VT 05651

Re: East Montpelier Zoning Application #22-017

Dear Ms. Becherer:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your zoning application #22-017 as presented.

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 #22-017 for the construction of a 24' x 24' barn plus the requested parking, traffic flow, pedestrian access and other improvements on the school's property at 2290 VT Rte. 14 N. The town requires a Certificate of Compliance for most new non-residential structures. Issuance of the certificate is required prior to use of the new barn.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,

C. Bruce Johnson

East Montpelier Zoning Administrator

June , more

TOWN OF EAST MONTPELIER DEVELOPMENT REVIEW BOARD

FINDINGS & DECISION

In the matter of:

Orchard Valley Waldorf School

2290 VT Rte. 14 N

Parcel # 08-027.000 Tax Map # 10-00-15.000

East Montpelier Zoning Application #22-017

INTRODUCTION & PROCEDURAL HISTORY

- 1. On April 13, 2022, Madelief Becherer, on behalf of the Orchard Valley Waldorf School, filed an application with the Town of East Montpelier for construction of a 24' x 24' barn plus parking, traffic flow, pedestrian access and other improvements at the school's property located at 2290 VT Rte. 14 N.
- 2. The property in question lies in the Residential & Commercial District Zone C where schools require conditional use approval from the Development Review Board. The existing school is subject to East Montpelier Conditional Use Permit #03-126 as amended by Permits #07-035, #07-036, #10-035, #16-001 and #20-050. The property is subject to limited regulatory oversight as an East Montpelier Land Use & Development Regulations Section 4.13 protected public use.
- 3. A public notice was duly published in the Times Argus on April 16, 2022, for a hearing, which was conducted on May 3, 2022.
- 4. Applicant representatives Madelief Becherer & Brian Lane-Karnas and Zoning Administrator Bruce Johnson appeared and participated in the May 3, 2022 hearing. There was no additional public comment.
- 5. The Board members who voted on this issue at the May 3, 2022 hearing were Kappel, Cueto, Oates, Hill, Weyant, Cutler, and Justis.

FINDINGS OF FACT

1. Applicant operates a school on a 55-acre parcel located at 2290 VT Rte. 14 N. OVWS operates under Conditional Use Permit #03-126, as previously amended by Permits #07-035, #07-036, #10-035, #16-001 and #20-050. Applicant proposes to construct a 24' x

- 24' barn for agricultural purposes along with numerous site improvements. One of the pavilion structures approved by permit #20-050 will be deconstructed, with the materials reutilized as part of the barn construction.
- 2. The property is located in Zone C the Residential & Commercial District. There are mapped brooks along the southeastern edge of the parcel and along the northern property line. The property is bounded by the Kingsbury Branch to the east and a large portion of the eastern part of the parcel is within the Special Flood Hazard Area. Both the mapped water resources and the area within the flood zone are well away from the developed portion of the lot and the site of the new proposed development.
- 3. Zone C requires a 50-foot setback from the centerline of the road(s) the parcel abuts. This property is a corner lot with frontage along Coburn Road and VT Rte. 14 N. Zone C also requires a 25-foot setback from side and rear property lines. Due to its nature as a corner lot, this property has no rear setback. The proposed barn will be located 80 feet from the VT Rte. 14 N centerline and well over 100 feet from all other lines.
- 4. Applicant received approval for the proposed access alterations along VT Rte. 14 N from the Vermont Agency of Transportation and for the alterations along Coburn Road from the East Montpelier Selectboard.
- 5. There is no anticipated increase in traffic to the property. The proposal alters flow patterns throughout the developed site area in an effort to improve overall safety. The Coburn Road parking lots will be separated, curbed, paved and lined. Sidewalks and pedestrian markings will be added. A new parking lot will be created north of the farmhouse.
- 6. Drainage improvements will be constructed to direct flow towards the center rear of the developed area where a gravel wetland will be installed. There will also be stormwater infrastructure added at the north end of the developed area.

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 reviewed and the proposed use will not adversely affect any of them. 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 Conditional Use Permit #22-017, as an amendment to the existing permit (#03-126; previously amended by Permits #07-035, #07-036, #10-035, #16-001 and #20-050), to allow the construction of the 24' x 24' barn and the various site improvements. All prior conditions remain in force.

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) 477-2241 to speak to the state Permit Specialist before beginning any construction.

Dated this 19th day of May, 2022.

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.

	ONING PERMIT APPLICATION OWN OF EAST MONTPELIER	Date Received: 4/13/22 Parcel # 08 - 027 . 000
· · · · · · · · · · · · · · · · · · ·		
Overlays WRRC SFHA PO	Box 157, East Montpelier, VT 05651	Tax Map # 10 - 00 - 15.000
3. Applicant (other than owner).4. Address of Applicant		Phone No. 802-456-7400 lier, VT 05651 Phone No.
B: Application is made (check appro	ppriate boxes):	
Repair Multi-family Alter Accessory S Extend Commercial Remove Light Industrial	Structure	adjustment of earth resources ater withdrawal
Describe work to be performed		
See	attached cover letter	
C. Lot description: 55		255 Ft
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DRB Hearing Fee: \$_____ Cash ____ Check ____ Date ____ Rec'd by _____

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. Contact Jeff McMahon, our region's state permit specialist, at (802) 477-2241 or jeff.mcmahon@vermont.gov, before beginning any construction. The VT Agency of Natural Resources has an online "permit navigator" to help answer state environmental permit questions: https://dec.vermont.gov/permitnavigator

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.	Ac	tion by Zoning Administrator:			
	1.	☑ Granted ☐ Denied Date Reason			

	2. Appealed to Development Review Board: Date By				
		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. Appeal fee is \$150.			
	3. Final Action: Permit # 22-017 Date Issued 05/19/22 Effective Date 06/0				
		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)			
		Zoning Administrator			
F.	Action by Development Review Board:				
	1.	Public Notice Date(s) Oth/1.6/2022			
	2.	Date(s) of Hearing			
	3.	☑ Granted ☑ Without conditions ☐ With conditions (See written decision for conditions)			
	4.	□ Denied (See written decision for reasoning)			
		Chairman, Development Review Board			
The	DF	RB's written decision was issued on:			

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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April 7, 2022

Bruce Johnson, Zoning Administrator Town of East Montpelier 40 Kelton Road, PO Box 157 East Montpelier, VT 05651

Reference: Orchard Valley Waldorf School, 2290 VT Route 14 Application for Zoning and Access Permits

Dear Bruce,

Please find attached a complete Zoning Permit Application and Access (Curb Cut) Application for the proposed site changes to the Orchard Valley Waldorf School (OVWS). The project is the construction of a barn and changes to the existing drives, parking, sidewalks, drainage, and landscaping.

The barn is proposed to be a 24' x 24' enclosed structure with a 10-foot shed roof on the eastern side of the building. This barn will be used for agricultural purposes to house animals and food and supplies for the animals. The northeastern shed classroom will be dismantled and the materials will be repurposed as materials for the proposed barn. There will not be water or wastewater connections to this building. Changes to the drives and parking are proposed to create a better traffic flow, increase the safety of the students, staff, and visitors to the school, and increase the capacity of parking areas.

The plans provided include buildings listed as "Future". This includes a building addition to the south of the main building and a new classroom building to the north of the farmhouse building. Those items are shown for reference purposes only and are not being proposed at this time.

The project is located in the Residential-Commercial (C) zoning district. There are no proposed changes to uses of the property: school and agricultural. The project will be served by an existing well and on-site wastewater disposal system.

The project has been developed to meet the East Montpelier Land Use and Development Regulations (Regulations) and meets the General Regulations, Specific Use Standards, and Site Plan Review standards of the Regulations as detailed below.

Standard	Required Value	Project Value
Front Setback	50 ft	80 ft
Side Setback	25 ft	191 ft
Rear Setback	25 ft	600 ft
Lot Frontage	150 ft min.	1071 ft
Lot Size	1 acre	55 acres
Building Height	35 ft max.	13'-10" (proposed
		barn)

The proposed building meets the dimensional requirements of the C district.

Permitting

Surveying

Site Design

Subdivisions

Timber Design

Expert Testimony

Site Development

Act 250 Permitting

Forensic Engineering

Environmental Permitting

Transportation Engineering

Structural Inspection Services

Commercial Building Design

Construction Oversight

Building Assessment

Pedestrian Bridges

Stream Alterations

Sewer Design

Water Supply

Storm Water

Hydrology

Grading

317 River Street P.O. Box 1576 Montpelier, VT 05601-1576

phone: 802,223.4727 fax: 802.223.4740 www.dirtsteel.com

April 7, 2022 Bruce Johnson Page 2 of 4



General Regulations

Section 3.3 Access, Driveway & Frontage Requirements: This project proposes revising the existing curb cuts onto Route 14 and Coburn Road. There are two existing access points off of Coburn Road. These two accesses are proposed to remain but to be separated so that one curb cut provides access to the day use parking area and the other curb cut serves the drop-off parking area and drive. Separating student drop-off and pick-up from other site traffic is essential for safety in a school setting. Each access is proposed to be reconstructed as 24' wide two-way paved entrances. The revised entrances will meet VTrans Standard B-71B. An application for the revised curb is attached for review by the Selectboard.

The day use parking area will be used by staff and others visiting the site for longer periods, but will not be used for student drop-off or pick-up. Most parents of students at the school prefer to park and walk their students into the school, so parking is provided for this use at the drop-off area. Signage will be provided at the curb cuts indicating the usage of each entrance. School staff and visitors arrive and leave either before or after student drop-off traffic and therefore the use of the two curb cuts on Coburn Road are at separate times. This will prevent conflicts between the two curb cuts.

There will be modifications to the two existing accesses off of Route 14 as well. The existing northern access (currently used as a fire lane) will be closed and will be top soiled, seeded, and mulched to restore grass cover. The fire lane will be replaced with a new gravel drive internal to the site. The existing southern access across from Hammett Hill Road will remain in its current location and will continue to be a two-way, 24' wide access. This drive will be improved by being converted to a paved drive and increasing the curb radii to 25'. This drive will provide access to the farmhouse building, the parking at the northern end of the school building as well as an exit for the one-way drop-off route traffic. The drive accessing Route 14 will require approval from the Vermont Agency of Transportation and has been designed to meet VTrans Standard B-71B. We have submitted a State Highway Access and Work Permit application to VTrans and responded to an initial round of comments. We expect the Letter of Intent for the project to be issued by April 1, 2022.

Section 3.6 Height Requirements: The proposed barn will have a height of 13 feet 10 inches which is less than the maximum height of 35 feet in the C district.

Section 3.11 Parking & Loading Requirements: This project proposes to revise the existing parking areas to better define parking areas and improve traffic flow to create a safer site for vehicles and pedestrians. The existing parking areas are not well defined and are undersized for the current needs of the school. The project proposes four distinct parking areas (three of which are located in or near existing parking areas). The southwestern parking area is 25 spaces and is the day use parking area to be used by staff and others visiting the site for longer periods, but will not be used for student drop-off or pick-up. Most parents of students at the school prefer to park and walk their students into the school. 25 parking spaces are provided in the southeast parking area for this use.

Both of the southern parking areas may be used for occasional events at the school (three to four times per year). During events, the school will provide staff to direct traffic at Coburn Road and prevent parking on Coburn Road or Route 14. The increase in parking to the proposed 89 spaces (from the previously approved 52 spaces) will significantly increase the school's ability to accommodate event parking on the site. OVWS intends to maintain the previously approved overflow parking area approved in 2013.

The parking area to the north of the main school building has 14 parking spaces and will be used by those wishing to access the north building entry. The last parking area is to the north of the farmhouse building. This lot contains 25 parking spaces for staff and visitors to the farmhouse building. All parking areas are located to the side of existing buildings. No deliveries other than parcel service (FedEx, UPS, etc.) are expected.

Each facility meets the ADA requirements for accessible parking. Parking spaces have been designed to be 9' x 18' with a 24' wide two-way drive aisle. A one-way drive aisle to facilitate smoother drop-off and pick-ups has

April 7, 2022 Bruce Johnson Page 3 of 4



been provided at the end of the southeastern parking area and will wrap along the front of the main building and exit using the access onto Route 14. This drive aisle is 12' wide. Multiple sidewalks have been provided along the drop off route to allow students to travel safely from vehicles to their respective entrance.

Note that there are no minimum parking requirements under Table 3.1 for a school. The maximum population approved for the OVWS campus is 178 students and staff. The proposed 89 parking spaces will provide one space per every two students and staff. Given that the school is for kindergarten through 8th grade students, none of whom are old enough drive to the campus and park for the day, the proposed parking is adequate to accommodate all students, staff, and other persons expected to be on the premises.

Section 3.12 Protection of Water Resources: The project parcel is bounded to the east by the Kingsbury Branch. The north and southeast corners contain perennial streams as shown on the East Montpelier Water Resources Map. There is no proposed work within 250 feet of any of the water courses.

Section 3.13 Outdoor Storage: No outdoor storage is proposed as part of the project other than the dumpsters, which are shown on the site plan. There are several small buildings on campus to store equipment and tools for the agricultural classes and operations on-site.

Section 3.15 Sign Regulations: There are no proposed signs as part of this project. There will be new directional signage, which will be less than 4 sf in area, to designate parking areas and desired traffic circulation patterns, see plan sheet C1.03. These directional signs are exempt from sign permitting requirements under item 8 in Table 3.2 of the Regulations

Section 3.17 Temporary Uses & Structures: There is proposed to be a construction job trailer on-site during the construction period. Care will be taken to keep the trailer outside of the parcel's setbacks.

Section 3.18 Water Supply & Wastewater Disposal: This project has an existing state issued Wastewater System and Potable Water Supply Permit. The water supply is an existing drilled well shared by the school building and the farmhouse building. The school building is served by an existing on-site waste disposal system northeast corner of Coburn Road and the southeastern parking area. The existing on-site wastewater disposal area for the farmhouse is to the east of the parking lot that is to the north of the school building. No changes are proposed to the use of the existing buildings or to any existing permitted water and sewer infrastructure on the property, Therefore, no state Wastewater System and Potable Water Supply Permit amendment will be required for the proposed project.

Specific Use Standards

Section 4.13 Protected Public Uses: This site use is school and this project will not change the use of the site. While review of the project is restricted by this section of the Regulations, we believe that the project meets all requirements of the Regulations.

Site Plan Review Standards

Responses to the access, circulation, parking, loading, service and outdoor storage area responses are provided under General Regulations above.

Landscaping and Screening: The project will maintain the existing mature trees on the site to the extent possible while achieving the project goals of increasing vehicular and pedestrian safety at the school. With the exception of the northerly parking area, the proposed development is a reconfiguration of existing development on the site.

Layout and Site Design: The proposed barn is smaller and set back further from the front property line than the existing building on site. We believe this is compatible with the setting and context of the existing school and surrounding area.

April 7, 2022 Bruce Johnson Page 4 of 4



Lighting: No new exterior lighting is proposed as part of this project.

Conditional Use Review Standards

The proposed project does not change the use or intensity of the use, therefore there are no new impacts beyond what was previously approved.

If you have questions or require more information, please do not hesitate to contact me.

Sincerely,

Brian Lane-Karnas, PE

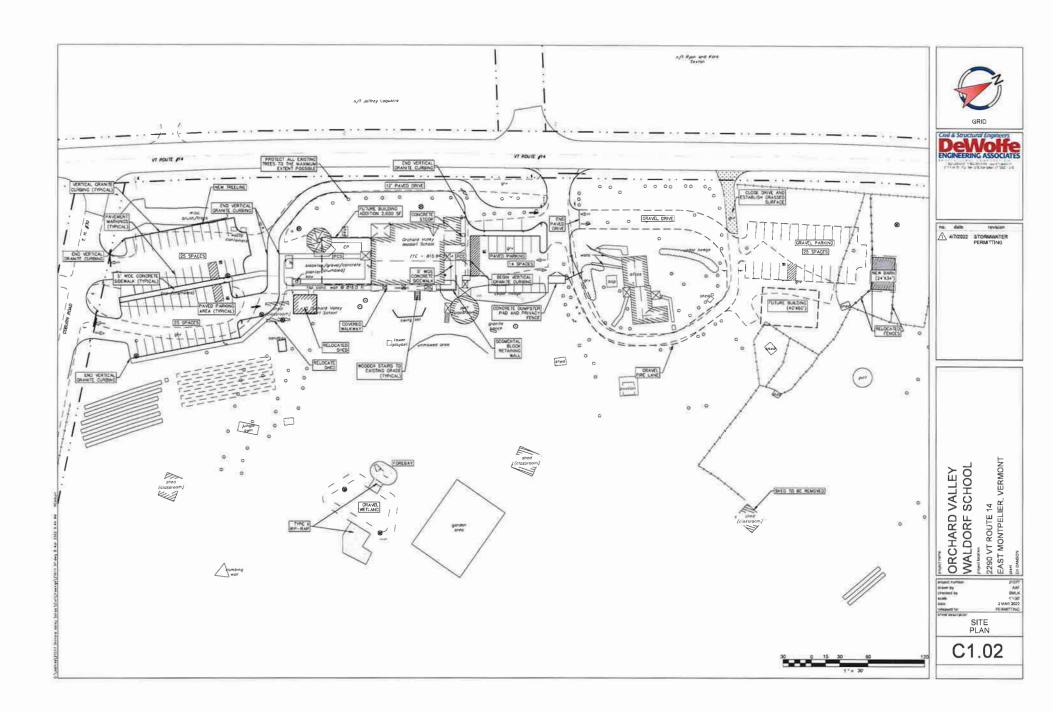
Enclosures:

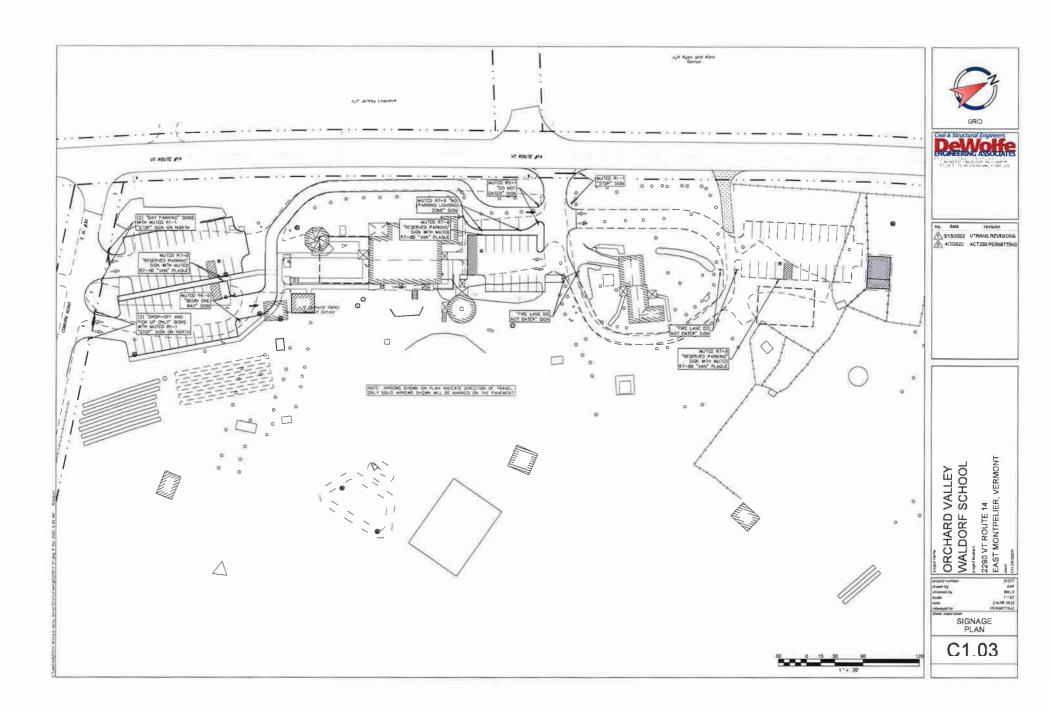
Zoning Permit Application Access (Curb Cut) Application Fee check Abutters List

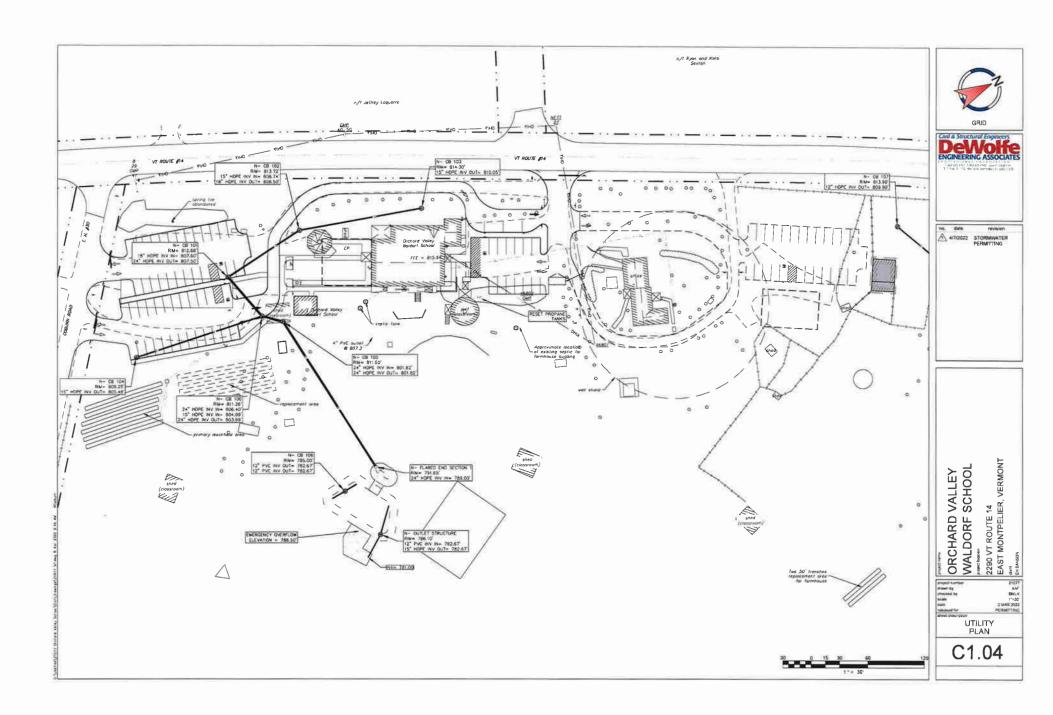
Location Map Site Plan Set

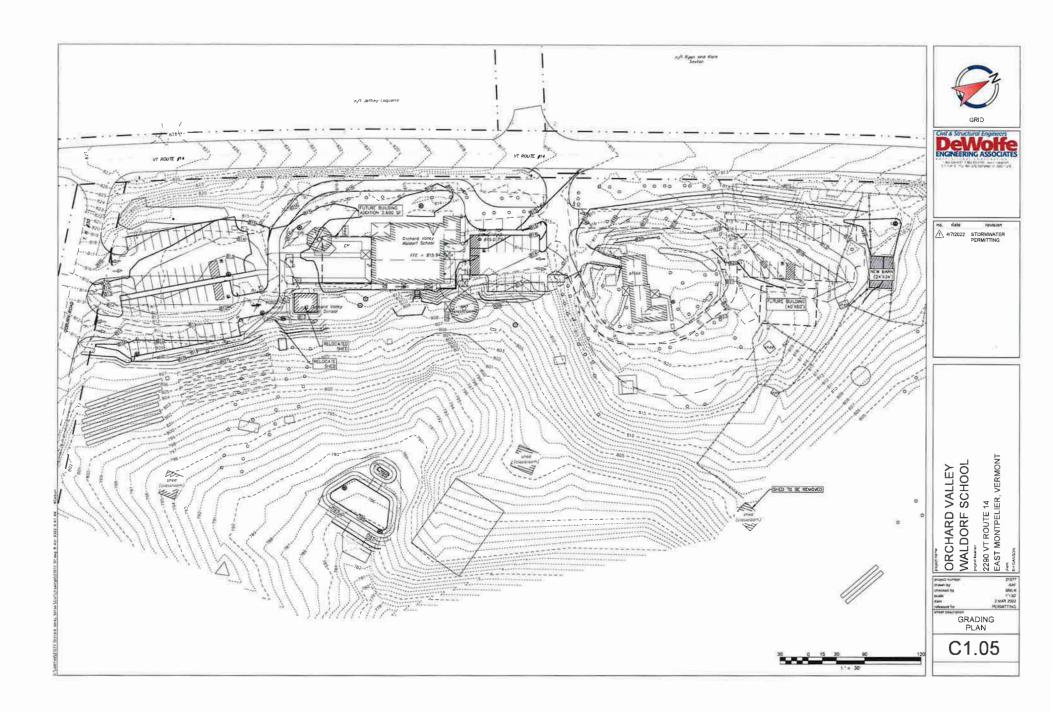
Building Elevations

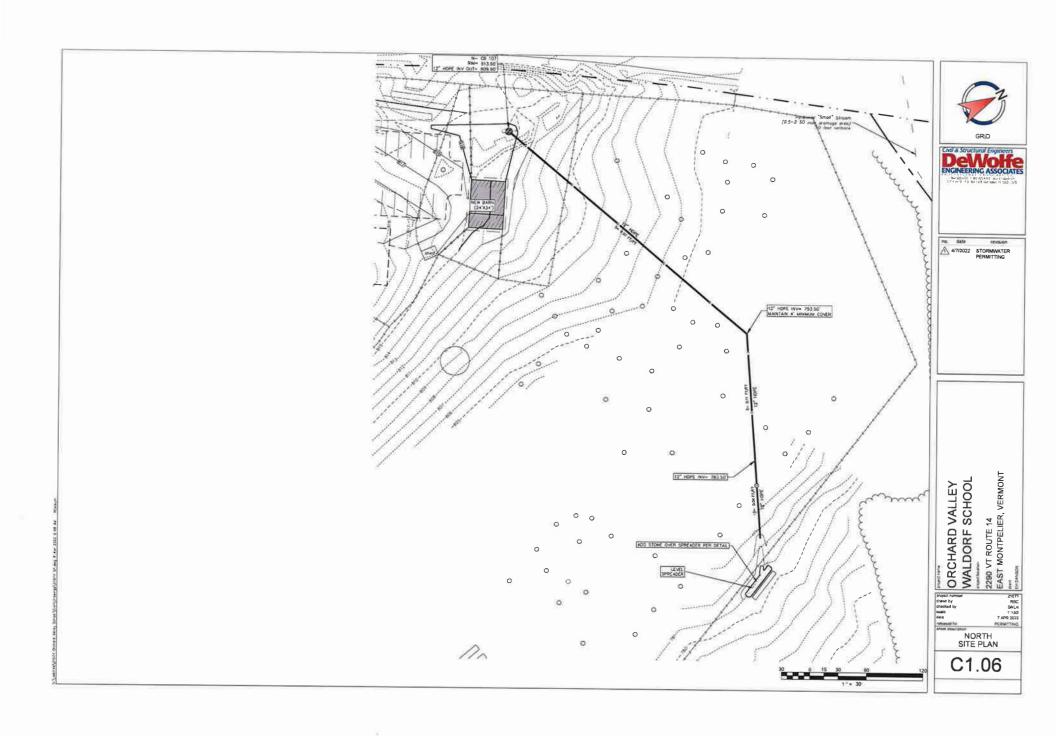
cc: Madelief Bercherer, Tom Raybeck, OVWS

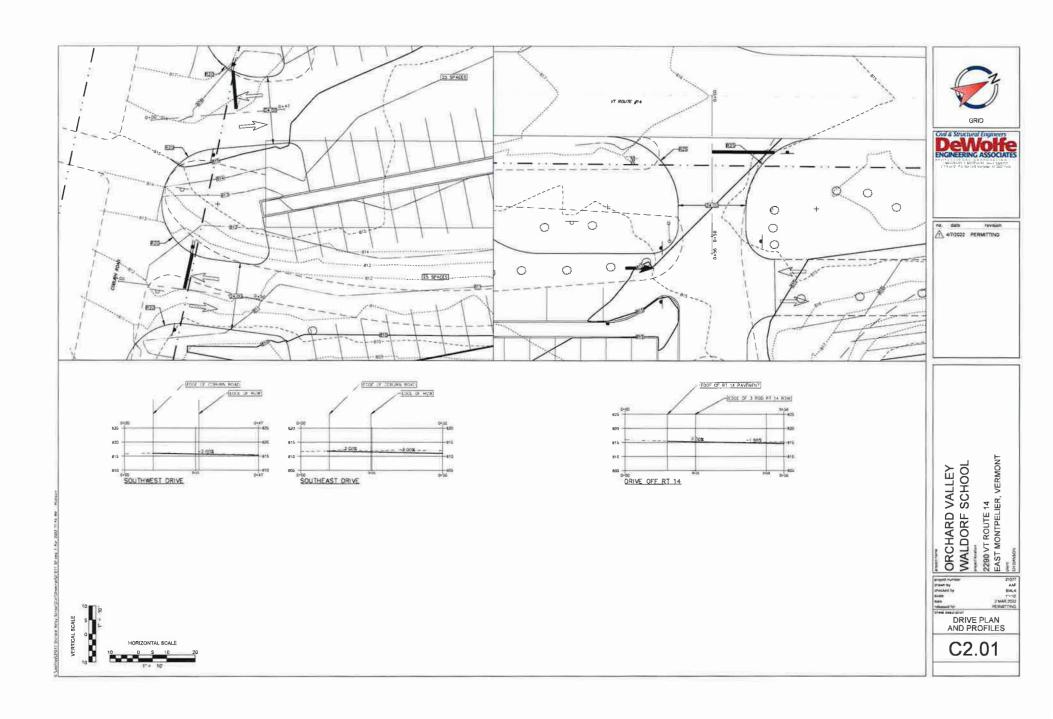


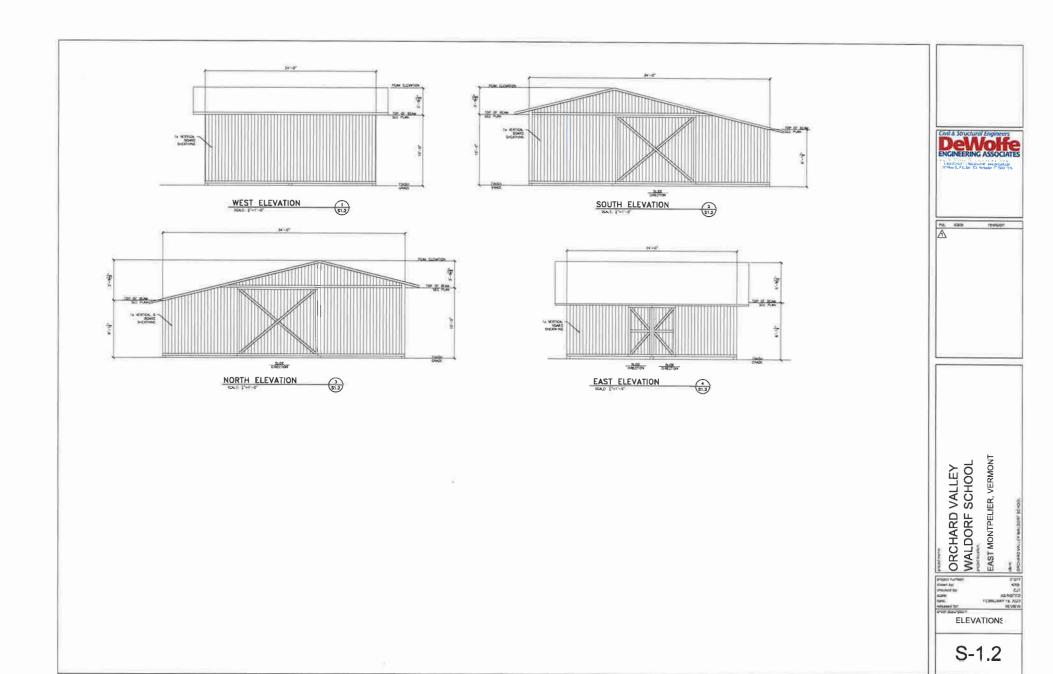
















Orchard Valley Waldorf School -- 2290 VT Rte. 14 N

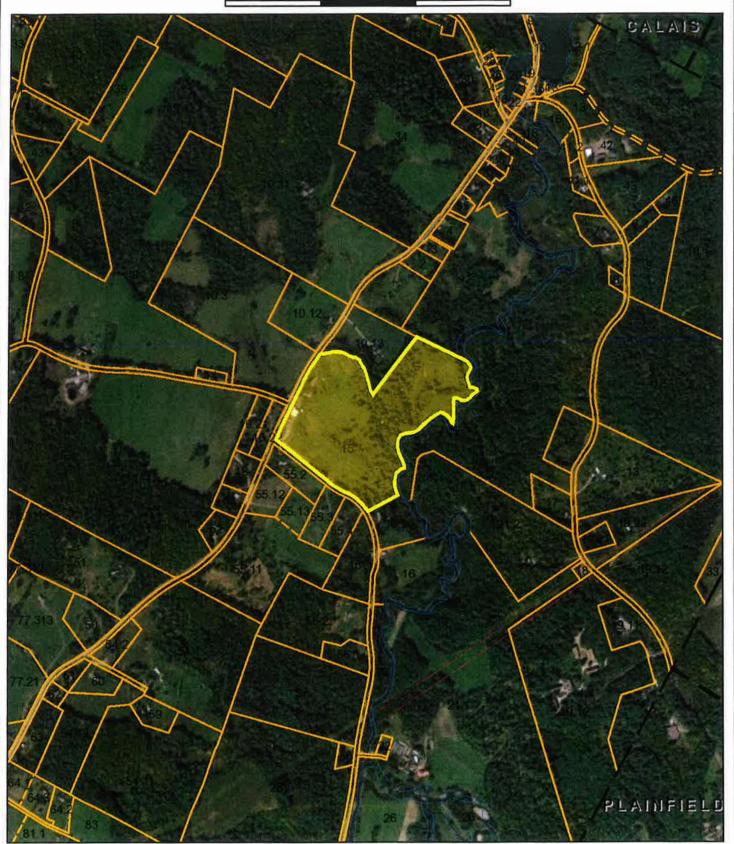
East Montpelier, VT

1 inch = 1078 Feet



www.cai-tech.com

April 14, 2022 3236 1078 2157



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.