

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: June 3, 2022

Location: 2368 Towne Hill Road

Owner: Land Care Agricultural Services LLC

For: 30' x 60' Hoop Barn

30' x 50' Storage Building

Application # 22-019

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

Land Care Agricultural Services LLC
Attn: Mike Brown
4379 US Rte. 2
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #22-019

Dear Mr. Brown:

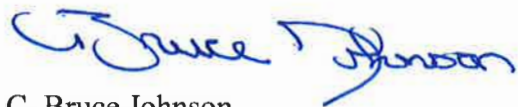
Please find enclosed the written decision of the East Montpelier Development Review Board approving the Land Care Agricultural Services LLC zoning application #22-019 as presented.

Land Care 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 #22-019 for the construction a 30' x 60' hoop barn for materials storage and a 30' x 50' equipment storage building. The existing barn will be removed. The town requires a Certificate of Compliance for most new non-residential structures. Issuance of the certificate is required prior to use of the structures.

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: Land Care Agricultural Services LLC
 2368 Towne Hill Road
 Parcel # 05-026.150 Tax Map # 11-00-22.111

East Montpelier Zoning Application #22-019

INTRODUCTION & PROCEDURAL HISTORY

1. On April 13, 2022, Mike Brown, on behalf of Land Care Agricultural Services LLC, submitted an application with the Town of East Montpelier for conditional use approval to construct a 30' x 60' hoop barn for materials storage and a 30' x 50' equipment storage building at Land Care's 2368 Towne Hill Road property.
2. The property in question is located in the Rural Residential/Agricultural District – Zone D. The business operates under East Montpelier Conditional Use Permit #13-037. Expansions of the use require conditional use approval by the Development Review Board.
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. The notice incorrectly stated that the existing use was an unpermitted, pre-existing, potentially non-conforming use. The commercial operation, in existence for decades under various names, was formally approved by the DRB in 2013. Under either scenario the requested use expansion would require conditional use review by the DRB.
4. Applicant representative Mike Brown 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, Cutler, Hill, Justis and Weyant.

FINDINGS OF FACT

1. Applicant requests to construct a 30' x 60' hoop barn for materials storage and a 30' x 50' equipment storage building at the commercial property located at 2368 Towne Hill Road. An existing barn located in the proposed building zone will be removed.
2. The property is located in Zone D – the Rural Residential/Agricultural District. The proposed structures will be located in a building zone over 100 feet from all property lines and the centerline of Towne Hill Road. Zone D has a 75-foot front setback and 50-foot side & rear setbacks.

3. The intent of the proposal is to add dry storage for hay and sand in the hoop building along with a heated building for equipment storage. Both structures will utilize existing foundations. There will be no changes to the business operations and there is no expected increase in traffic flow.

CONCLUSIONS

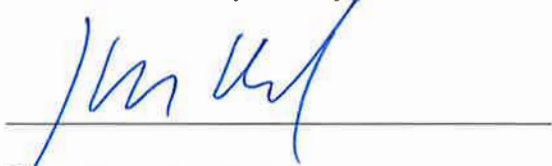
The standards for the issuance of a conditional use permit are set forth in Section 5.5 of the East Montpelier Land Use & Development Regulations. It is found that the five general standards in Section 5.5 (C) have been reviewed, and the proposal will not adversely affect any of them. It is further found 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 Conditional Use Permit #22-019, as an amendment to existing permit #13-037, to allow the construction of a 30' x 60' hoop barn for materials storage and a 30' x 50' equipment storage building. 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.

Permit # 22-019

Zoning District D

Overlays -

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 4/13/22

Parcel # 05-026-150

Tax Map # 11-00-22-111

- A. 1. Name of Landowner... Land Care Agricultural Services, LLC, C/O Mike Brown. Phone No. 802-272-7009
2. Address of Landowner... 2368 Town Hill Road, East Montpelier, VT
3. Applicant (other than owner)... Mike Brown Phone No. 802-272-7009
4. Address of Applicant... 4379 US Route 2, East Montpelier, VT 05651
5. Location of Property... 2368 Town Hill Road, East Montpelier, VT

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 type="checkbox"/> Alter | <input checked="" type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input 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.....

Construct a 30 ft x 60 ft hoop barn & construct a 30 ft x 50 ft bldg.

Existing barn will be removed.

Please see attached site plan. Distances from lot lines listed below are approximate and based on tax map information available at the time of the application.

C. Lot description:

- | | |
|---|--|
| 1. acreage <u>Existing 3.23 acre lot</u> | 4. depth side yards <u>190</u> Ft. <u>200</u> Ft. |
| <u>(We own adjacent 41.02 acre lot also)</u> | <u>(building to lot lines)</u> |
| 2. road frontage <u>Approx 417.88</u> Ft. | <u>Approx 190 ft to east line & 200 ft west line</u> |
| 3. depth front yard <u>+/- 170' to new building face closest to rd.</u> | depth rear yard <u>105</u> Ft. |
| <u>(Road centerline to building)</u> | <u>(building to lot line)</u> |

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 Mike Brown (Landcare Agri-Services) Date 4-11-22

Applicant _____ Date _____

Zoning Permit Fee: \$ 320.00 Cash _____ Check #2114 Date 4/13/22 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. 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. Action by Zoning Administrator:

1. ☒ Granted ☐ Denied Date Reason.....

2. Appealed to Development Review Board: Date By

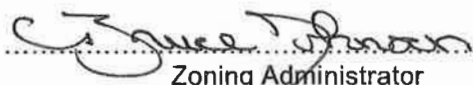
Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. Appeal fee is \$150.

3. Final Action: Permit # 22-019 Date Issued 05/19/22 Effective Date 06/03/22

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(s) 04/16/2022

2. Date(s) of Hearing 05/03/2022

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: May 19, 2022

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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Land Care -- 2368 Towne Hill Road

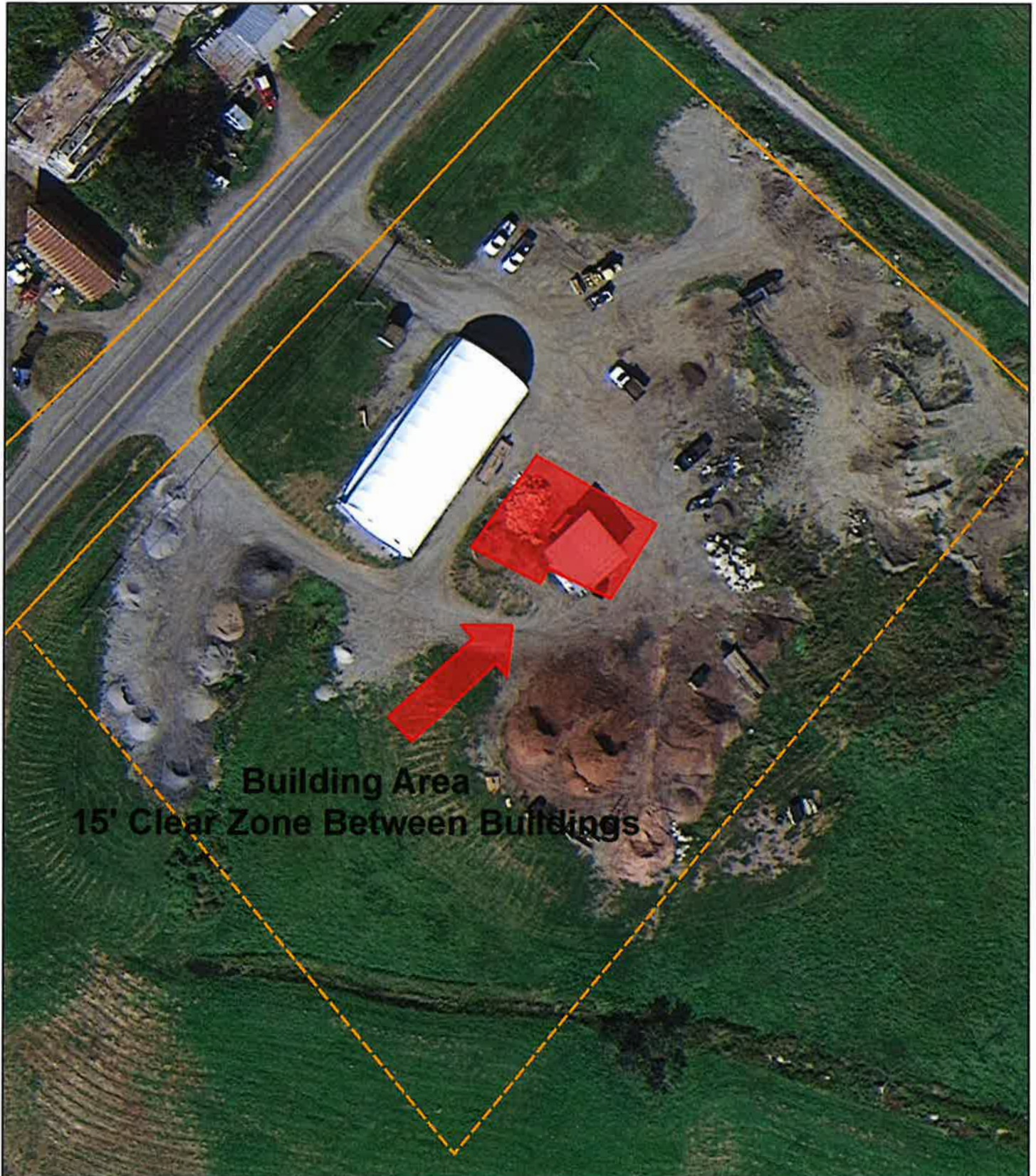
East Montpelier, VT



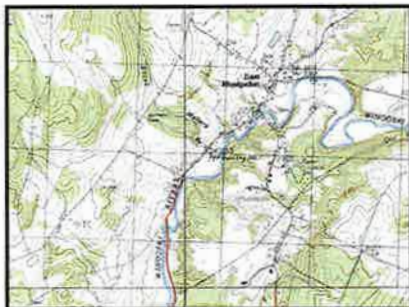
April 12, 2022

1 inch = 67 Feet

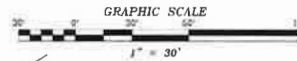
www.cai-tech.com



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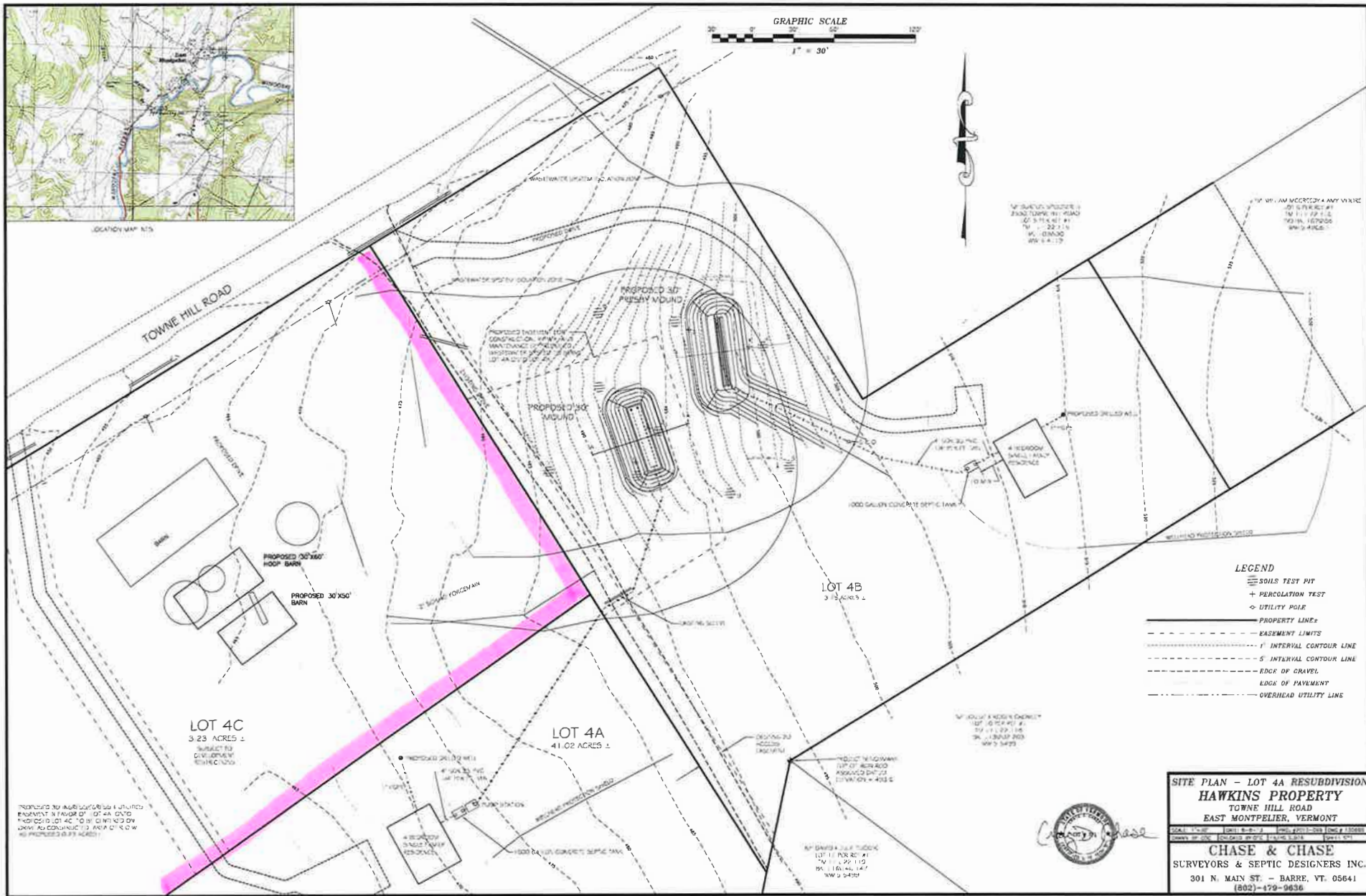


LOCATION MAP N.T.S.



GRAPHIC SCALE

1" = 30'



LEGEND

- SOILS TEST PIT
- PERCOLATION TEST
- UTILITY POLE
- PROPERTY LINE
- EASEMENT LIMITS
- 1' INTERVAL CONTOUR LINE
- 5' INTERVAL CONTOUR LINE
- EDGE OF GRAVEL
- EDGE OF PAYMENT
- OVERHEAD UTILITY LINE

SITE PLAN - LOT 4A RESUBDIVISION
HAWKINS PROPERTY
TOWNE HILL ROAD
EAST MONTPELIER, VERMONT

CHASE & CHASE
SURVEYORS & SEPTIC DESIGNERS INC.
301 N. MAIN ST. - BARRE, VT. 05641
(802)-479-9636



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