# Town of East Montpelier ZONING PERMIT NOTICE

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

Date Issued:

Tune 23, 2022

Effective Date: July 8, 2022

Location: 4423 US Rte. 2

Owner: M. Boldue Leasing LLC

For: 34' x 56' Addition to Auto

Application # 22-025

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

June 23, 2022

M. Bolduc Leasing LLC 4423 US Rte. 2 East Montpelier, VT 05651

Re: East Montpelier Zoning Application #22-025; 4423 US Rte. 2

Dear Ms. Bolduc & Mr. Russell:

Please find enclosed the written decision of the East Montpelier Development Review Board approving application 22-025 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 East Montpelier Zoning Permit 22-025 to allow construction of a 34' x 56' addition to the auto repair building on the M. Bolduc Leasing LLC property at 4423 US Rte. 2.

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

4423 US Rte. 2

Parcel # 10-078.000 Tax Map # 09-00-93.300

East Montpelier Zoning Applications #22-025

#### INTRODUCTION & PROCEDURAL HISTORY

- 1. On April 27, 2022, Marcie Bolduc, on behalf of M. Bolduc Leasing LLC, submitted an application with the Town of East Montpelier for conditional use approval to construct a 34' x 56' addition to VT Crossroads Auto Repair LLC's main building on the 4423 US Rte. 2 commercial property owned by M. Bolduc Leasing LLC.
- 2. The property in question is a developed commercial property with multiple existing primary uses, motor vehicle sales & service, retail 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 conditional use review by the Development Review Board is required for all commercial building modifications on properties subject to Section 4.11.
- 3. A public notice was duly published in the Times Argus on May 21, 2022 for a hearing to be conducted on June 7, 2022. Due to technical issues that could potentially prevent participation by interested members of the public, the DRB opened the hearing on June 7, 2022 and immediately continued the hearing to June 21, 2022.
- 4. A new public notice was duly published in the Times Argus on June 11, 2022 for a hearing which was conducted on June 21, 2022.
- 5. Marcie Bolduc and Chris Russell, representing owner M. Bolduc Leasing LLC, and Zoning Administrator Bruce Johnson appeared and participated in both the June 7 and June 21, 2022 hearings. There was no additional public comment.
- 6. The Board members who voted on this issue at the June 21, 2022 hearing were Kappel, Hill, Cutler, Weyant 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 four active, permitted business uses: storage, retail, and two motor vehicle sales & service businesses. The current proposal affects the motor vehicle sales & service use operated by VT Crossroads Auto Repair LLC and the storage use operated by M. Bolduc Leasing LLC.

- 2. Applicant would like to construct a 34' x 56' addition to the north (back) end of the auto repair building. The front 24 feet will be utilized by VT Crossroads Auto Repair LLC as additional service space. The back 10 feet will be converted to additional units for the storage business. The Zone A side and rear setback is 25 feet from the property line. The nearest point of the proposed addition is approximately 50 feet. The structure is located to the rear of the property, well beyond the front setback.
- 3. US Rte. 2 access is controlled by the VTrans, which has provided a jurisdictional opinion that no access permit is necessary for the proposed alteration 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 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 #22-025 to allow the requested addition to the back end of the main building used by VT Crossroads Auto Repair LLC.

**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 23rd day of June, 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 - 02 5 Z	ONING PERMIT APP	LICATION	Date Received: 4 27 22	
Zoning District	TOWN OF EAST MON	TPELIER	Parcel # 10 - 078 . 000	
	Box 157, East Montpeli		Tax Map $\# \underline{09} - 00 - 93.3$	~
			*********	**
A. 1. Name of Landowner	IRCIE Edou	M Dolduc G	Phone No 223-3393	
2. Address of Landowner4.4	23 US RT 2	E, M	NOT VT 05651	222
			Phone No	155
<ol> <li>Address of Applicant</li> <li>Location of Property44</li> </ol>	23 45 RTZ	$- \in M$	sil.	
D. A. B. C. C.				_
B: Application is made (check appro	,			
To: For: ★ Construct ☐ One ☐ T	wo-family dwelling	For:  Subdivision	of land	
Repair Multi-family	dwelling	Boundary a	_	
☐ Alter ☐ Accessory S ☐ Extend ☐ Commercial		Extraction o	f earth resources	
☐ Extend ☐ Commercial ☐ Remove ☐ Light Indust		☐ Ground wat	er withdrawal	
Change use Industrial		Other		
Describe work to be performed		*************************		
34 X 56 Addition	on to Auto	Shop		355
***************************************	*******************************			
***************************************				.85 207
				••
				_
C. Lot description: 2.69			190'WFt ~ 65' EFT	
	4. 0	building to lot line	s)	
2. road frontage 426	Ft.	and the last lines		
3. depth front yard	<b>∴</b> . Ft. 5. o	epth rear yard	50 Ft.	
(Road centerline to building)		building to lot line)		
Important - Submit site location map	which describes the prop	erty on which the p	roposed land development is to occu	ır.
The map should indicate the length within the property, the distance from	n that development to all a	diacent property lin	imensions in feet of the development es and the distance to the nublic roa	nt id
centerline. Each parcel created by la	nd development should be	clearly described.	The same and same and public rou	
READ BELOW CAREFULLY AND SEE	SECTION D ON PAGE 2 (	NE APPLICATION:		-
In accordance with 24 V.S.A. §4446, no o			in the Town of East Montpelier until a	all line
applicable municipal land use permits a	and approvals have been	issued. The unde	rsigned requests a zoning permit a	ie.
described above, understanding that the completed as described. The permit will	be voided if development i	s not substantially ເ	commenced within one year from dat	-0
of issue. The undersigned hereby applie	s on the basis of the rep	esentations contair	ned herein, and to the hest of his/he	<b>ЭΓ</b>
knowledge believes them to be true. The	Parada I	s the Section D noti	ces on page 2 of this application.	
Landowner Malei	10010	Date	4/27/22	
Applicant		Date		
************	**************************************	******	*********************	*
Zoning Permit Fee: \$ ゴンク、の0				
DRB Hearing Fee: \$			27/22 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

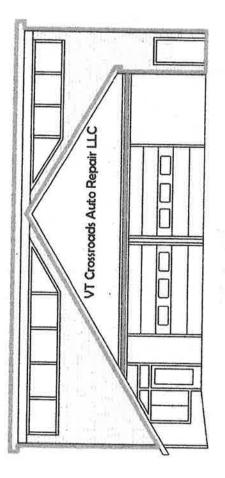
Notice: Your project may be subject to the state's residential or commercial energy code. For more information contact the Energy Code Assistance Center at 855-887-0673 or see the following web pages: Residential Building Energy Standards: http://publicservice.vermont.gov/energy\_efficiency/rbes Commercial Building Energy Standards: http://publicservice.vermont.gov/energy\_efficiency/cbes

E.	Action by Zoning Administrator:				
	1.	☑ Granted □ Denied Date			
	•••				
	2.	Appealed to Development Review Board: Date By			
		<b>Notice:</b> 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 # 22-025 Date Issued 99/23/22 Effective Date 97/08/22			
	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.	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) 05/a1/2022; 06/11/2022			
	2.	Date(s) of Hearing 06/07/2022; 06/21/2022			
	3.	Granted 🔀 Without conditions 🗌 With conditions (See written decision for conditions)			
	4.	Denied (See written decision for reasoning)  Chairman, Development Review Board			
The	DR	's written decision was issued on:			

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teamer = New Construction

VT Crossroads Auto Repair, LLC 4423 US Rte 2 East Montpelier

## CARACE ADDITION

Drawn: 4/2/22

Scale - 3/32" = 1' 0"

VT Crossroads Auto Repair, LLC

4423 US Rte 2 East Montpelier

Scale - 3/32" = 1' 0" Drawn: 4/2/22

CARACE ADDITION

Building Section

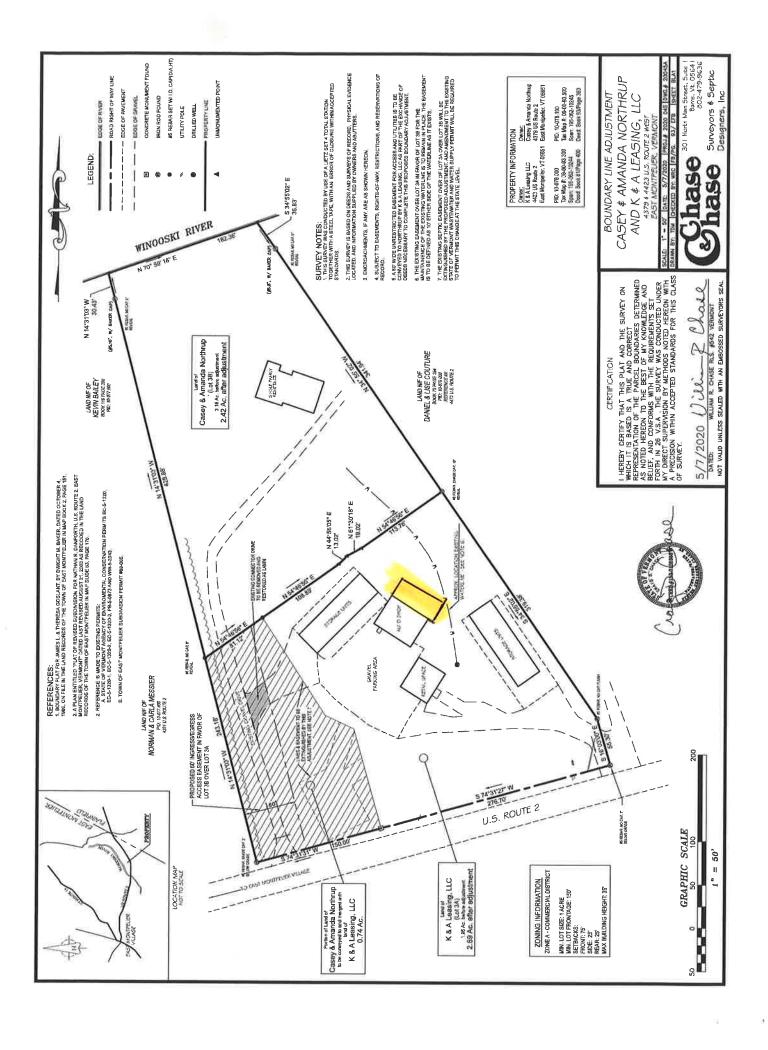
E

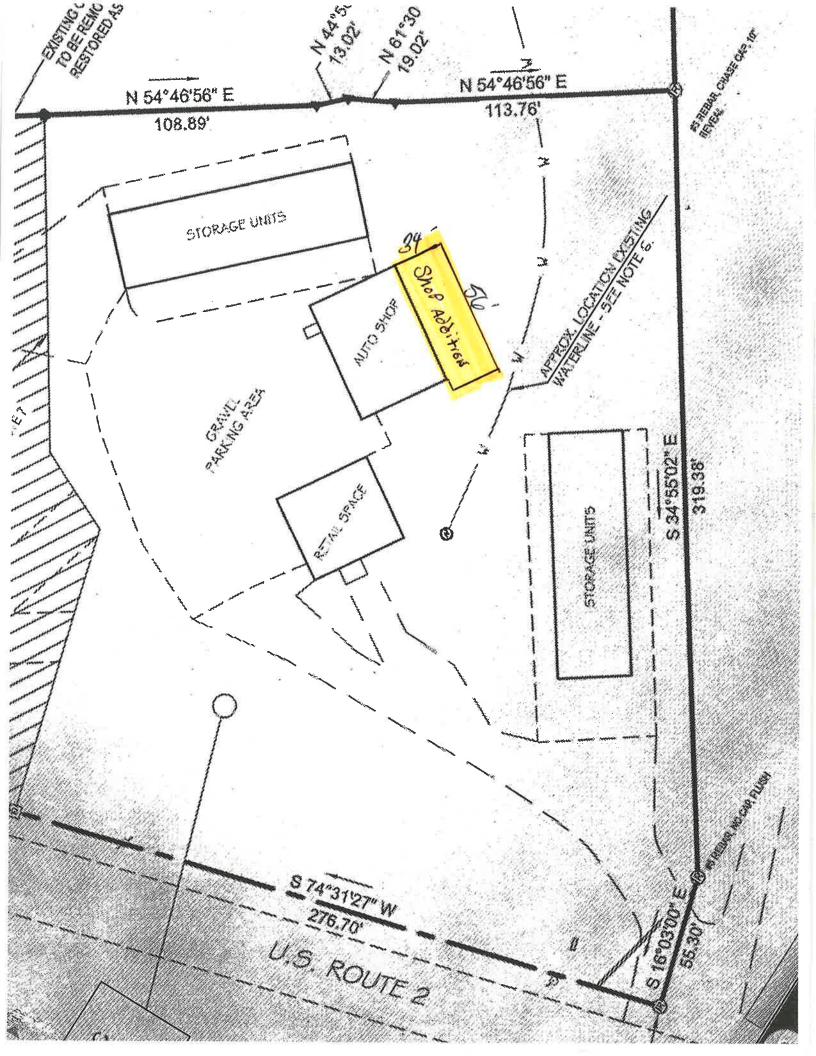
A2

Scale - 3/32" = 1' 0" Drawn: 4/2/22

VT Crossroads Auto Repair, LLC

4423 US Rte 2 East Montpelier





April 28, 2022



### M Bolduc Leasing LLC -- 4423 US Rte. 2

East Montpelier, VT

1 inch = 1079 Feet

2158

3237

1079



www.cai-tech.com

PLAINFIELD

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.