

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

Kitchen Sync Holdings LLC
438 Gallison Hill Road
Montpelier, VT 05602

Re: East Montpelier Zoning Application #22-028; Wheeler Road Parcel #05-031.600

Dear Messrs. Kitchen:

Please find enclosed the written decision of the East Montpelier Development Review Board granting preliminary plan approval of subdivision application 22-028 as presented.

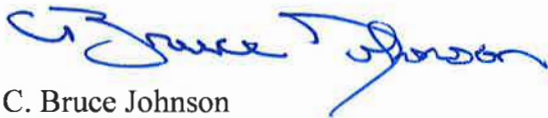
Please note: **Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat.**

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 you are authorized to request final plan approval of subdivision application 22-028. It is our understanding that you would like to proceed to a DRB hearing on August 2, 2022. You will need to submit final plans to us by July 13, 2022. As with the preliminary plan hearing, once the town has developed the warning for the August 2nd DRB meeting and crafted the necessary notice documents, you will be responsible for providing the notice to abutting neighbors and for posting the hearing notice at the property.

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: Kitchen Sync Holdings LLC
 0 Wheeler Road
 Parcel # 05-031.600 Tax Map # 11-00-59.200

East Montpelier Zoning Application #22-028

INTRODUCTION & PROCEDURAL HISTORY

1. On May 5, 2022, Daniel Kitchen, on behalf of Kitchen Sync Holdings LLC, filed an application with the Town of East Montpelier for a four-lot subdivision of the Kitchen Sync Holdings property along Wheeler Road. The proposal would split the 11-acre property into 4 lots: Lot 1 of 1.44 acres with 236 feet of Wheeler Road frontage; Lot 2 of 4.77 acres and 151 feet of Wheeler Road frontage; Lot 3 of 1.80 acres; and, Lot 4 of 3.03 acres. Both Lots 3 & 4 are accessed by easement over Lot 1.
2. The parcel in question is located in the Residential/Commercial District – Zone C, where the minimum lot size is 1 acre and subdivisions require approval from the Development Review Board.
3. On March 1, 2022, applicant representatives Daniel Kitchen, Craig Chase & Derek Bevins appeared before the DRB for an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision. Abutting neighbors William Pollock, Johannes Wheeldon and Tom Johnson (representing his son, Barclay Johnson) participated in the sketch plan review. The proposal at the time included 5 lots. The DRB determined that the proposal would be reviewed as a major subdivision, requiring both preliminary and final plan approval.
4. A public notice was duly published in the Times Argus on May 21, 2022 for a preliminary plan 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.
5. A new public notice was duly published in the Times Argus on June 11, 2022 for a preliminary plan hearing which was conducted on June 21, 2022.
6. Daniel Kitchen, David Kitchen and Kris Jurentkuff, representing owner Kitchen Sync Holdings LLC, abutting neighbors Johannes Wheeldon, Elizabeth Suiter, Kimberly Swasey and Barclay Johnson, and Zoning Administrator Bruce Johnson appeared and

participated in both the June 7 and June 21, 2022 hearings. Abutting neighbor William Pollock participated in the June 7, 2022 hearing. DRB member Norman Hill, an abutting neighbor, recused himself from the hearing process and participated as a member of the public at the June 21, 2022 hearing. There was no additional public comment.

7. The Board members who voted on this issue at the June 21, 2022 hearing were Kappel, Cueto, Cutler, Weyant and Justis.

FINDINGS OF FACT

1. Kitchen Sync Holdings LLC proposes to subdivide an 11-acre parcel located at the eastern end of the Class 3 portion of Wheeler Road. The parcel is currently improved with a large number of storage structures, most in the form of tractor trailers. Applicant intends to remove all the storage structures in the near future. Applicant would like to create four building lots, two with Wheeler Road frontage and two back lots.
2. The property is located in Zone C – the Residential & Commercial District, where a conforming lot requires 1 acre and 150 feet of road frontage or access by easement of at least 20 feet in width. The four proposed lots are as follows:
 - Lot 1 of 1.44 acres with 236 feet of frontage on Wheeler Road; Lot 1 will be accessed by a shared driveway with Lot 2; the drive will be within a 25-foot easement over Lot 2; the septic system for Lot 1 is located on Lot 2 within an easement.
 - Lot 2 of 4.77 acres with 151 feet of frontage on Wheeler Road.
 - Lot 3 of 1.80 acres with access by a 50-foot-wide easement over Lot 1; Lot 3 will share a drive with Lot 4 within that easement.
 - Lot 4 of 3.03 acres with access by variable width easement over Lot 1 & Lot 3; the easement width is 50 feet over Lot 1 and 30 feet over Lot 3.
3. Applicant has submitted two curb cut applications to the East Montpelier Selectboard. A curb cut on Lot 1 near the west side of the property will service the Lots 3 & 4 driveway. The existing curb cut on Lot 2 located at the east end of the Class 3 portion of Wheeler Road will be reconfigured to meet VTrans B-71 standards and service the Lots 1 & 2 driveway. This existing curb cut serves as the town plow turnaround. The reconfigured curb cut will include an improved turnaround area which will be located within a 30' x 50' easement that will be given to the town.
4. The proposal includes stormwater management infrastructure designed to meet the GSI Green Infrastructure Simplified standards put forth by the VT League of Cities and Towns and the VT Agency of Natural Resources.
5. All four proposed lots are expected to become building lots and will be required to have state water and wastewater permits. All lots have been evaluated for such purposes and there are known areas that should support the necessary permitting for single-family residential use.

CONCLUSIONS

The standards for the issuance of preliminary plan approval are set forth in Sections 6.7 through 6.10 of the East Montpelier Land Use & Development Regulations and other municipal regulations in effect. It is found that the standards in Section 6.7, which includes other municipal regulations in effect, Section 6.8, & Section 6.9 have been reviewed, and the proposed subdivision conforms to all applicable requirements. It is further found that Section 6.10 does not apply to this project.

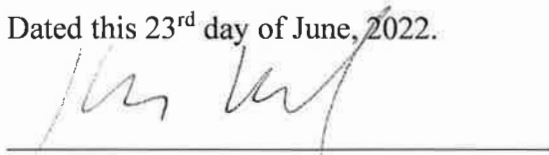
DECISION

By unanimous vote, the DRB grants preliminary plan approval for the proposed 4-lot subdivision of the Kitchen Sync Holdings LLC property along Wheeler Road as presented in East Montpelier subdivision application #22-028.

The approval of a preliminary plan shall be effective for a period of six months from the date of written notice of approval. Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat.

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.

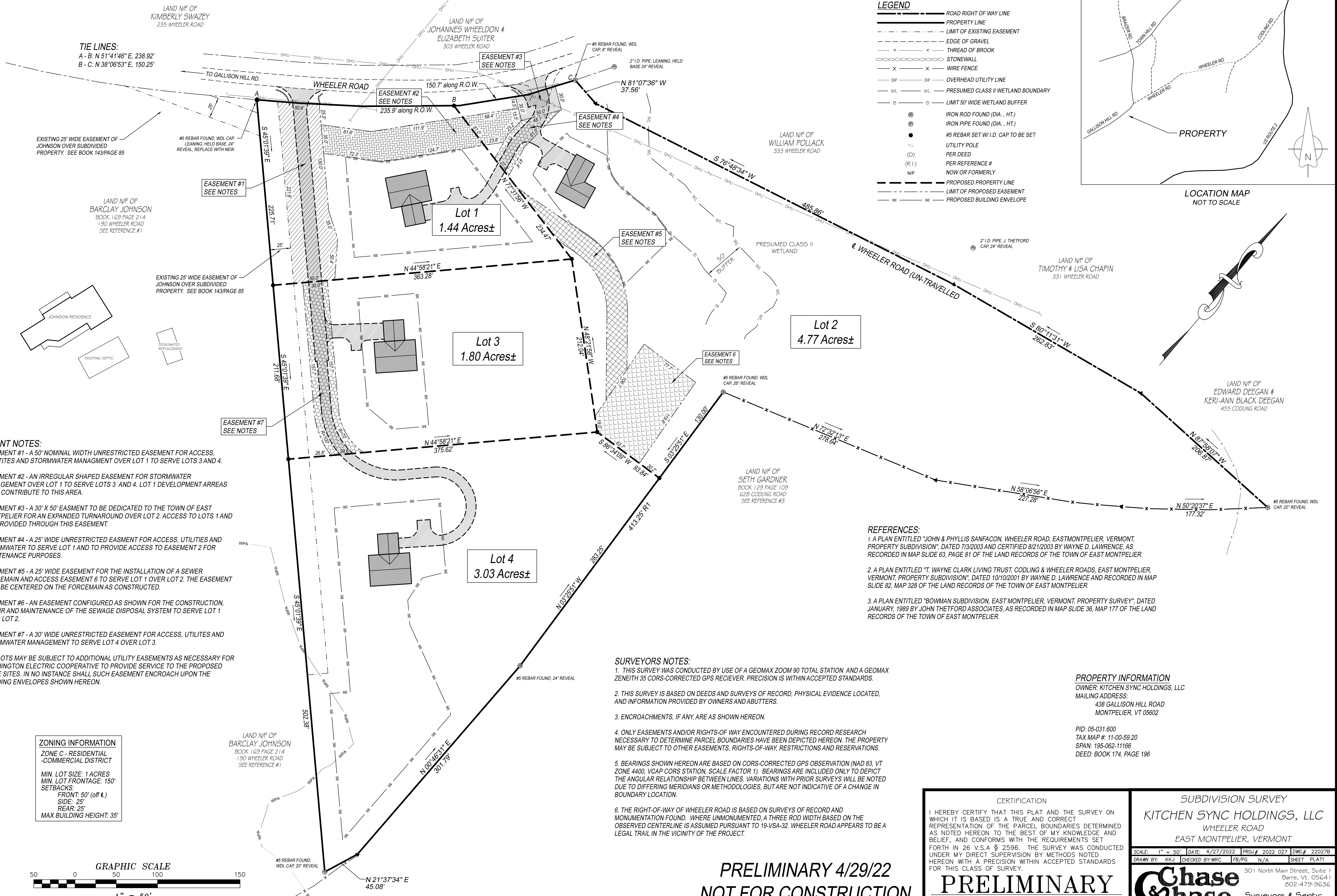
Dated this 23rd day of June, 2022.



Steve Kappel – Chair
East Montpelier Development Review Board

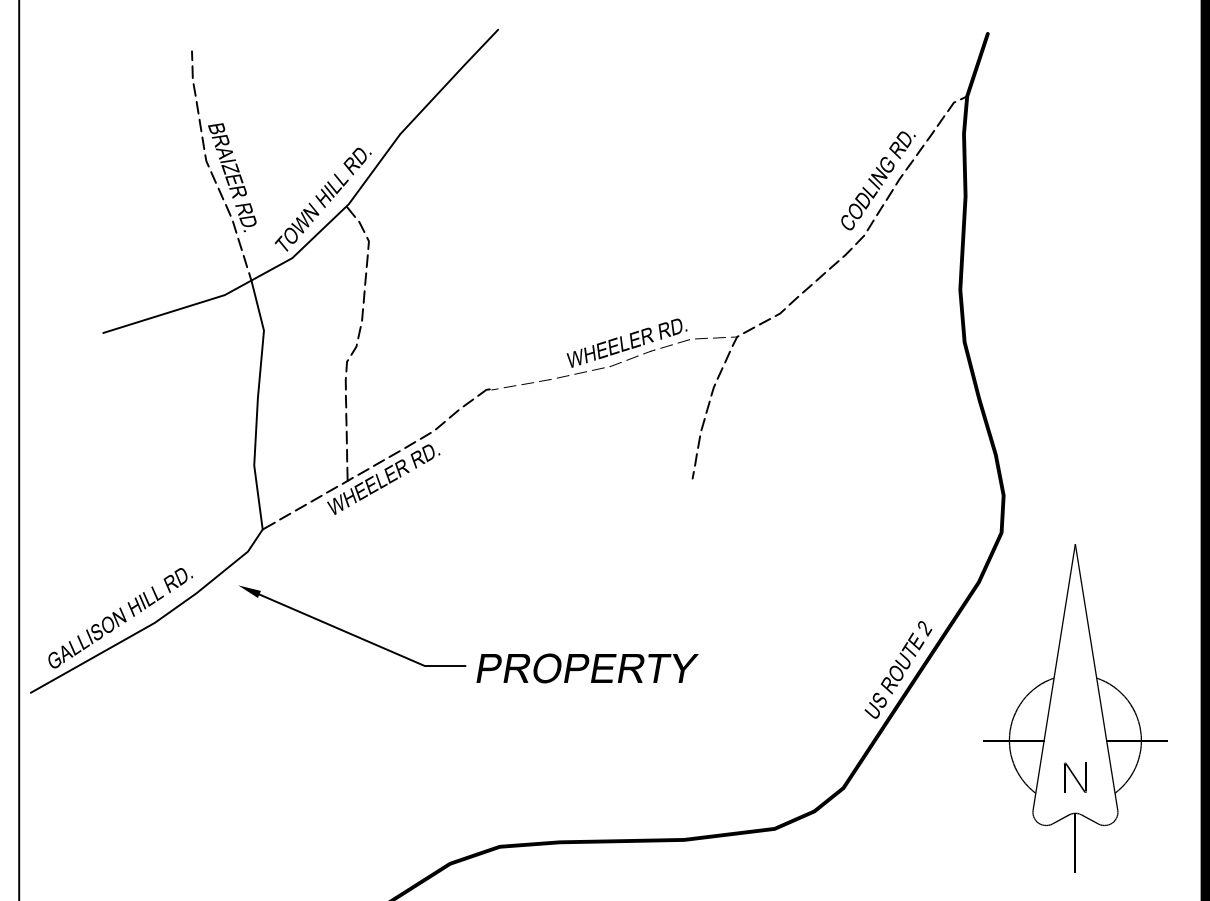
Notice: The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §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.



TIE LINES:
A - B: N 51°41'46" E, 238.92'
B - C: N 38°06'53" E, 150.25'

- LEGEND**
- ROAD RIGHT OF WAY LINE
 - PROPERTY LINE
 - LIMIT OF EXISTING EASEMENT
 - EDGE OF GRAVEL
 - THREAD OF BROOK
 - STONEWALL
 - WIRE FENCE
 - OVERHEAD UTILITY LINE
 - PRESUMED CLASS II WETLAND BOUNDARY
 - LIMIT 50' WIDE WETLAND BUFFER
 - IRON ROD FOUND (DIA., HT.)
 - IRON PIPE FOUND (DIA., HT.)
 - #5 REBAR SET W/ I.D. CAP TO BE SET
 - UTILITY POLE
 - PER DEED
 - PER REFERENCE #
 - NOW OR FORMERLY
 - PROPOSED PROPERTY LINE
 - LIMIT OF PROPOSED EASEMENT
 - PROPOSED BUILDING ENVELOPE



- EASEMENT NOTES:**
- EASEMENT #1 - A 50' NOMINAL WIDTH UNRESTRICTED EASEMENT FOR ACCESS, UTILITIES AND STORMWATER MANAGMENT OVER LOT 1 TO SERVE LOTS 3 AND 4.
 - EASEMENT #2 - AN IRREGULAR SHAPED EASEMENT FOR STORMWATER MANAGEMENT OVER LOT 1 TO SERVE LOTS 3 AND 4. LOT 1 DEVELOPMENT ARREAS ALSO CONTRIBUTE TO THIS AREA.
 - EASEMENT #3 - A 30' X 50' EASMENT TO BE DEDICATED TO THE TOWN OF EAST MONTPELIER FOR AN EXPANDED TURNAROUND OVER LOT 2. ACCESS TO LOTS 1 AND 2 IS PROVIDED THROUGH THIS EASEMENT.
 - EASEMENT #4 - A 25' WIDE UNRESTRICTED EASMENT FOR ACCESS, UTILITIES AND STORMWATER TO SERVE LOT 1 AND TO PROVIDE ACCESS TO EASEMENT 2 FOR MAINTENANCE PURPOSES.
 - EASEMENT #5 - A 25' WIDE EASEMENT FOR THE INSTALLATION OF A SEWER FORCEMAIN AND ACCESS EASEMENT 6 TO SERVE LOT 1 OVER LOT 2. THE EASEMENT IS TO BE CENTERED ON THE FORCEMAIN AS CONSTRUCTED.
 - EASEMENT #6 - AN EASEMENT CONFIGURED AS SHOWN FOR THE CONSTRUCTION, REPAIR AND MAINTENANCE OF THE SEWAGE DISPOSAL SYSTEM TO SERVE LOT 1 OVER LOT 2.
 - EASEMENT #7 - A 30' WIDE UNRESTRICTED EASEMENT FOR ACCESS, UTILITES AND STORMWATER MANAGEMENT TO SERVE LOT 4 OVER LOT 3.
 - ALL LOTS MAY BE SUBJECT TO ADDITIONAL UTILITY EASEMENTS AS NECESSARY FOR WASHINGTON ELECTRIC COOPERATIVE TO PROVIDE SERVICE TO THE PROPOSED HOME SITES. IN NO INSTANCE SHALL SUCH EASEMENT ENCROACH UPON THE BUILDING ENVELOPES SHOWN HEREON.

- REFERENCES:**
- A PLAN ENTITLED "JOHN & PHYLLIS SANFACON, WHEELER ROAD, EASTMONTPELIER, VERMONT, PROPERTY SUBDIVISION", DATED 7/3/2003 AND CERTIFIED 8/21/2003 BY WAYNE D. LAWRENCE, AS RECORDED IN MAP SLIDE 63, PAGE 81 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
 - A PLAN ENTITLED "T. WAYNE CLARK LIVING TRUST, CODLING & WHEELER ROADS, EAST MONTPELIER, VERMONT, PROPERTY SUBDIVISION", DATED 10/10/2001 BY WAYNE D. LAWRENCE AND RECORDED IN MAP SLIDE 82, MAP 328 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
 - A PLAN ENTITLED "BOWMAN SUBDIVISION, EAST MONTPELIER, VERMONT, PROPERTY SURVEY", DATED JANUARY, 1989 BY JOHN THETFORD ASSOCIATES, AS RECORDED IN MAP SLIDE 36, MAP 177 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.

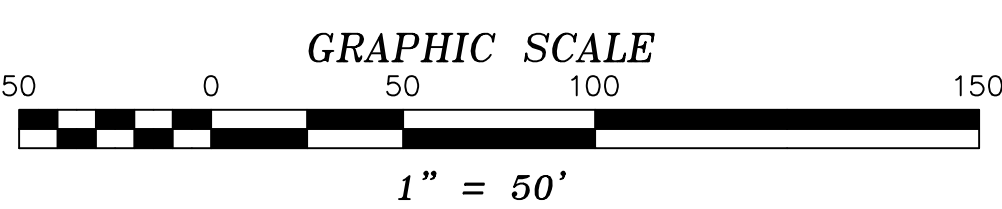
- SURVEYORS NOTES:**
- THIS SURVEY WAS CONDUCTED BY USE OF A GEOMAX ZOOM 90 TOTAL STATION AND A GEOMAX ZENITH 35 CORS-CORRECTED GPS RECIEVER. PRECISION IS WITHIN ACCEPTED STANDARDS.
 - THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL EVIDENCE LOCATED, AND INFORMATION PROVIDED BY OWNERS AND ABUTTERS.
 - ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
 - ONLY EASEMENTS AND/OR RIGHTS-OF WAY ENCOUNTERED DURING RECORD RESEARCH NECESSARY TO DETERMINE PARCEL BOUNDARIES HAVE BEEN DEPICTED HEREON. THE PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS.
 - BEARINGS SHOWN HEREON ARE BASED ON CORS-CORRECTED GPS OBSERVATION (NAD 83, VT ZONE 4400, VCAP CORS STATION, SCALE FACTOR 1). BEARINGS ARE INCLUDED ONLY TO DEPICT THE ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS WITH PRIOR SURVEYS WILL BE NOTED DUE TO DIFFERING MERIDIANS OR METHODOLOGIES, BUT ARE NOT INDICATIVE OF A CHANGE IN BOUNDARY LOCATION.
 - THE RIGHT-OF-WAY OF WHEELER ROAD IS BASED ON SURVEYS OF RECORD AND MONUMENTATION FOUND. WHERE UNMONUMENTED, A THREE ROD WIDTH BASED ON THE OBSERVED CENTERLINE IS ASSUMED PURSUANT TO 19-VSA-32. WHEELER ROAD APPEARS TO BE A LEGAL TRAIL IN THE VICINITY OF THE PROJECT.

PROPERTY INFORMATION
OWNER: KITCHEN SYNC HOLDINGS, LLC
MAILING ADDRESS:
438 GALLISON HILL ROAD
MONTPELIER, VT 05602

PID: 05-031.600
TAX MAP #: 11-00-59.20
SPAN: 195-062-11166
DEED: BOOK 174, PAGE 196

ZONING INFORMATION
ZONE C - RESIDENTIAL -COMMERCIAL DISTRICT

MIN. LOT SIZE: 1 ACRES
MIN. LOT FRONTAGE: 150'
SETBACKS:
FRONT: 50' (off E)
SIDE: 25'
REAR: 25'
MAX BUILDING HEIGHT: 35'



PRELIMINARY 4/29/22
NOT FOR CONSTRUCTION

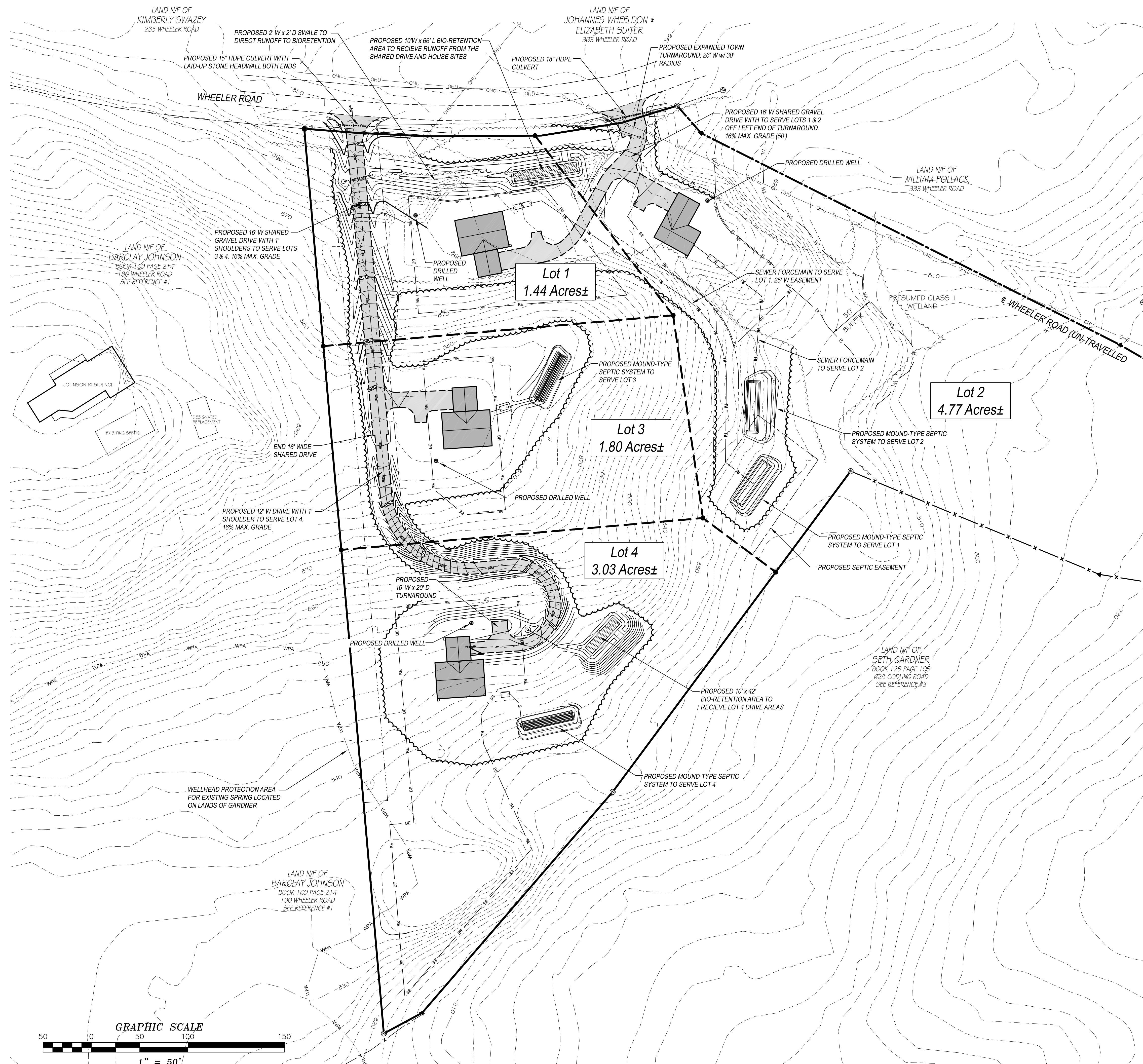
CERTIFICATION
I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND CONFORMS WITH THE REQUIREMENTS SET FORTH IN 26 V.S.A. § 2596. THE SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

PRELIMINARY
DATED: WILLIAM R. CHASE RLS. #542 VERMONT
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

SUBDIVISION SURVEY
KITCHEN SYNC HOLDINGS, LLC
WHEELER ROAD
EAST MONTPELIER, VERMONT

SCALE: 1" = 50'	DATE: 4/27/2022	PROJ#: 2022.027	DWG#: 22027B
DRAWN BY: KJ	CHECKED BY: WRC	FB/PG: N/A	SHEET: PLAT1

Chase & Chase
301 North Main Street, Suite 1
Barre, Vt. 05641
802-479-9636
Surveyors & Septic Designers, Inc



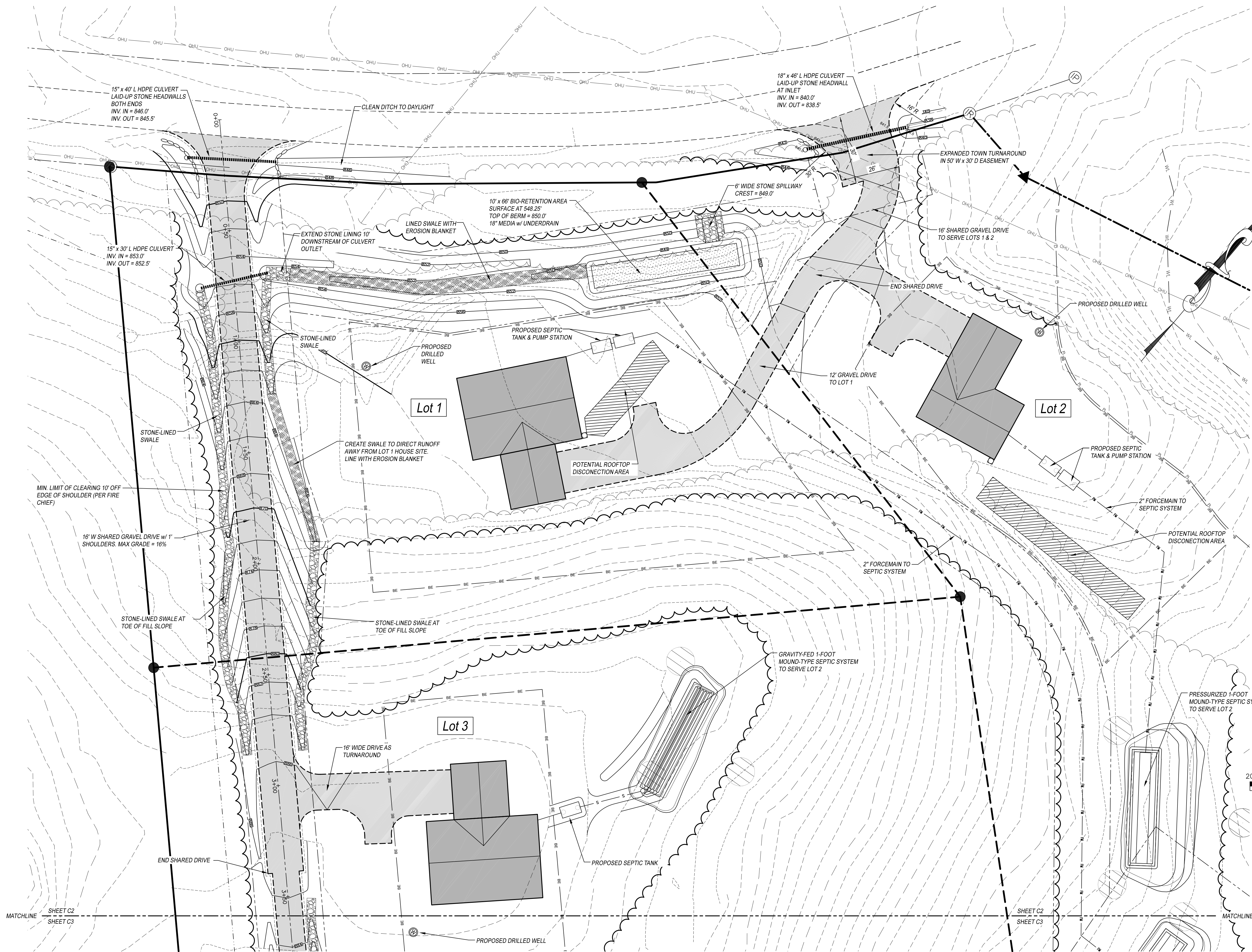
- LEGEND**
- ROAD RIGHT OF WAY LINE
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 - #5 REBAR SET W/ I.D. CAP TO BE SET
 - UTILITY POLE
 - EXISTING EDGE OF WOODS
 - PROPOSED PROPERTY LINE
 - LIMIT OF PROPOSED EASEMENT
 - PROPOSED BUILDING ENVELOPE
 - PRESUMED LIMITS OF CLEARING
 - FINISH GRADE CONTOUR

PRELIMINARY 4/29/22
NOT FOR CONSTRUCTION

50 SCALE OVERALL SITE PLAN
KITCHEN SYNC HOLDINGS, LLC
WHEELER ROAD
EAST MONTPELIER, VERMONT

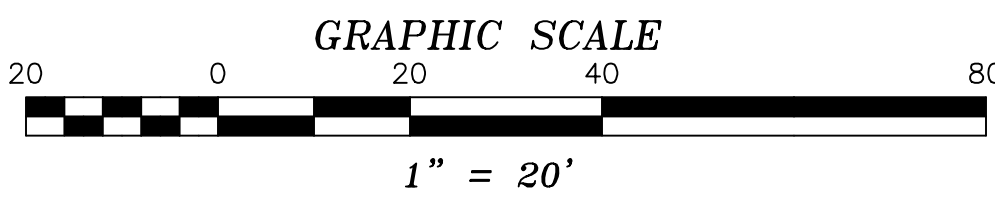
SCALE: 1" = 50' | DATE: 4/27/2022 | PROJ# 2022 027 | DWG# 22027B
DRAWN BY: KJ | CHECKED BY: DEC | FB/PG. N/A | SHEET C1

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Barre, Vt. 05641
802-479-9636
Surveyors & Septic
Designers, Inc



- LEGEND**
- ROAD RIGHT OF WAY LINE
 - PROPERTY LINE
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 - PROPOSED BUILDING ENVELOPE
 - PRESUMED LIMITS OF CLEARING
 - FINISH GRADE CONTOUR
 - SOIL TEST PIT

PRELIMINARY 4/29/22
NOT FOR CONSTRUCTION

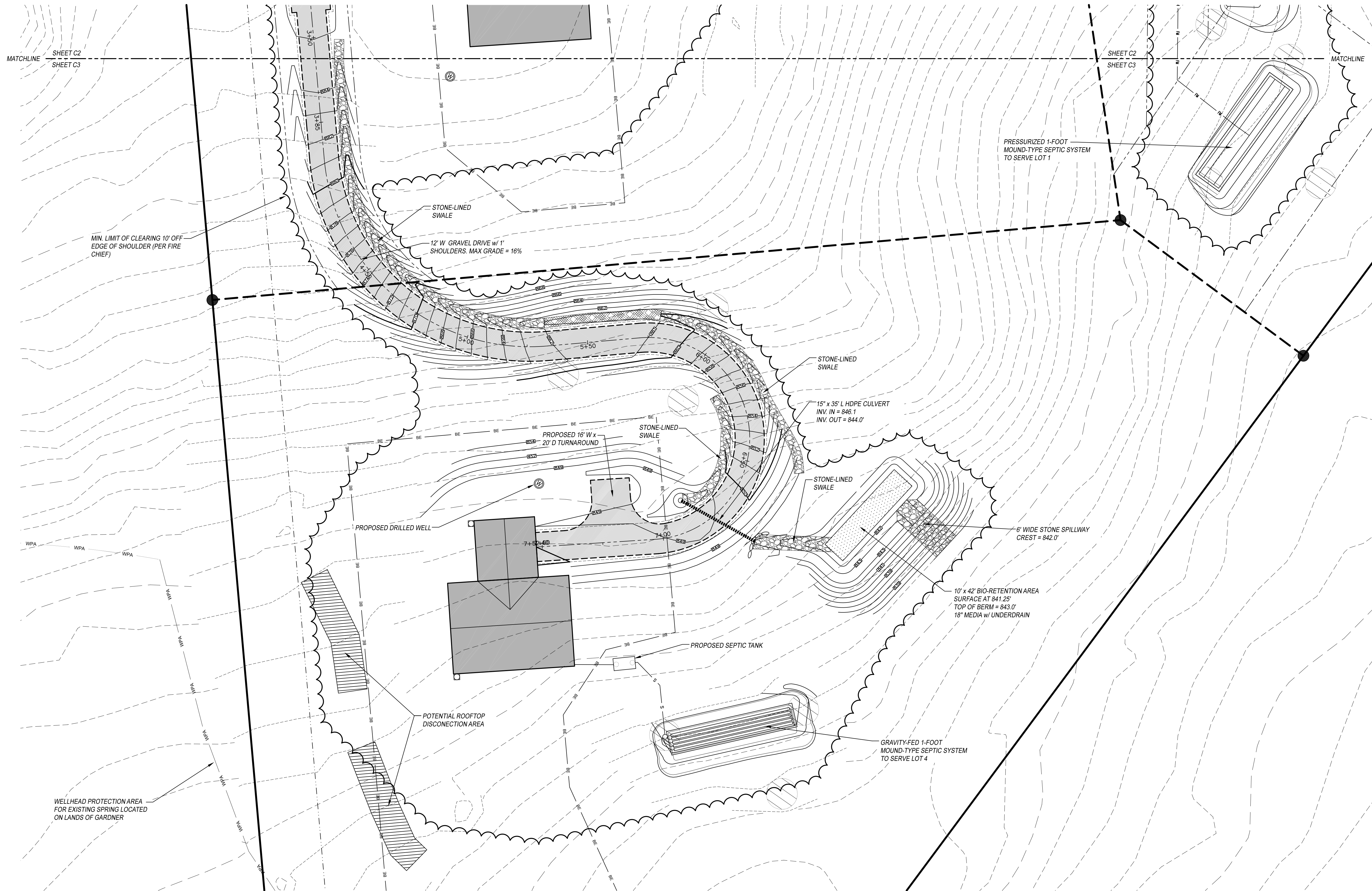


20 SCALE SITE PLAN 'A'
KITCHEN SYNC HOLDINGS, LLC
WHEELER ROAD
EAST MONTPELIER, VERMONT

SCALE: 1" = 20'	DATE: 4/27/2022	PROJ# 2022 027	DWG# 22027C
DRAWN BY: KJ	CHECKED BY: CDC	FB/PG	N/A
SHEET C2	SHEET C3	SHEET C4	SHEET C5



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Designers, Inc



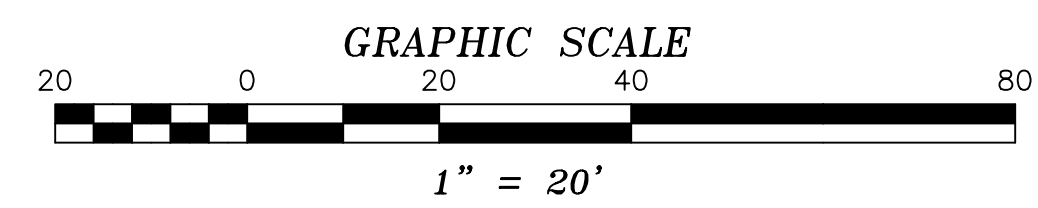
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 - PRESUMED LIMITS OF CLEARING
 - FINISH GRADE CONTOUR

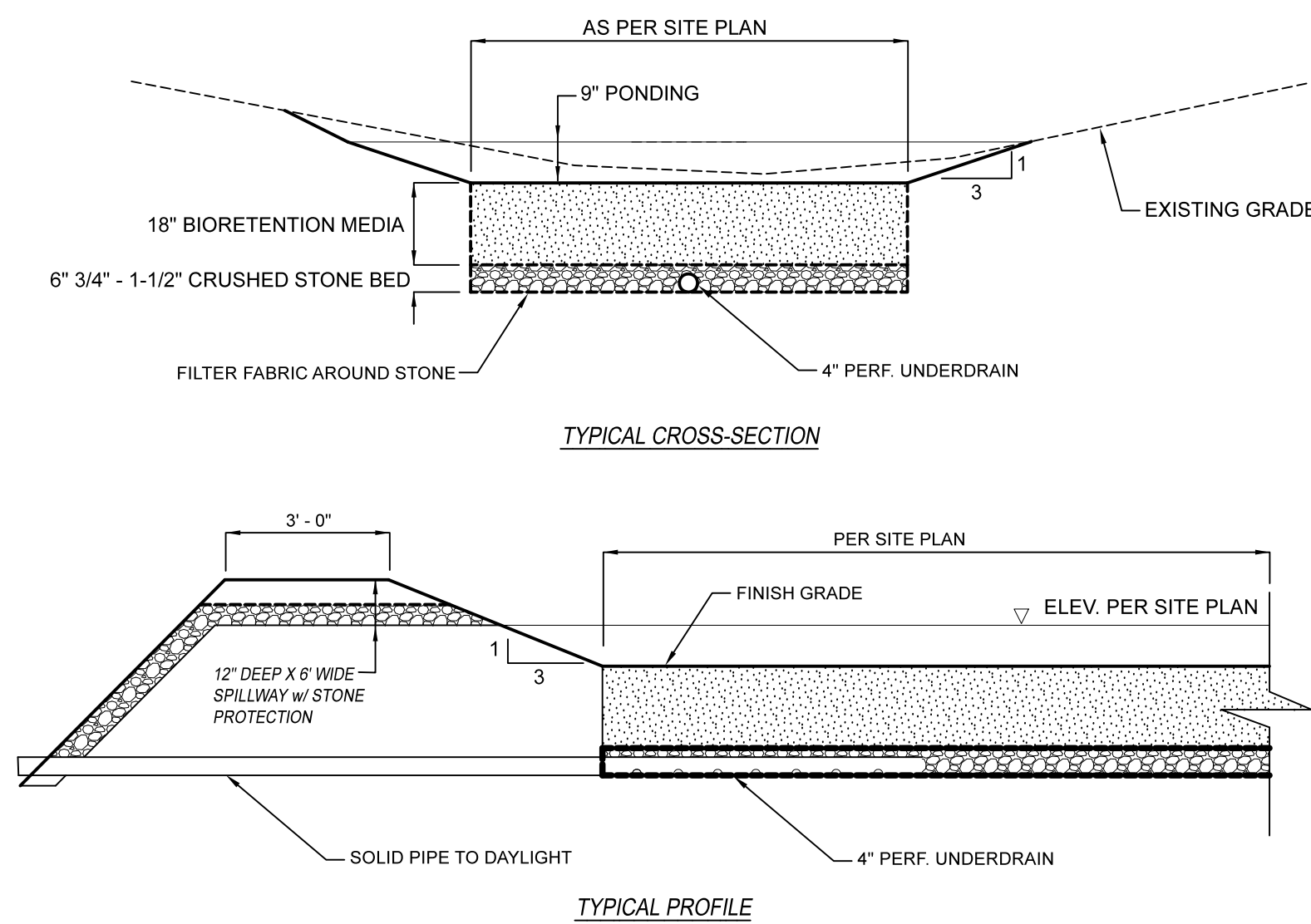
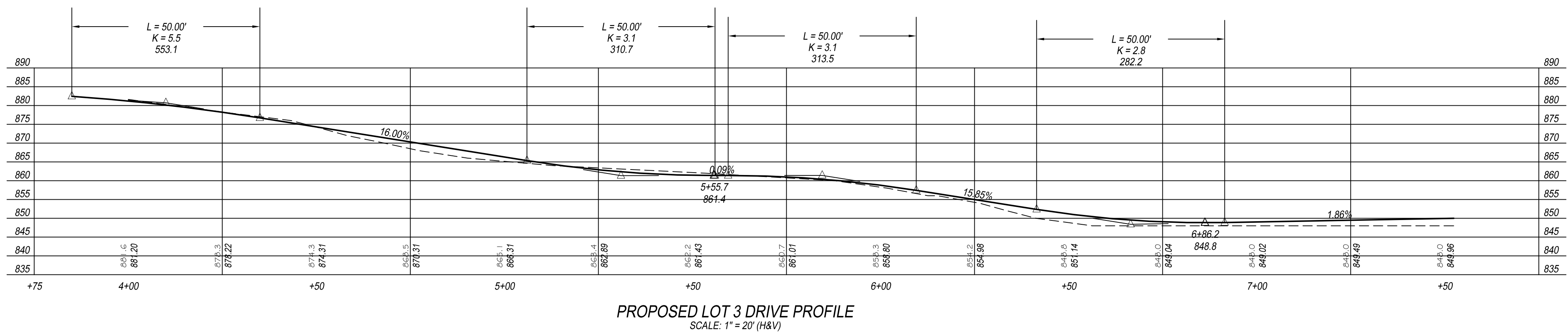
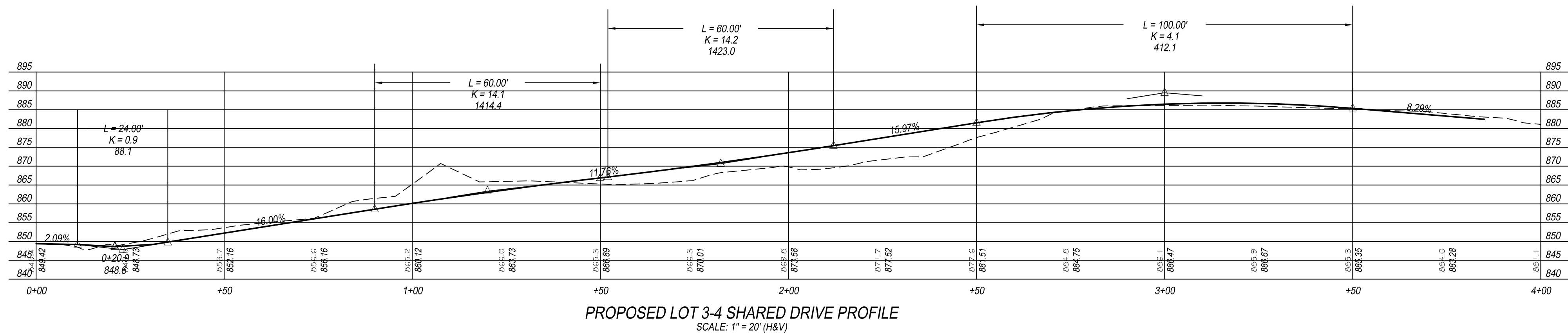
20 SCALE SITE PLAN 'B'
KITCHEN SYNC HOLDINGS, LLC
WHEELER ROAD
EAST MONTPELIER, VERMONT

SCALE: 1" = 20'	DATE: 4/27/2022	PROJ# 2022 027	DWG# 22027D
DRAWN BY: KKJ	CHECKED BY: CDC	FB/PG. N/A	SHEET C3

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PRELIMINARY 4/29/22
NOT FOR CONSTRUCTION





DETAIL - BIORETENTION AREA
NOT TO SCALE

Bioretention Media Specification

Bioretention soil to be uniform mix, free of stones, stumps, roots, and noxious weeds. Soil media shall consist of material in the USDA sand to loamy sand classification to the following gradation:

Material	Percentage
Sand	85-90%
Silt	8-12%
Clay	0-2%
Organic matter (compost)	3-5%

The bioretention facility may not be constructed until all contributing drainage area has been stabilized.

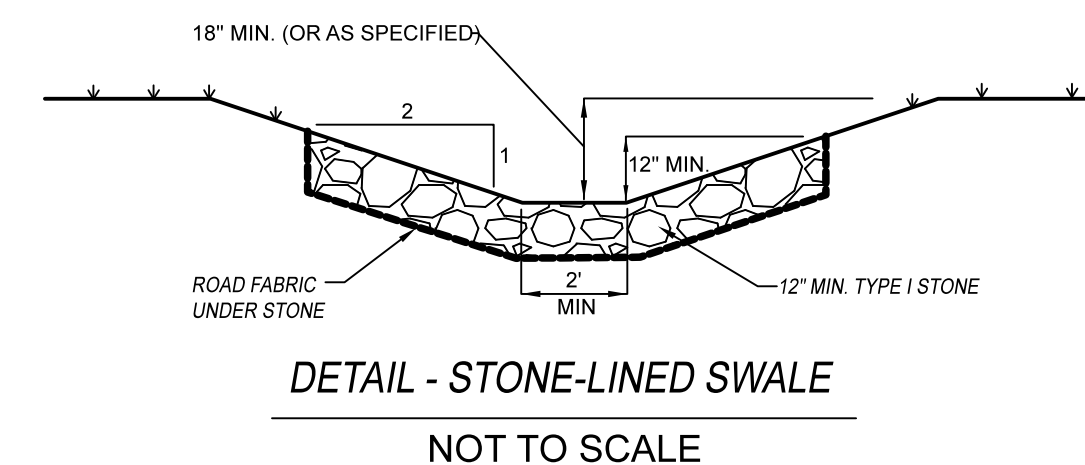
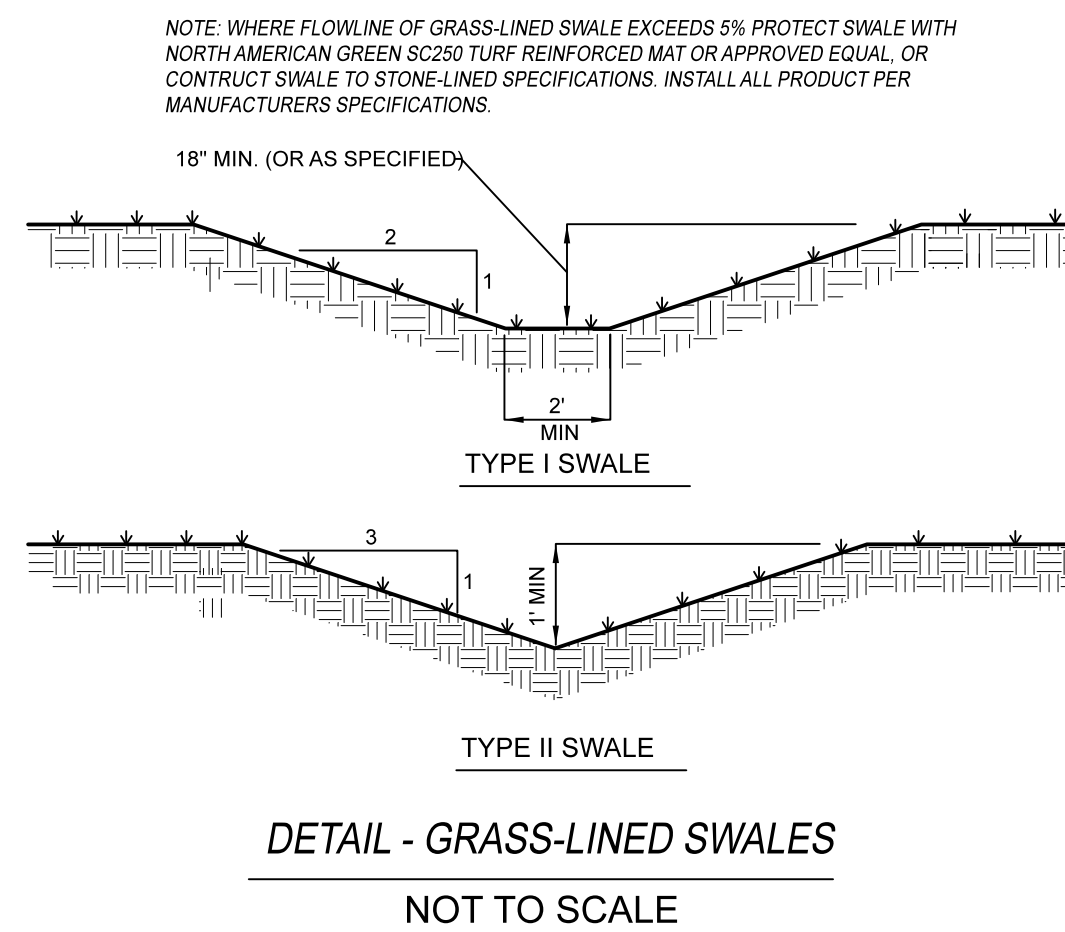
When backfilling the bioretention facility, soil shall be placed in lifts of 12" or greater. Do not use heavy equipment in the bioretention basin. Do not compact bioretention media.

At the owners discretion, the bioretention area may be planted as a rain garden. If so chosen, the area shall be planted in accordance with the following:

Plant species shall be planted in a random and natural pattern. Acceptable plantings that may be utilized in the bioretention area are as follows. All species listed do not need to be planted in the bioretention area. Alternate species may be utilized subject to owner approval.

- Hamamelis virginiana (Witch Hazel)
- Ilex verticillata (Winterberry)
- Viburnum dentatum (Arrowwood)
- Alnus serrulata (Brook-side Alder)
- Cornus stolonifera (Reichoser Dogwood)
- Iris versicolor (Blue Flag)
- Lobelia cardinalis (Cardinal Flower)
- Rubricola leonata (Culver Coneflower)
- Scirpus cyperinus (Woolgrass)
- Scirpus pungens (Three Square Bulrush)

Mulch around individual plants only. The plant root ball should be planted so 1/8th of the ball is above final grade surface. Root stock of the plant material should be kept moist during transport and on-site storage. The diameter of the planting pit should be at least six inches larger than the diameter of the planting ball. Set and maintain the plant straight during the planting process. Thoroughly water ground bed cover after installation.



PRELIMINARY 4/29/22
NOT FOR CONSTRUCTION

CONSTRUCTION DETAILS
KITCHEN SYNC HOLDINGS, LLC
WHEELER ROAD
EAST MONTPELIER, VERMONT

SCALE:	AS NOTED	DATE:	4/27/2022	PROJ#	2022 027	DWG#	22027E
DRAWN BY:	KKJ	CHECKED BY:	CDC	FB/PG.	N/A	SHEET	C4

Chase & Chase

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