

Permit # 24-049
Zoning District C
Overlays NINE

ZONING PERMIT APPLICATION
TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 11/6/24
Parcel # 09-038.200
Tax Map 12-02-22.022

- *****
- A. 1. Name of Landowner GJGWP Land Inc Phone No. 802-279-1134
2. Address of Landowner P.O. Box 277, East Montpelier VT 05651
3. Applicant (other than owner) Dion Equipment Sales Inc Phone No. 802-793-7023
4. Address of Applicant 75 Fair Road, East Montpelier VT 05651
5. Location of Property 1796 VT-143 East Montpelier VT 05651

B: Application is made (check appropriate boxes):

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

Describe work to be performed Prospective change of use to include buy/sell/trade of construction / Ag / Landscape equipment + trailers etc in addition to current use as there has been a large drop in coal sales over the years. would also like to add the possibility of adding rental of similar equipment to be able to diversify in the future.

- C. Lot description:
- | | |
|--|---|
| 1. acreage <u>4.6</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage Ft. | |
| 3. depth front yard Ft.
(Road centerline to building) | 5. depth rear yard 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 Greg W. Pelchert Date 11/5/2024
Applicant [Signature] Date 11/5/24

Zoning Permit Fee: \$ 250.00 Cash Receipt # 5709 Check _____ Date 11/6/24 Rec'd by [Signature]
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 # Date Issued Effective Date

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) 11-16-2024 TIMES ARGUS

2. Date(s) of Hearing 12-3-2024

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:

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.

Town of East Montpelier

PO Box 157

East Montpelier, VT 05651

Abutter List for DRB Hearings

24 V.S.A. §4464(a) requires public notice of development review applications before the Development Review Board. East Montpelier requires applicants to deliver the notice provided by the Town to all abutters by certified mail or by hand delivery. You must submit to the Zoning Administrator proof of delivery by certified mail receipts or proof of hand delivery via abutter signature on forms supplied by the Town and a signed certificate of service attesting to all deliveries. All proof of delivery must be returned to the ZA prior to the hearing. Further, the Public Hearing Notice must be posted on the property in a location easily seen from the nearest public road.

The list of abutters provided is generated from the most current year available tax map and grand list. The applicant is responsible for ensuring the accuracy of the list and ensuring that all abutters receive proper notice of the hearing.

Application # 24-049

Hearing Date 12/03/2024

Applicant Dion Equipment Sales Inc
75 Fair Road
East Montpelier, VT 05651

Abutters VT State Housing Authority
1 Prospect Street
Montpelier, VT 05602

Date _____

Steven and Janet Noyes
174 Stevens Brook
Waterbury, VT 05676

Date _____

DB Design Inc
1804 VT Route 14S
East Montpelier, VT 05651

Date _____

GRJCR Properties LLC
76 Lague Lane
Barre, VT 05641

Date _____

Dion Equipment Sales
Proposed site plan for 1776 Vt 14
East Montpelier Vt 05651

802-793-7023

As change of use permit reads “ Prospective change of use to include buy/sell/trade of construction/ag/landscape equipment/trailers etc in addition to current use as there has been a large drop in coal sales over the years- Would also like to add the possibility of adding rental of similar equipment to be able to diversify in the future.”

A little explanation for clarity on the site plan map- I have overlaid prospective changes to yard layout on an original site plan drawing- in hopes of saving unnecessary engineering costs since there are no major changes planned. The proposed parking/display areas reflect more the original site seen in the 1996 satellite image found (approx 3 years after original building was built) Also in the materials I am providing is the most current ANR map that is on East Montpeliers online resources. The wellhead protection area laid out in the original drawing, consulting with the ANR map- does not appear to be in play. I believe it pertains to the old Crystal Springs well which is no longer in use. There is a protection area for Sandy Pines mobile home park but it does not enter the property, appears to graze the boundary according to the map- The yard and parking areas have grown in dramatically over the years, especially the recent years as the Pelchucks have grown a little closer to retirement, also coinciding with the decline in coal sales in the recent past- The intent is to return the yard to being more open, with respect being paid to the few residential properties that abut. Starting from the pin at the East Montpelier Home Center Warehouse, you will see an easement for their septic system/leach field. That will remain mostly untouched (although it would be in their best interest to clear the trees/scrub that has started to grow on the leach field). Some trees along the drive would be cut back as they now touch vehicles if you are to one side or the other of the entrance road.

Moving rearward along the property line between yard/Sandy Pines mobile home park- This was originally mostly open with exception of one outcropping of trees, some trees were added toward front of property for screening- with most of this line now overgrown and a bit out of control, I would cut back to leave a proposed 25ft section of trees/vegetation for screening-or cut to line and add a hedge depending on future need. On the map I have reflected this buffer on the 1776 property, however, in areas where the buffer is in excess of this 25ft on the Sandy Pines side, I may go up to the line as the treed area on that side becomes wider and more expansive toward rear of property.

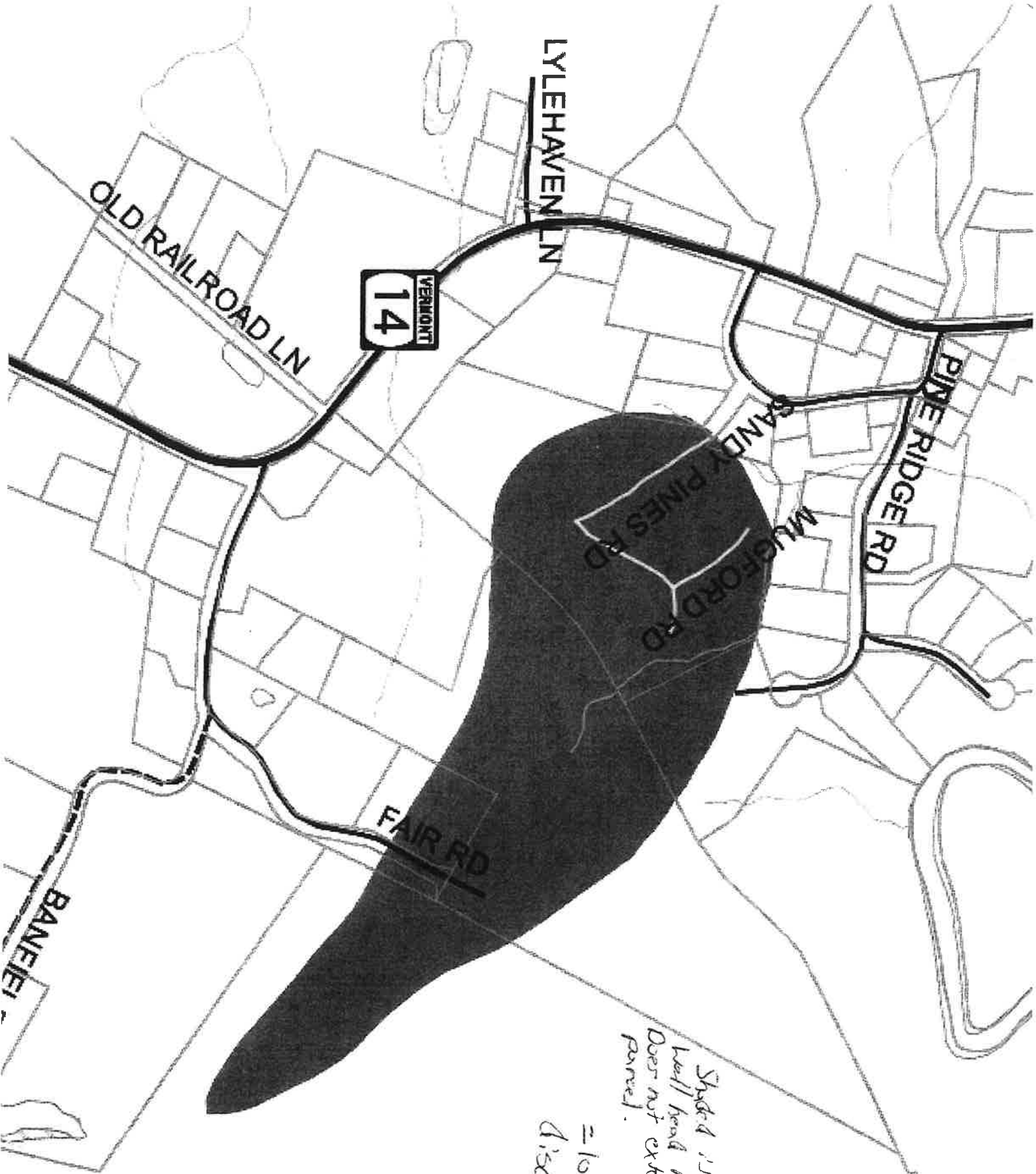
Working toward the McCormack/Bennett properties, my opinion is that these could be the most affected as they are the closest buildings to the site- I have spoken with both property owners, offering a few ideas and asking for some as well. A talk with Rubin Bennett floated a few helpful ideas but basically ended with "we'll figure it out". A more lengthy exploration with the McCormacks' has resulted with a few more ideas- the first being, until that last 100 or so feet is needed, just leaving it as is. This mostly consisting of pines that have grown up over the last 10-30 or so years. Both they and I wanting something in mind for the future, have voiced some additional thoughts. If things go well and more room and or expansion is needed, I would plan to go back another 50', leaving approximately 50' between the properties, and at that point deciding what is best, a fence or hedge of some sort for screening. I prefer that screen to be implemented at the property line. While the current neighbors have been great in exploring/planning this, I worry that putting the screen at current proposed buffer distance would be interpreted by any future owner that they own up to the hedge or fence- If put at property line, there is usually no question. With building setbacks at only 15 feet, hopefully this extra offering is sufficient.

Rounding the next line, the hangar building, has a good line of screening with its own trees on the (2) short lines it borders the 1776 property. I do not see any issues to mention on this corner at this time.

I have spoken with the owner of the GRJCR property, he expressed an interest in less trees, not more, as they use some parking that borders the property. The current preference is that some trees on the line be removed to avoid future damage to their parking area from falling trees- I am also in agreement with that.

The last abutter is the DB Design property at the front corner of the property. This area has also become overgrown and would be cut back at some point as needed. They have a solid section of growth on their side as well, I do not foresee any issue with taking this back to the line.

The general idea behind all this is to get the site closer to what it originally was, allowing more display and functionality.



Shaded is Sandy Pines
Well head Protection Area.
Does not extend to this
point.

= lot being
discussed

Town Copy