



Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482

Clerk/Treasurer
(802) 985-5116

Town Manager
(802) 985-5110

Zoning & Planning
(802) 985-5118

Assessor
(802) 985-5115

Recreation
(802) 985-9551

FAX Number
(802) 985-9550

NOTICE OF VIOLATION

Certified Mail # 7608 1830 0003 0190 1175
Duplicate sent First Class

Vermont Railways System
One Railway Lane
Burlington, Vermont 05401

January 20, 2016

Re: Notice of Violation, 2087 Shelburne Road, Parcel Id #6-1-13

Dear Vermont Railways System:

The purpose of this letter is to provide you with official notice pursuant to 24 V.S.A. § 4451 that a violation of the Town of Shelburne Zoning Bylaws exists at your property located (according to pre-E911 addressing) at 2087 Shelburne Road. The property in question is also identified under the Town's map-block-and-lot numbering system as parcel 6-1-13. It has a Span number of 582-183-11857.

Shelburne's Zoning Bylaws (§ 2010.1) prohibit land development—including any change in the use of any building or structure, or land, or extension of use of land—without first obtaining a zoning permit. Shelburne's Zoning Bylaws (at §1160 and §1900) also require site plan approval for the change of use, or addition of a use, to the above-referenced property.

Please be advised that based on information available to the Town, you have commenced land development without a permit, in violation of §2010.1 of Shelburne's Zoning Bylaws. These violations are more specifically enumerated below:

- 1) Commenced a change of use (to forestry) without a permit.
- 2) Commenced a use (forestry) that is not an allowed use in the Commerce and Industry District.
- 3) Commenced a use (forestry) that is preempted from local regulation only when performed in accordance with accepted silvicultural practices, as those practices are defined by the Commissioner of Forests, Parks, and Recreation under Subsection 1021(f) and 1259(f) of Title 10 and Section 4810 of Title 6.
- 4) Commenced use of land in a manner violating zoning bylaw performance standards set forth in Section 1950 and as specifically governed by Section 1950.4.

You have seven (7) days from the date of this letter to discontinue this violation, take appropriate remedial action by either removing the illegal use from the above-referenced property or applying for a zoning permit for the use, and comply with the Zoning Bylaws.

If you do not submit documentation within seven (7) days of the date of this letter and demonstrate that the violation has been cured, the Town may pursue this matter in court. In such court proceeding, the Town will be entitled to seek appropriate injunctive relief and fines of up to \$200.00 per day for each day your violation continues beyond the seven (7) day period provided in this letter.

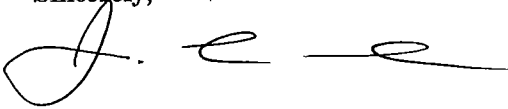
In accordance with 24 V.S.A. § 4451(a), if the violation described in this letter occurs again within twelve (12) months of the date of this letter, you will not be entitled to receive a further Notice of Violation from the Town before the Town pursues further enforcement proceedings.

You may appeal this Notice of Violation to the Development Review Board by filing a written notice of appeal and the appeal fee of \$200.00 plus a \$10.00 recording fee within fifteen (15) days of the date of this letter with the Clerk of the Development Review Board at the following address:

Clerk, Development Review Board
c/o Dean Pierce, Director of Planning & Zoning
P.O. Box 88
Shelburne, VT 05482

Failure to file an appeal within the above period of time will render this Notice of Violation the final decision on the violation(s) addressed in the Notice. Also enclosed is information on the appeal process. I can be reached by phone at (802-985-5111) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Colangelo', written over a horizontal line.

Joe Colangelo
Town Manager & Zoning Enforcement Officer

Enclosure: Appeal information as noted

cc: Monaghan, Safar, Ducham, Shelburne Town Attorney
Shelburne Planning & Zoning
File

Administrative Decision Appeal Summary*

***NOTE:** The information below summarizes certain portions of Title 24, §4464 - §4468 and was developed for the convenience of the public. This summary omits portions of statute and is not intended for use without reading the statute and corresponding sections of the Town's Zoning bylaw.

Appeals of decisions or actions of the Administrative Officer, including permits, are subject to the following:

1. Compliance with Title 24, Section 4465(a), Appeals of decisions of the administrative officer, which requires that a notice of **appeal must be filed within 15 days of the date of administrative officer's decision or act, and a copy of the notice of appeal shall be filed with the administrative office.**
2. Compliance with Title 24, Section 4466, Notice of appeal, which requires that a notice of **appeal shall be writing and shall include:**
 - The name and address of the appellant;
 - Brief description of the property with respect to which the appeal is taken;
 - Reference to the regulatory provisions applicable to that appeal;
 - The relief requested by the appellant; and,
 - The alleged grounds why such requested relief is believed proper under the circumstances.
3. Compliance with Title 24, Section 4464(a)(1)(c), which requires that **written notification be provided to owners of all properties adjoining the property** subject to development or appeal, including the owners of properties which would be contiguous to the property subject to development or appeal "but for the interposition of a highway or other public right-of-way." This notice must be provided no fewer than 15 days prior the hearing on the appeal conducted by the Development Review Board. Furthermore, pursuant to the Shelburne Zoning bylaws (2080.1(C), which is adopted pursuant to Title 24, Section 4464(a)(3)),
 - **Stamped and addressed envelopes for each owner of record shall be provided to the Town by the applicant/appellant.** The Town will mail notices using the envelopes provided. Appellants are encouraged to provide these envelopes at the time of filing an appeal.
4. Payment of \$200 appeal fee, plus a \$10.00 recording fee, payable to the Town of Shelburne.
5. Compliance with Title 24, Section 4468, Hearing on appeal. The Development Review Board will set a date and place for a public hearing of an appeal that shall be within 60 days of the filing of the notice of appeal. Any person or body empowered by statute to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing.