

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: August 8, 2016

Effective Date: August 23, 2016

Location: 0 Captain Kidd Road

Owner: Duane Wells

For: 2 lot Subdivision of 06-101 lot 9:

New Lot 9 of 9.03 acres; lot 10 of 15.22 acres

Application # 16-033

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) 505-5367, before beginning any construction.

TOWN of EAST MONTPELIER

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
eastmontadmin@comcast.net
(802) 223-3313 ext. 204

August 8, 2016

Duane Wells
45 Cutler Heights
Montpelier, VT 05602

Re: East Montpelier Zoning Application #16-033

Dear Mr. Wells:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #16-033 as presented. The DRB noted two errors on the subdivision plat that need to be corrected before you file the mylar:

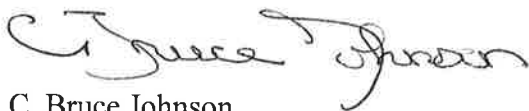
- Captain Kidd Road needs to be properly labeled and references to future events dealing with the road removed
- Lot 6 of your original subdivision is shown as a duplicate Lot 4; the labeling needs to be corrected

I've already passed these correction requests on to Craig Chase.

You 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 #16-033 for a 2-lot subdivision of your 2006 Wells Captain Kidd Road subdivision remainder Lot 9. You have 180 days to duly file and record a mylar copy of the approved subdivision plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must be certified by me, the zoning administrator, as a true copy of the approved subdivision plat prior to recording. 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: Duane Wells
 Lot 9 of 2006 Wells Captain Kidd Road Subdivision (06-101)
 Parcel # 09-105.900 Tax Map # 12-02-29.290

East Montpelier Zoning Application #16-033

INTRODUCTION & PROCEDURAL HISTORY

1. On July 14, 2016, Duane Wells filed an application with the Town of East Montpelier to subdivide his undeveloped property located between East Hill, Captain Kidd, Banfield, and Clark Roads. The proposal would divide the 24.25-acre parcel into 2 lots: one of 9.03 acres with access on East Hill Road; and, one of 15.22 acres with access on Captain Kidd, Banfield, and Clark Roads.
2. The property in question is located in the Rural Residential/Agricultural District – Zone D, where the minimum lot size is 3 acres and subdivisions require approval from the Development Review Board.
3. A public notice was duly published in the Times Argus on July 17, 2016 for a hearing, which was conducted on August 2, 2016.
4. Zoning Administrator Bruce Johnson appeared and participated in the August 2, 2016 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the August 2, 2016 hearing were Greenwald, Lane, Kappel, Welch, Santor, Watson, and Hill.

FINDINGS OF FACT

1. Duane Wells owns a 24.25-acre undeveloped parcel in East Montpelier, known as remainder Lot 9 of the 2006 Wells Captain Kidd Road subdivision (East Montpelier Permit 06-101). The parcel has road frontage along East Hill, Banfield, Clark, and Captain Kidd Roads. The remainder lot is an unusually-shaped parcel made up of two large sections connected by a 20-foot wide by 457-foot long rectangle. He proposes to split the parcel into two lots: one of 9.03 acres and the other, which includes the narrow rectangle, of 15.22 acres.
2. The property is located in Zone D – the Rural Residential & Agricultural District, where a conforming lot requires 3 acres and 250 feet of road frontage. The proposed new Lot 9,

the 9.03-acre parcel, has 833 feet of frontage along East Hill Road, a Class 3 town road. The proposed new Lot 10, the 15.22-acre parcel, has over 1,700 feet of frontage on Banfield, Clark, and Captain Kidd Roads, all Class 3 town roads.

3. Applicant intends to maintain ownership of the 15.22-acre lot for the present time. Applicant intends to convey the 9.03-acre lot to another party. No development is currently anticipated for either lot.
4. Applicant applied for a residential access on East Hill Road to serve proposed new Lot 9. On August 1, 2016 the East Montpelier Selectboard approved the requested curb cut in a location approximately 400 feet west along East Hill Road from the property line of proposed new Lot 9 with Lot 8 (429 East Hill Road) of the 2006 Wells Captain Kidd Road subdivision.
5. Two minor technical errors were discovered on the subdivision plat: Captain Kidd Road is now a Class 3 town road and the road name should be labeled on the plat; and, Lot 6 from the 2006 Wells subdivision is labeled as a duplicate Lot 4, which needs to be corrected.

CONCLUSIONS

The standards for the issuance of a subdivision permit are set forth in Sections 6.7 through 6.10 of the East Montpelier Land Use & Development Regulations. It is found that the standards in Sections 6.7, 6.8, & 6.9 have been reviewed, and the proposed subdivision meets all applicable requirements. It is further found that Section 6.10 does not apply to this project.

DECISION

By unanimous vote, the DRB approves Zoning Permit #16-033 to allow the subdivision of Wells Parcel #09-105.900 as presented with the understanding that two minor technical issues with the subdivision plat will be corrected prior to the filing of the mylar.

This subdivision approval is subject to the East Montpelier Land Use & Development Regulations Section 6.6 plat recording requirements which, among other directives, mandate the filing of a mylar copy of the approved subdivision plat in the East Montpelier land records within 180 days of the date of subdivision approval.

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) 505-5367 to speak to the state Permit Specialist before beginning any construction.

Dated this 8th day of August, 2016.

A handwritten signature in cursive script, reading "Carol Welch", is written over a horizontal line.

Carol Welch – Vice-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 # 16-033
Zoning District D
Overlays -

ZONING PERMIT APPLICATION
TOWN OF EAST MONTPELIER
PO Box 157, East Montpelier, VT 05651

Date Received: 7/14/16
Parcel # 09-105.900
Tax Map # 12-02-29.290

A. 1. Name of Landowner..... Diana Wells Phone No. 249-0733
2. Address of Landowner..... 45 Cutler Hts Rd, Montpelier
3. Applicant (other than owner)..... Phone No.....
4. Address of Applicant.....
5. Location of Property..... East Hill Rd, E. Montpelier

B: Application is made (check appropriate boxes):

To: Construct Repair Alter Extend Remove Change use
For: One Two-family dwelling Multi-family dwelling Accessory Structure Commercial / Business Light Industrial Industrial
For: Subdivision of land Boundary adjustment Extraction of earth resources Ground water withdrawal Landfilling Other

Describe work to be performed..... Modify survey to separate 9(+/-)
H. See survey/subdivision plan

C. Lot description:
1. acreage 24A (+/-)
2. road frontage 1000+ Ft.
3. depth front yard Ft.
(Road centerline to building)
4. depth side yards Ft. Ft.
(building to lot lines)
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..... Diana Wells Date 7/14/16
Applicant..... Date.....

Zoning Permit Fee: \$ 250.00 Cash _____ Check \$510 Date 7/14/16 Rec'd by DB
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. Call (802) 505-5367 to speak to Peter Kopsco, our region's state permit specialist, before beginning any construction.

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 By
Date

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. The appeal fee is \$150.00.

3. Final Action: Permit # 16-033 Date Issued 08/08/16 Effective Date 08/23/16

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

[Signature]
.....
Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date 7/17/16.....

2. Date(s) of Hearing 8/2/16.....

3. Granted Without conditions With conditions (See written decision for conditions)

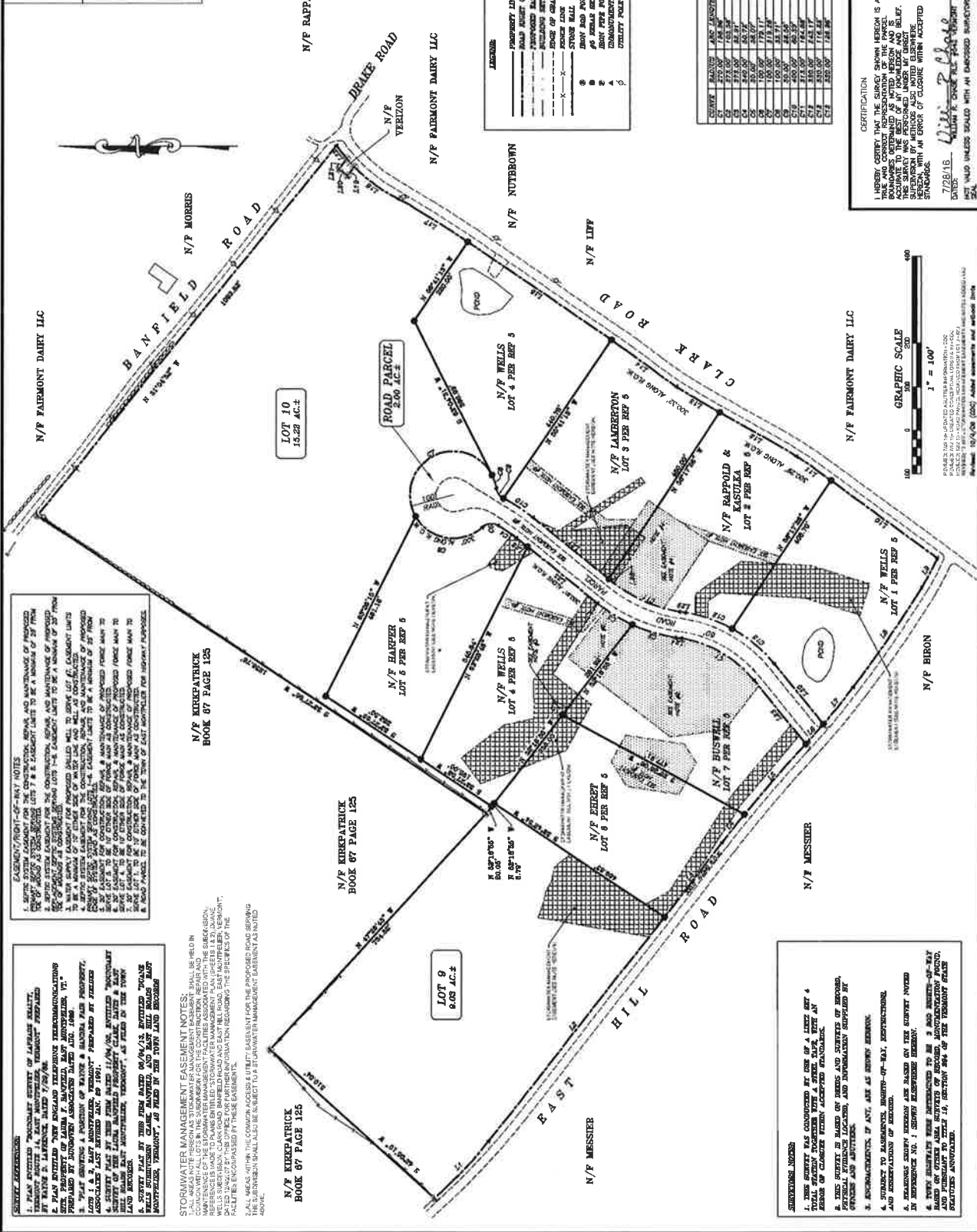
4. Denied (See written decision for reasoning)

[Signature]
.....
Chairman, Development Review Board

The DRB's written decision was issued on: August 8, 2016

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STORROWATER MANAGEMENT EASEMENT NOTES:

1. ALL AREAS WITHIN THE CONVEYANCE SUBJECT TO THE PROPOSED ROAD SEWERING SHALL BE HELD IN TRUST FOR THE STORROWATER MANAGEMENT EASEMENT AS NOTED ABOVE.
2. THE SUBSCRIBER SHALL ALSO BE SUBJECT TO A STORROWATER MANAGEMENT EASEMENT AS NOTED ABOVE.

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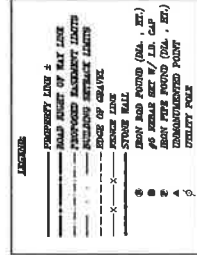
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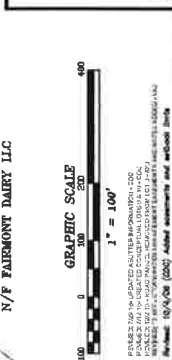
LINE	BEARING	DISTANCE
1	N 89° 15' 00" W	144.00'
2	S 89° 15' 00" E	144.00'
3	N 00° 00' 00" E	144.00'
4	S 00° 00' 00" W	144.00'
5	N 89° 15' 00" W	144.00'
6	S 89° 15' 00" E	144.00'
7	N 00° 00' 00" E	144.00'
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CURVE	BEARING	ANGLE	CHORD	LENGTH	CHORD BEARING	DELTA ANGLE
C1	N 89° 15' 00" W	144.00'	144.00'	144.00'	N 89° 15' 00" W	144.00'
C2	S 89° 15' 00" E	144.00'	144.00'	144.00'	S 89° 15' 00" E	144.00'
C3	N 00° 00' 00" E	144.00'	144.00'	144.00'	N 00° 00' 00" E	144.00'
C4	S 00° 00' 00" W	144.00'	144.00'	144.00'	S 00° 00' 00" W	144.00'
C5	N 89° 15' 00" W	144.00'	144.00'	144.00'	N 89° 15' 00" W	144.00'
C6	S 89° 15' 00" E	144.00'	144.00'	144.00'	S 89° 15' 00" E	144.00'
C7	N 00° 00' 00" E	144.00'	144.00'	144.00'	N 00° 00' 00" E	144.00'
C8	S 00° 00' 00" W	144.00'	144.00'	144.00'	S 00° 00' 00" W	144.00'
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C19	N 00° 00' 00" E	144.00'	144.00'	144.00'	N 00° 00' 00" E	144.00'
C20	S 00° 00' 00" W	144.00'	144.00'	144.00'	S 00° 00' 00" W	144.00'



PROPOSED LOTS 9 & 10
 CLARK ROAD, BANFIELD ROAD &
 EAST HILL ROAD
 EAST MONTPELIER, VERMONT
 CHASE & CHASE
 SURVEYORS & SEPTIC DESIGNERS INC.
 901 N. MAIN ST. - BARRE, VT. 05641
 (802)-279-8658

CERTIFICATION
 I, SURVEYOR, CHASE & CHASE, CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES, EASEMENTS, AND INTERESTS THEREIN AS SHOWN ON THIS SURVEY MAP PERFORMED UNDER MY DIRECT SUPERVISION, WITH AN ERROR OF CLOSURE WITHIN ACCEPTED STANDARDS.
 7/28/16
 DATE

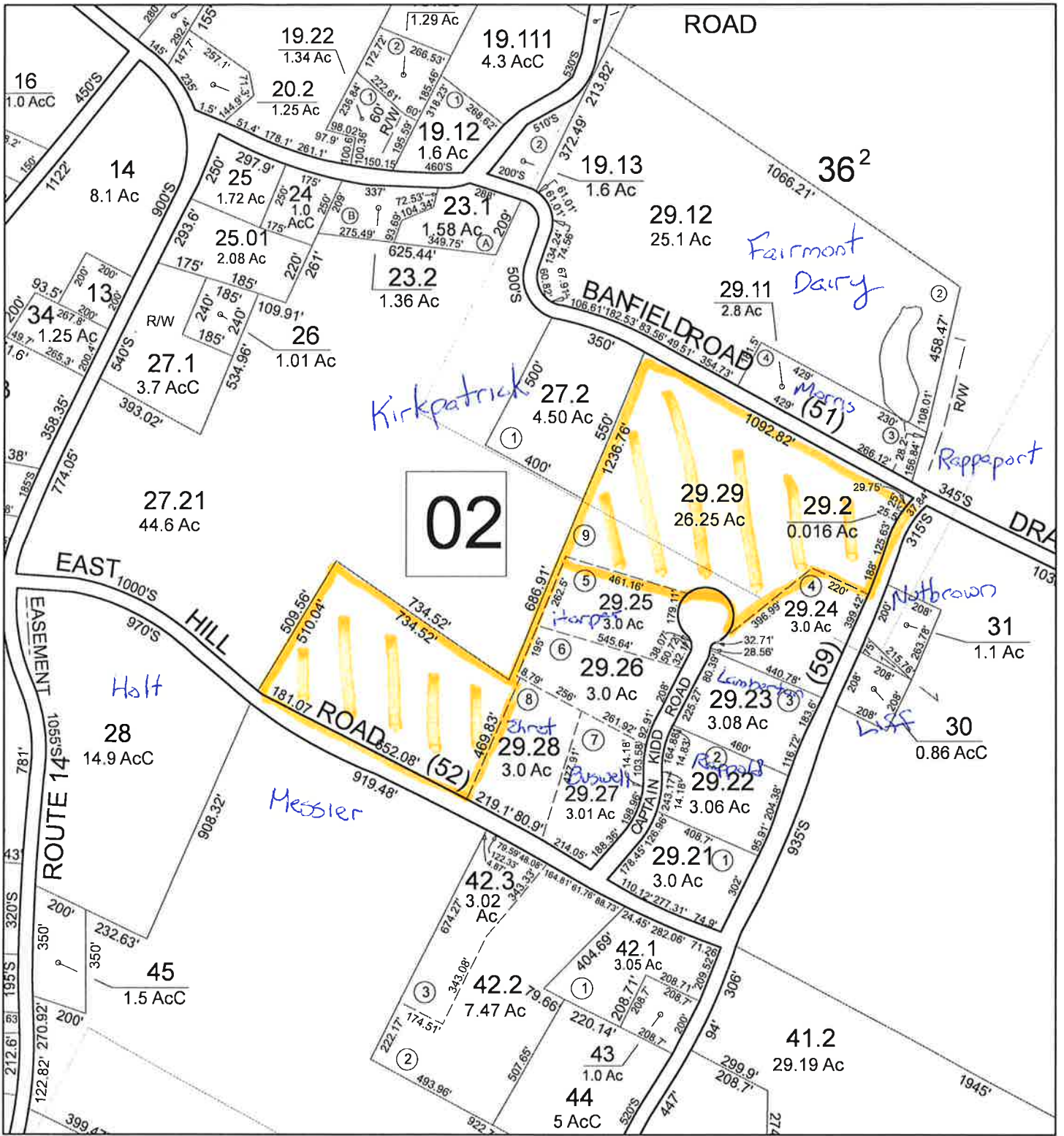


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**Wells -- Captain Kidd Subdivision
East Montpelier**



7/13/2016