

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

June 9, 2017

Lucy & Joseph Ferrada
3867 County Road
Montpelier, VT 05602

Re: East Montpelier Zoning Application #17-021

Dear Ms. & Mr. Ferrada:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #17-021 subject to the following condition:

- The depiction of the access drive on the subdivision plat shall be altered to show a pull-off area as required under Section 3.3(E)(2) of the East Montpelier Land Use & Development Regulations.

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 #17-021 for a 2-lot subdivision of your property at 3867 County Road. You have 180 days to duly file and record a mylar copy of the approved, as updated to meet the condition, 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.

Please remember that land development on the new lot will require additional permitting, both at the local and state level. 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: Lucy & Joseph Ferrada
 3867 County Road
 Parcel # 02-025.100 Tax Map # 04-01-25.100

East Montpelier Zoning Application #17-021

INTRODUCTION & PROCEDURAL HISTORY

1. On May 16, 2017, Lucy & Joseph Ferrada filed an application with the Town of East Montpelier to subdivide their property located at 3867 County Road. The proposal would divide the 33.9-acre parcel into 2 lots: new Lot 1 of 10.10 acres with access by easement over Lot 2; and, remainder Lot 2 of 23.8 acres and existing structures with frontage on County Road.
2. The property in question is located in the Agricultural/Forest Conservation District – Zone E, where the minimum lot size is 7 acres and subdivisions require approval from the Development Review Board.
3. A public notice was duly published in the Times Argus on May 20, 2017 for a hearing, which was conducted on June 6, 2017.
4. Property owners Lucy & Joseph Ferrada and their representative, Michael Patterson; abutting property owner Carolyn Gehrke and her representative, Jim Colby; abutting property owner Kevin Ellis; and, Zoning Administrator Bruce Johnson appeared and participated in the June 6, 2017 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the June 6, 2017 hearing were Curtis, Kappel, Welch, Santor, Greenwald, Lane, and Cueto.

FINDINGS OF FACT

1. Lucy & Joseph Ferrada own a 33.9-acre parcel, located at 3867 County Road, improved with a single-family residence and outbuildings. The parcel is a portion of the original Ferrada property that encompassed approximately 54 acres with frontage on County and Morse Roads. In 2000 the Ferradas subdivided off and sold to the Kiefers 10 acres and the original house (East Montpelier Zoning Permit 00-046), keeping 44 acres which they then developed. Another 10 acres was cut off and transferred to the Kiefers in 2010 (East

Montpelier Zoning Permit 10-051). The current proposal is to further subdivide the property to create a new 10.1-acre lot and a 23.9-acre remainder lot with the existing structures.

2. The property is located in Zone E – the Agricultural & Forest Conservation District, where a conforming lot requires 7 acres and 350 feet of road frontage or an approved access easement at least 20 feet in width. Remainder Lot 2 will have all of the property's 377 feet of frontage on County Road. Proposed new Lot 1 will be served by an access easement over Lot 2 of variable width with a minimum width of 50 feet. Lots 1 & 2 will also benefit from a small triangular-shaped easement over the abutting Kiefer parcel located at 136 Morse Road to cover the short stretch of existing driveway that is on the Kiefer parcel.
3. The approximately 1500-foot driveway serving the existing residence has one area mid-way that effectively works as a pull-off to allow vehicles to pass on the drive. The first 1,000 feet or thereabouts of the existing driveway is proposed to serve both new lots. Driveways longer than 500 feet are mandated to have at least one pull-off area. The submitted subdivision plat does not show a pull-off area.
4. Applicants intend to maintain ownership of Lot 1 and no development of that lot is expected in the near future. Applicants intend to convey Lot 2 to another party.
5. No access, water, or wastewater permits have been sought for proposed Lot 1.

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 #17-021 to allow the subdivision of the Ferrada parcel located at 3867 County Road subject to the following condition:

- The depiction of the access drive on the subdivision plat shall be altered to show a pull-off area as required under Section 3.3(E)(2) of the East Montpelier Land Use & Development Regulations.

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 9th day of June, 2017.

A handwritten signature in blue ink, appearing to read "Richard Curtis, Jr.", is written over a horizontal line.

Richard Curtis, Jr. -- 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.

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: June 9, 2017

Effective Date: June 24, 2017

Location: 3867 County Road

Owner: Lucy & Joseph Ferrada

For: 2-Lot Subdivision

Lot 1 of 10.10 acres; Lot 2 of 23.8 acres & dwelling

Application # 17-021

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.

Permit # 17-021

ZONING PERMIT APPLICATION

Date Received: 5/16/17

Zoning District E

TOWN OF EAST MONTPELIER

Parcel # 02-025.100

Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 04-01-25.100

- A. 1. Name of Landowner: Lucy & Joseph Ferrada Phone No. 802-279-7735
 2. Address of Landowner: 3867 County Rd., Montpelier, VT-05602
 3. Applicant (other than owner) Phone No
 4. Address of Applicant
 5. Location of Property: 3867 County Rd. East Mont.

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 checked="" 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 type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed: 2 lot subdivision, new lot will be 10.1± acres. Remaining lot is 23.8 ± acres with existing structures. Access easement to new lot from existing drive.

- C. Lot description:
- | | |
|---|--|
| 1. acreage <u>37.6 33.9</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: Lucy Ferrada Date: 5/16/17
Applicant: Lucy Ferrada Date:

Zoning Permit Fee: \$ 250.00 Cash _____ Check #1062 Date 5/16/17 Rec'd by D.B
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 # 17-021 Date Issued 06/09/17 Effective Date 06/24/17

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 May 20 2017

2. Date(s) of Hearing 6.6.17

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

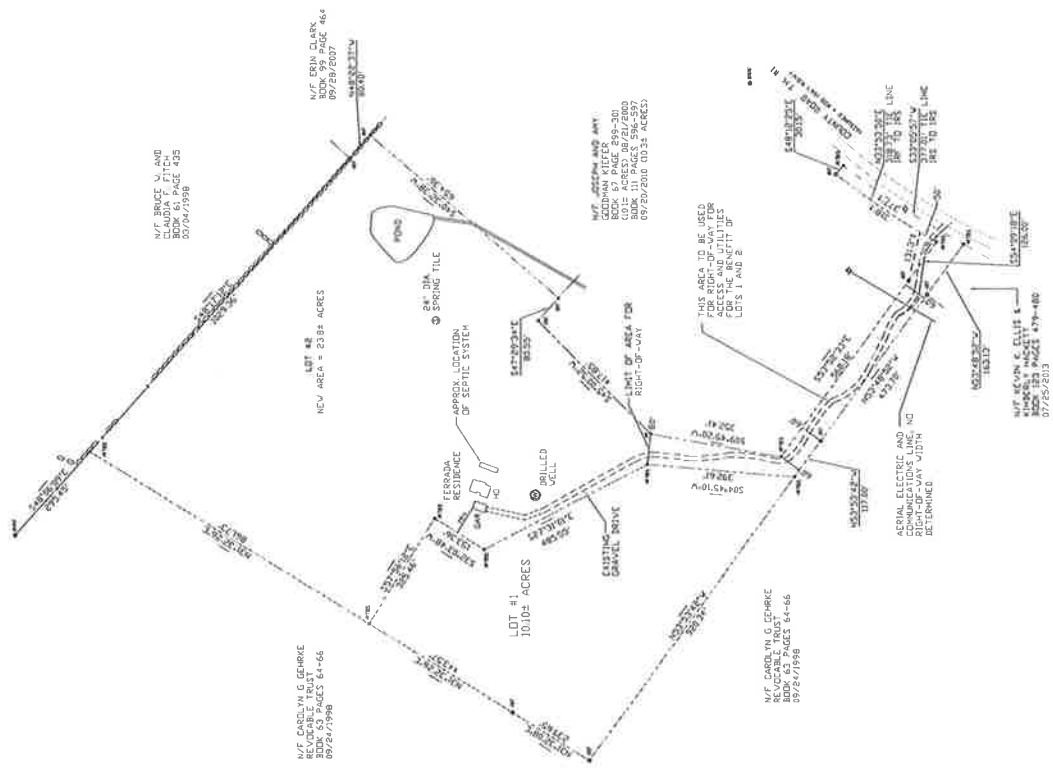
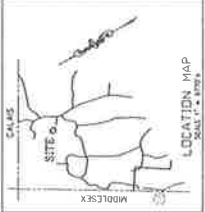
4. Denied (See written decision for reasoning)


.....
Chairman, Development Review Board

The DRB's written decision was issued on: June 9, 2017

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.

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GENERAL NOTES:

1. THIS PROPERTY IS OWNED BY JOSEPH M. AND LUCY V. FERRADA AND THE DEED IS RECORDED IN BOOK 54 PAGE 438 DATED 1/26/1994.
2. REFERENCE A SURVEY BY THOMAS C. DITERNIEN, REGISTERED PROFESSIONAL SURVEYOR, 10004 ROAD EAST, MONTPELIER, VERMONT, PROPERTY MAP BOOK EAST MONTPELIER, VERMONT, DATED 05/29/2000 AND LAST REVISED 06/27/2000.
3. REFERENCE A SURVEY BY PROPERTY DESIGN ENTERPRISES, INC., 10004 ROAD EAST, MONTPELIER, VERMONT, DATED 05/29/2000 AND LAST REVISED 06/27/2000.
4. REFERENCE A PLAN SHOWING LAND OF GEORGE LAUDY SURVEYED BY N.E. GREENE, JAMES SYKES, AND JAMES W. WELLS, DATE 1857, FILED MAR. 30, 1969.
5. REFERENCE A SURVEY BY MICHAEL J. PATTERSON, REGISTERED PROFESSIONAL SURVEYOR, 10004 ROAD EAST, MONTPELIER, VERMONT, DATED MARCH 12, 2011.
6. THIS SUBDIVISION MAY REQUIRE LOCAL AND STATE PERMITS.

REFERENCES TO THE NORTH 2000

THIS PLAN CONFORMS WITH THE REQUIREMENTS OF SECTION 103 OF TITLE 27, V.S.A.

SUBDIVISION OF LAND OWNED BY JOSEPH M. & LUCY V. FERRADA EAST MONTPELIER, VERMONT	
MICHAEL J. PATTERSON L.S. MIDDLESEX, VERMONT	
PROJECT #	SCALE
2017-05-15	1" = 150'
DATE	DATE
	MAY 2017



THIS SURVEY WAS BASED ON EVIDENCE FOUND IN THE FIELD AND INFORMATION FROM PREVIOUS SURVEYS AND PLANS OF RECORD.

