

# 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 30, 2017

Effective Date: July 15, 2017

Location: 1974 Bliss Road

Owner: Bradley Witham

For: 2-Lot Subdivision: Lot 1 of 6.2 Acres

w/ Existing Residence; Lot 2 of 5.0 acres

Application # 17-022

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

June 30, 2017

Susan Witham  
1470 Center Road  
Montpelier, VT 05602

Bradley Witham  
1974 Bliss Road  
Montpelier, VT 05602

Re: East Montpelier Zoning Application #17-022

Dear Ms. Witham & Mr. Witham:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #17-022 as presented. 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 #17-027 for a 2-lot subdivision of the property at 1974 Bliss Road. 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.

Please remember that land development on the new building lot will require additional permitting, both at the local and at the state level. Further, when you've developed the new access point on Bliss Road, in accordance with East Montpelier Access Permit #17-017, we'll need to assign an E-911 address. 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:       Bradley Witham, Owner  
                              Susan Witham, Applicant  
                              1974 Bliss Road  
                              Parcel # 05-090.000   Tax Map # 08-03-22.000

East Montpelier Zoning Application #17-022

**INTRODUCTION & PROCEDURAL HISTORY**

1. On May 17, 2017, Susan Witham, on behalf of Bradley Witham, filed an application with the Town of East Montpelier to subdivide Mr. Witham's property located at 1974 Bliss Road. The proposal would divide the 11.2-acre parcel into 2 lots: Lot 1 of 6.2 acres and existing structures with frontage on Bliss and Center Roads; and, new building Lot 2 of 5.0 acres served by an access easement over Lot 1 from Bliss Road.
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. Applicant appeared before the DRB on May 2, 2017 for an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision. The DRB authorized a Section 6.2(B) large lot survey waiver.
4. A public notice was duly published in the Times Argus on May 20, June 10 and June 17, 2017 for a hearing, which was conducted on June 27, 2017.
5. Applicant Susan Witham and Zoning Administrator Bruce Johnson appeared and participated in the June 27, 2017 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the June 27, 2017 hearing were Curtis, Kappel, Welch, Santor, Greenwald, Hill, Lane, and Cueto.

## **FINDINGS OF FACT**

1. Bradley Witham owns a developed 11.2-acre parcel located at 1974 Bliss Road. The current proposal is to subdivide the property to create a new 5.0-acre building lot and a 6.2-acre remainder lot with the existing structures.
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. Lot 1 contains 6.2 acres with 798 feet of frontage on Bliss Road and an additional 126 feet of frontage on Center Road. Lot 2 contains 5.0 acres and is served by a 40 foot wide access easement over Lot 1 from Bliss Road.
3. Zone D mandates a front setback of 75 feet from road centerline and 50 feet from all other property lines. The existing structures on Lot 1 are well over 100 feet from both the new property line and Bliss Road.
4. The East Montpelier Selectboard approved access for the proposed building lot (Lot 2) on May 8, 2017 (application #17-017).
5. An application to the state for a wastewater system and potable water supply permit, WW-5-7417, has been submitted but not yet approved.

## **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.

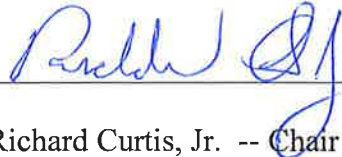
## **DECISION**

By unanimous vote, the DRB approves Zoning Permit #17-022 to allow the subdivision of the Atwood parcel located at 1974 Bliss Road as presented.

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 30<sup>th</sup> day of June, 2017.



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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.

Permit # 17-022  
Zoning District D  
Overlays -

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

Date Received: 5/17/17  
Parcel # 05-090.000  
Tax Map # 08-03-22.000

\*\*\*\*\*

- A. 1. Name of Landowner: BRADLEY WITHAM Phone No. 223-6592  
2. Address of Landowner: 1974 BLISS ROAD MONTPELIER, VT 05602  
3. Applicant (other than owner): SUSAN WITHAM Phone No. 223-2881  
4. Address of Applicant: 1470 CENTER ROAD MONTPELIER, VT 05602  
5. Location of Property: 1974 BLISS ROAD EAST MONTPELIER

**B: Application is made (check appropriate boxes):**

- |   |  |   |
|---|--|---|
| To:   | For:   | For:  |
| <input checked="" type="checkbox"/> Construct | <input checked="" 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: Construction of a single family dwelling, garage, and small sauna building.  
Two lot subdivision: new 4+/- acre building lot with access over remainder lot; and, 7.8+/- acre remainder lot w/ existing home

- C. Lot description: 4.27.17
- |   |  |
|---|--|
| 1. acreage <u>1.1682</u>                                    | 4. depth side yards ..... Ft. .... Ft. (building to lot lines) |
| 2. road frontage <u>0 (see map)</u> 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: Bradley Witham Date 5.17.17  
Applicant: Susan Witham Date 5.17.17

\*\*\*\*\*

Zoning Permit Fee: \$ 250.00 Cash \_\_\_\_\_ Check 150 Date 5/17/17 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](http://publicservice.vermont.gov/energy_efficiency/rbes)  
Commercial Building Energy Standards: [http://publicservice.vermont.gov/energy\\_efficiency/cbes](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

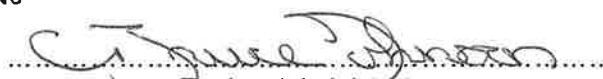
**Notice:** Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 17-022 Date Issued 06/30/17 Effective Date 07/15/17

**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 5.20.17 6.10 6.17

2. Date(s) of Hearing 6.27.2017

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 30, 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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- REFERENCES**
- 1) A SURVEY BY AMERICAN SURVEY COMPANY FOR CARROLL WITHAM JR. DATED MAY 6, 2005.
  - 2) A SURVEY BY AMERICAN CONSULTING COMPANY FOR HELEN WITHAM DATED FEBRUARY 16, 2010.

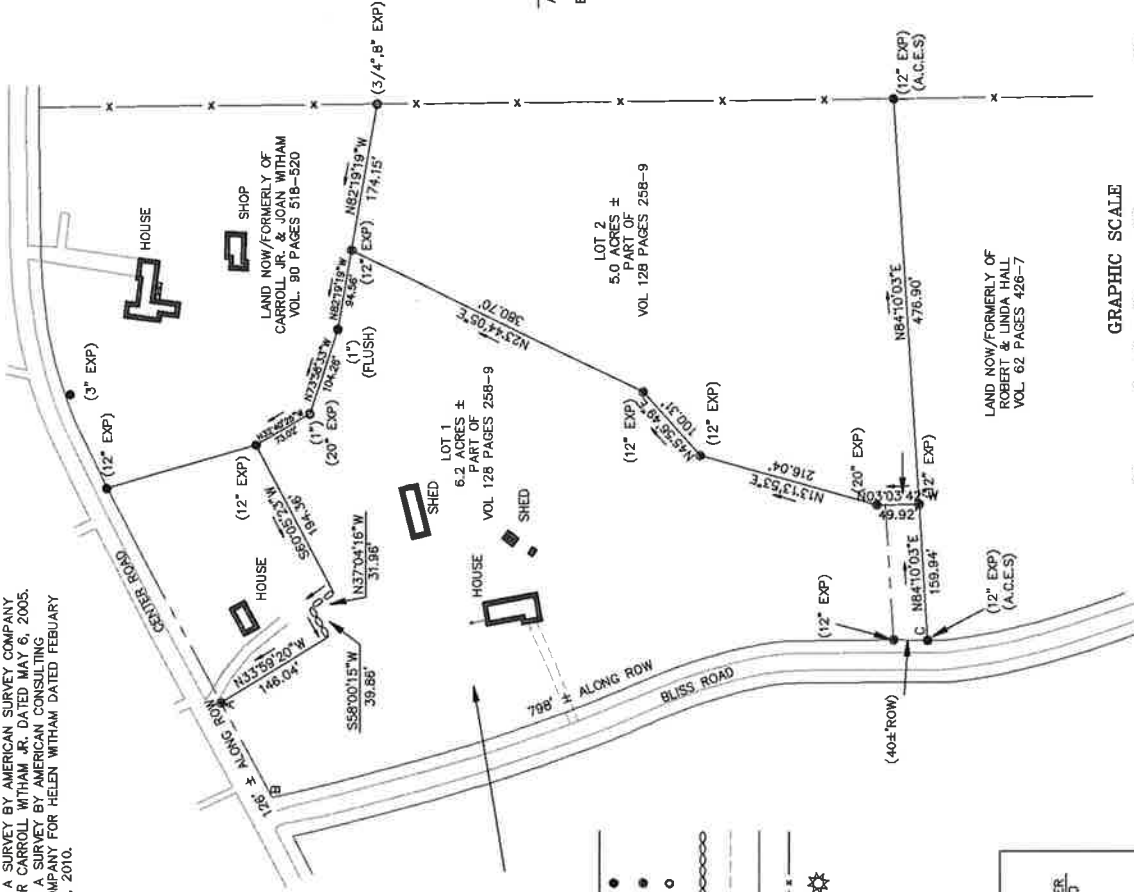


REMAINING LANDS OF  
BRADLEY WITHAM  
PART OF  
VOL. 128 PAGES 258-9

**LEGEND**

- IRON ROD FOUND #5 (HT.)
- IRON ROD SET-CAPPED #5 (HT.)
- IRON PIPE FOUND (SIZE, HT.)
- STONE WALL
- EDGE OF TRAVEL
- RIGHT OF WAY
- FENCE REMNANTS
- ASTRONOMIC NORTH

**INTERMEDIATE LOCUS MAP**  
(NOT TO SCALE)



**TIE LINES**

AB	S59°38'08"W	125.88'
BC	S15°39'40"E	791.91'

LAND NOW/FORMERLY OF  
JAY E. & EMILY C. COVETTE  
VOL. 42 PAGES 432-33

**LOCATION MAP**  
(NOT TO SCALE)



**NOTES**

- 1) A 40± RIGHT OF WAY TO BE CONVEYED TO SUSAN WITHAM FOR ACCESS TO LOT#2

**CERTIFICATION**

THIS SURVEY WAS COMPLETED BASED ON DEEDS AND SURVEYS FOUND ON RECORD IN THE EAST MONTPELIER MUNICIPAL OFFICE AND ON EXISTING PHYSICAL EVIDENCE FOUND AT THE SITE. THE SURVEY WAS COMPLETED BY A FIVE SECOND TOTAL STATION CLOSED TRAVERSE WITH A PRECISION RATIO OF 1:200,633. THE BEARINGS ARE ASTRONOMICALLY TRUE AND THE TRUE MERIDIAN IS BASED ON SOLAR OBSERVATIONS TAKEN BY THE HOUR ANGLE METHOD AT 44-17'-01" NORTH LATITUDE AND 72-31'-44" WEST LONGITUDE ON MAY 5, 2005. BLUSS ROAD AND CENTER ROAD ARE ASSUMED TO BE IN THE ACCORDING APPROPRIATE AGENCY OF TRANSPORTATION RECORDS. THIS IS A CLASS THREE TOWN ROAD. THE PROPERTY MAY BE ENCUMBERED BY EXISTING EASEMENTS NOT DEPICTED ON THE SURVEY INCLUDING, BUT NOT LIMITED TO POWER, TELEPHONE, AND WATER RIGHTS.

A SUBDIVISION SURVEY IN  
EAST MONTPELIER, VERMONT FOR  
**BRADLEY WITHAM**

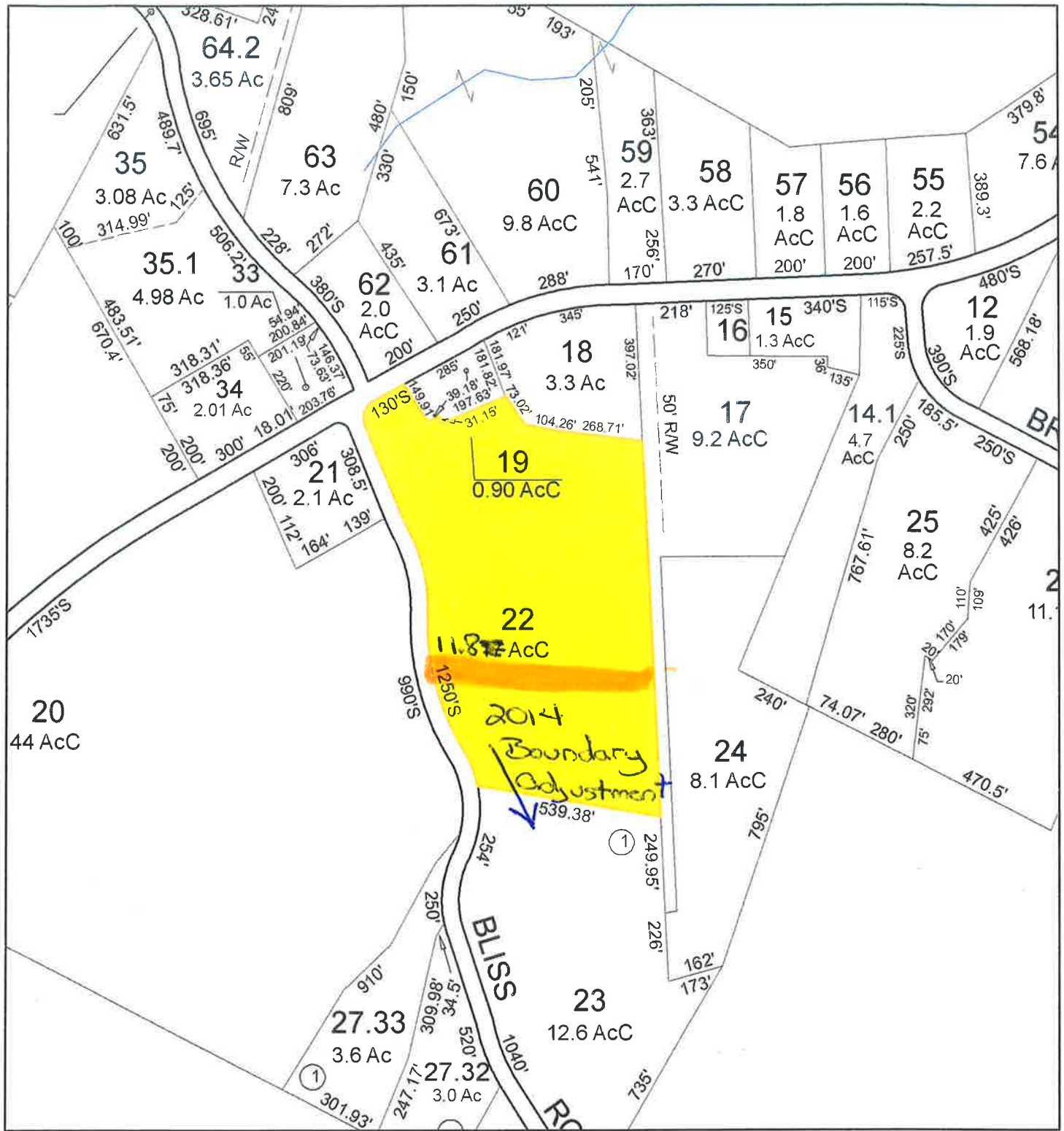


**AMERICAN SURVEY COMPANY**  
WE MAKE MEASUREMENTS AND MAPS FOR  
THE LANDS OF AMERICA



VERMONT OFFICE  
WILLIAMSTOWN, VT  
CHIEF OF PARTY C. RUSSO  
COMPILED APRIL 15, 2017  
APPROVED





**Witham -- 1974 Bliss Road  
East Montpelier**



5/2/2017

