

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: 504 County Road

Owner: Susan Atwood-Stone Living Trust

For: 2-Lot Subdivision: Lot 1 of 17.0 Acres

w/ Existing Residence; Lot 2 of 12.3 Acres

Application # 17-027

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 Atwood
PO Box 779
Montpelier, VT 05601

Re: East Montpelier Zoning Application #17-027

Dear Ms. Atwood:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #17-027 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 your property at 504 County 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, potentially, at the state level. Further, when you've developed the new access point on County Road, in accordance with East Montpelier Access Permit #17-028, 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: Susan Atwood-Stone Living Trust
 Susan Atwood, Applicant
 504 County Road
 Parcel # 03-006.200 Tax Map # 08-01-55.120

East Montpelier Zoning Application #17-027

INTRODUCTION & PROCEDURAL HISTORY

1. On June 7, 2017, Susan Atwood, on behalf of the Susan Atwood-Stone Living Trust, filed an application with the Town of East Montpelier to subdivide her property located at 504 County Road. The proposal would divide the 29.3-acre parcel into 2 lots: Lot 1 of 17.0 acres with existing structures; and, new building Lot 2 of 12.3 acres; both with frontage on County 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 June 6, 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 June 10 and June 17, 2017 for a hearing, which was conducted on June 27, 2017.
5. Applicant Susan Atwood 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, Watson, Hill, Lane, and Cueto.

FINDINGS OF FACT

1. Susan Atwood, through her trust, owns a developed 29.3-acre parcel located at 504 County Road. The current proposal is to subdivide the property to create a new 12.3-acre building lot and a 17.0-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 17.0 acres with 882 feet of frontage on County Road. Lot 2 contains 12.3 acres with 745 feet of frontage on County 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 County Road.
4. The East Montpelier Selectboard approved access for the proposed building lot (Lot 2) on June 26, 2017 (application #17-028).
5. The state has issued a wastewater system and potable water supply permit, WW-5-7400, for the subdivision as proposed.

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.

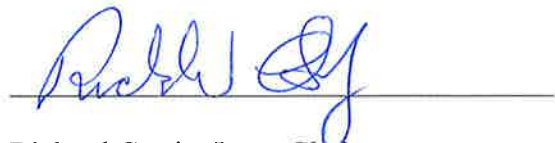
DECISION

By unanimous vote, the DRB approves Zoning Permit #17-027 to allow the subdivision of the Atwood parcel located at 504 County 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 30th 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.

Permit # 17-027

ZONING PERMIT APPLICATION

Date Received: 6/7/17

Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 03-006.800

Overlays WTR

PO Box 157, East Montpelier, VT 05651

Tax Map # 08-01-55.130

 A. 1. Name of Landowner SUSAN A. ATWOOD Phone No. (802) 802-595-0228
 2. Address of Landowner P.O. BOX 779 MONTPELIER, VT 05601
 3. Applicant (other than owner) Phone No
 4. Address of Applicant
 5. Location of Property 504 COUNTY RD, EAST MONTPELIER, VT

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.....
SUBDIVIDE CURRENT 29.3 ACRE PARCEL INTO TWO PARCELS - ONE
OF 17 ACRES AND ONE OF 12.3 ACRES

C. Lot description: 29.3 Total

- | | |
|---|---|
| 1. acreage | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage <u>Lot #1 881.8</u>
<u>Lot #2 745.1</u> Ft. | 5. depth rear yard Ft.
(building to lot line) |
| 3. depth front yard Ft.
(Road centerline to building) | |

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 Susan A. Atwood Date June 6, 2017
 Applicant Date

 Zoning Permit Fee: \$ 250.00 Cash _____ Check #354 Date 6/7/17 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
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 # 17-027 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 6.8th 6:00.2017

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.

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.
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SURVEY NOTES

- All bearings refer to GRID NORTH. Basis of bearing is derived from GPS readings taken on control traverse points. Dimensions are calculated from a closed "Total Station" survey in substantial compliance with Board Standards for "Rural Land" related to orient with Grid North. The corners shown as monumented by this survey have 2" - 4" long galv. with 2" aluminum caps. Unless otherwise noted, the Revealed for all monuments, set points, etc. is approximately 1/2" to 1 1/4". GPS coordinates are shown as an air photo overlay on the survey points. GPS coordinates are accurate to within 1/4" to 1/2" of the monument. The monument is shown as an air photo overlay on the survey points. State Plane Coordinates, NAD 83, feet.
- The purpose of this survey is to subdivide Lot 2 from the original Atwood-Stone parcel on this side of the County Road. Only the subdivided lot is surveyed with the remainder of the parcel depicted hereon based on the dimensions shown on the map referenced in Note 4a related to grid north per Note 1. Acreage determined to the limits of an assumed 3-foot right-of-way on the County Road, actual right-of-way not researched in this project. This parcel was conveyed to the Susan Atwood-Stone Living Trust by deed recorded at Bk. 113 Pg. 304, "key deed" in chain is Bk. 37 Pg. 27.
- Identification or delineation of any easements, rights of way, public land locations, Vermont lease lands, encroachments, objection to title, etc. was not part of the scope of this project. Nevertheless, except as noted, no evidence of such encroachments was observed during field work. Two utility easements were noted on the map and are shown as dashed lines. No other utility easements were noted. One deed found in the Atwood chain suggests part or all of this land is "lease land"; no further information was discovered.
- In addition to the various deeds referenced hereon the following maps were consulted in the preparation of this survey:
 - "Property of Ann Talbot Stone" dated 5/19/73 by James H. West, L.S. #370, bearing Drawing No. 11; recorded as Slide #75 in Hanging File #66
 - "Total Station Survey of the Ann F. Carr Two-Lot Subdivision, Town Highway #1, E. Montpelier, VT," dated December 8, 2000, by John B. Therford, L.S. #839; recorded as Slide #59
- See State wastewater permit: WW-5-7-00 for details of septic system and additional topographic features.

LEGEND

- Set 5/8" Rebar w/ 2" Aluminum Cap (L.S.#555)
- ⊙ Found 1" Galv. Iron Pipe
- ⊖ Purported Iron Pipe - not recovered in this survey
- Unmarked Point
- ⊖ Power Pole
- ⊖ Large Maple Near Line
- ⊖ Septic System Test Pit
- ⊖ Developed Spring
- ⊖ Existing Driveway
- ⊖ Overhead Power Line
- ⊖ Approx. 3-foot Right-of-way - County Road
- ⊖ Adherers Property Line (per tax map)
- ⊖ Centerline Town Road (as traveled)
- ⊖ Line of Large Maples
- ⊖ Edge of Woody Field
- ⊖ Subdivision Line
- ⊖ Existing Stone Wall/Wire Fence Boundary
- ⊖ Remnant Wire Boundary Fence
- ⊖ Proposed House Location (Approx.)
- ⊖ Existing House (Approx.)
- ⊖ GPS Coordinates (See Note 1)
- ⊖ Proposed Driveway (Approx.)

MUNICIPAL ENDORSEMENT

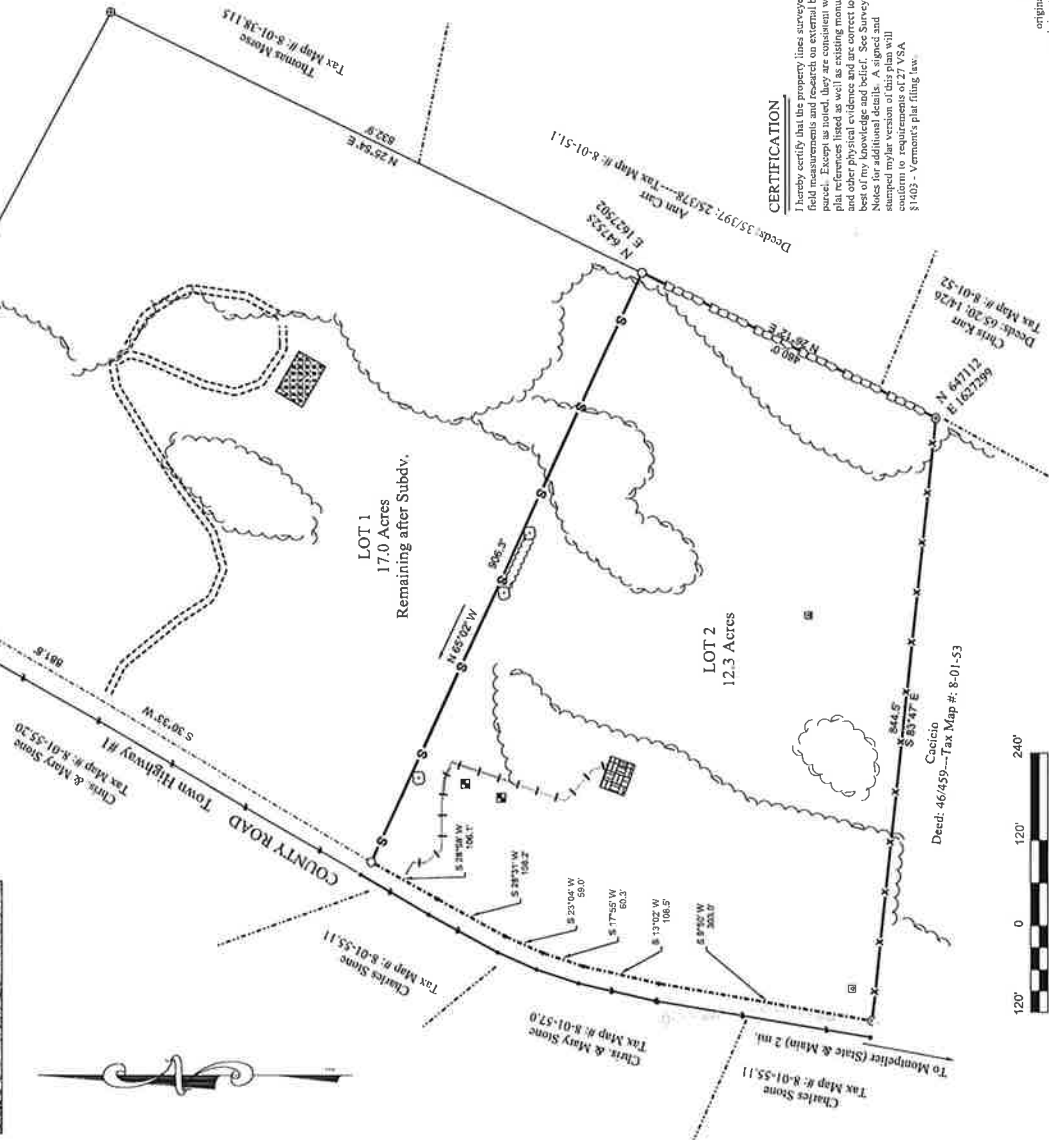
This plat is identical to the final plat approved by resolution of the Development Review Board of the Town of East Montpelier, Vermont on the _____ day of _____, subject to the requirements and conditions of said resolution. Signed this _____ day of _____ by _____, Zoning Administrator, East Montpelier.

**SUBDIVISION OF ATWOOD-STONE LIVING TRUST PROPERTY
COUNTY ROAD, EAST MONTPELIER, VERMONT**

FOR
BY
SUSAN ATWOOD, EAST MONTPELIER, VERMONT

PAUL W. HANNAN, L.S.
SURVEYED: P.H., C.J.J.
SCALE: 1" = 120'
JUNE, 2017

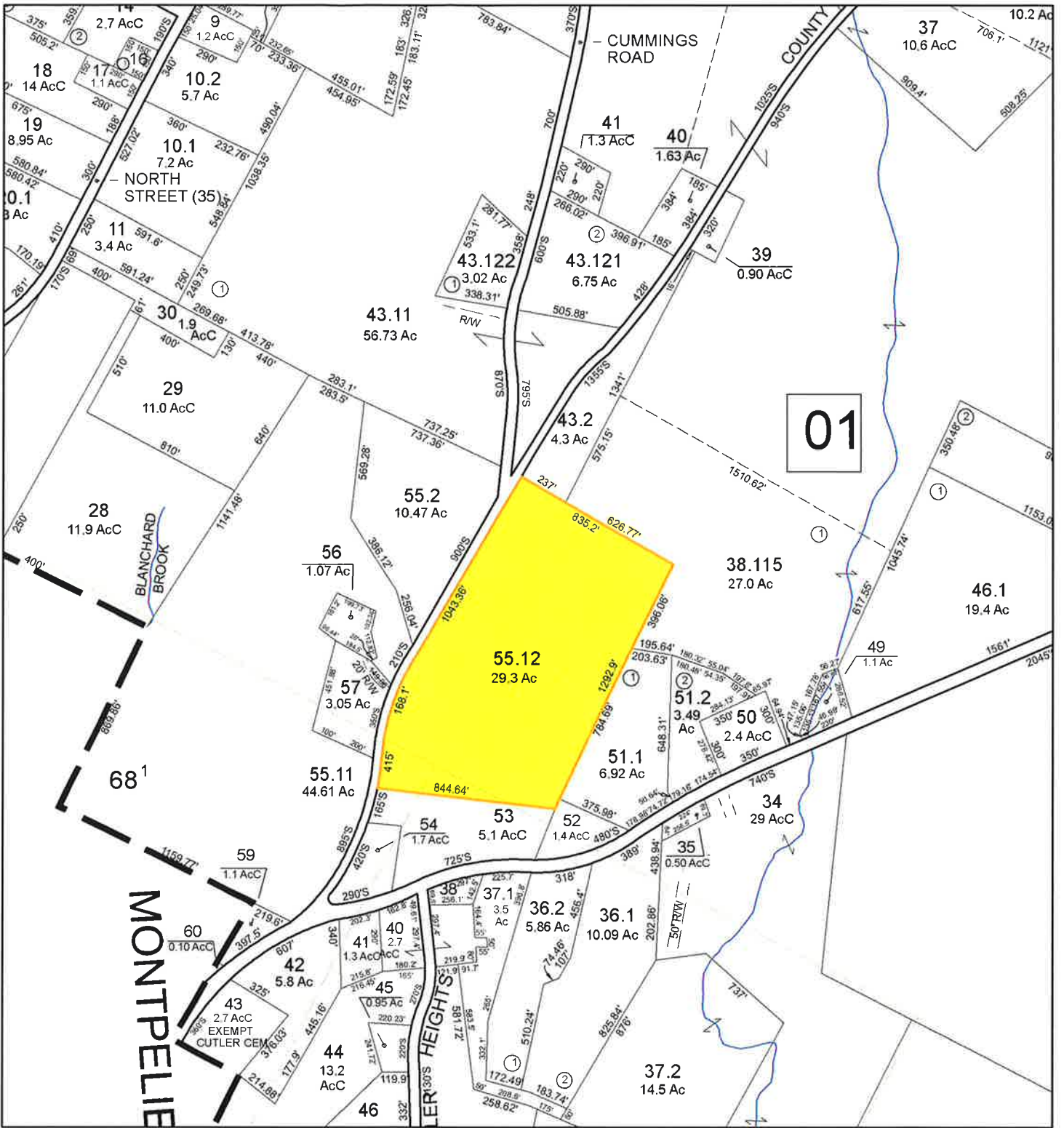
PROJ. NO.: 16-062-006



CERTIFICATION

I hereby certify that the (metes) lines encircled by me are based on field measurements and research on external boundaries of the parcel. Except as noted, they are consistent with deed and plat references listed as well as existing monumentation and other physical evidence and are correct to the accuracy of the survey. A signed and stamped mylar version of this plan will conform to requirements of 27 V.S.A. §1605 - Vermonts plat filing law.

Copy not valid without original or signature. Copyright © 2017



**Atwood-Stone -- 504 County Road
East Montpelier**



5/25/2017

