

Permit # 14-057
Zoning District D
Overlays WR

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

Date Received: 9/22/14
Parcel # 04-003.000
Tax Map # 08-03-40.000

A. 1. Name of Landowner Duane Wells Phone No. 802/299-0733
2. Address of Landowner 30 Cutler Heights Rd.
3. Applicant (other than owner) _____ Phone No. _____
4. Address of Applicant 3 Pitkin Ct Montpelier, Vt. 05602
5. Location of Property 30 Cutler Hts. Rd., E. Montpelier

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 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 checked="" 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 Build a accessory dwelling with 600 ft² of living space with a 3 car garage

C. Lot description:

- | | |
|---|---|
| 1. acreage <u>+ - 3 A.</u> | 4. depth side yards <u>84'</u> Ft. <u>150'</u> Ft.
(building to lot lines) |
| 2. road frontage <u>600 + -</u> Ft. | |
| 3. depth front yard <u>170</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>54'</u> 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 Duane Wells Date 9/18/14
Applicant _____ Date _____

Zoning Permit Fee: \$ 50.00 Cash Check _____ Date 9/22/14 Rec'd by DRB
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) 476-0195 to speak to the 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/topics/energy_efficiency/rbes Commercial Building Energy Standards: http://publicservice.vermont.gov/topics/energy_efficiency/cbes

E. Action by Zoning Administrator:

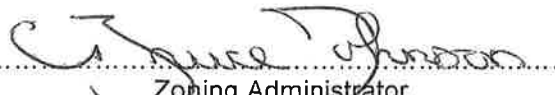
1. Granted Denied Date 10/14/14 Reason See decision

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 # _____ Date Issued _____ Effective Date _____

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.


Zoning Administrator

F. Action by Development Review Board:

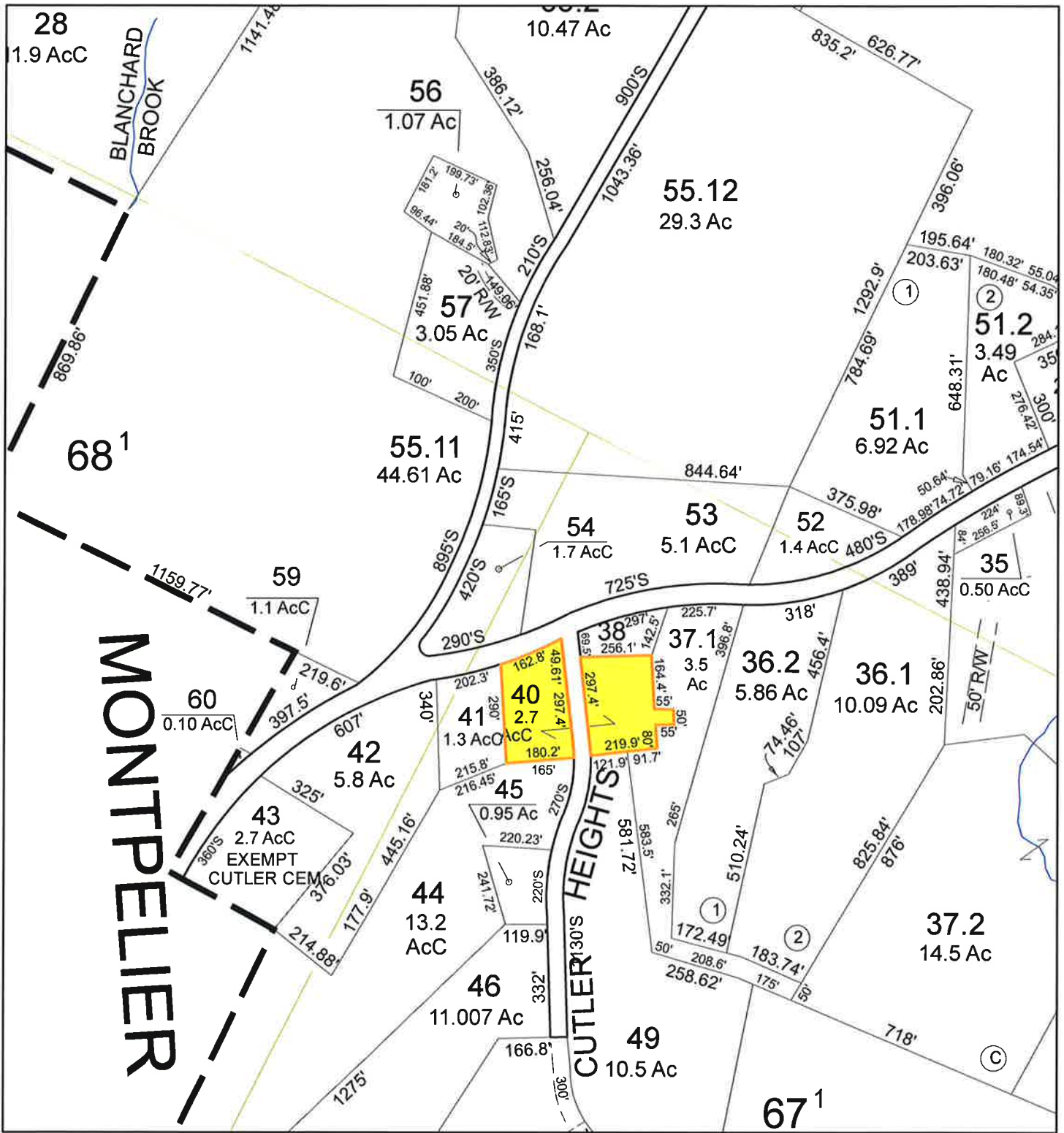
- 1. Public Notice Date
- 2. Date(s) of Hearing
- 3. Granted Without conditions With conditions (See written decision for conditions)
- 4. Denied (See written decision for reasoning)

.....
Chairman, Development Review Board

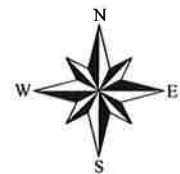
The DRB's written decision was issued on:

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.



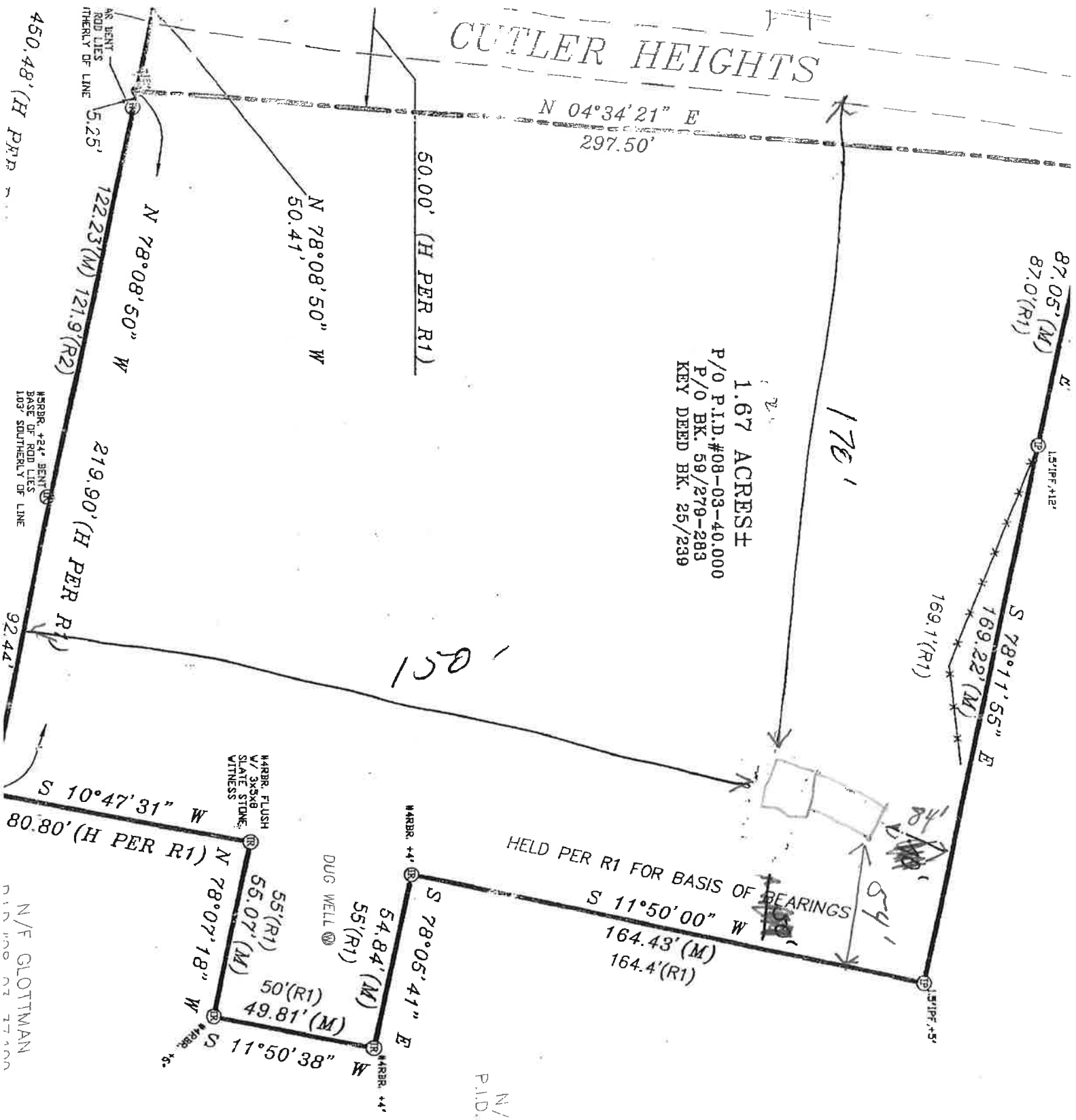
**Wells -- 30 Cutler Heights
Town of East Montpelier**



11/14/2014

CUTLER HEIGHTS

1.67 ACRES ±
 P/O P.I.D.#08-03-40,000
 P/O BK. 59/279-283
 KEY DEED BK. 25/239



N/E GLOTTMAN
 P.I.D.#08-03-37,100
 BK. 69/26

N/E GLOTTMAN
 P.I.D.#08-03-37,100
 BK. 69/26

450.48' (H PER R1)

92.44'

S 10°47'31" W
 80.80' (H PER R1)

N 78°07'18" W
 55'(R1)
 55.07'(M)
 50'(R1)
 49.81'(M)
 S 11°50'38" W

S 78°05'41" E
 54.84'(M)
 55'(R1)

S 11°50'00" W
 164.43'(M)
 164.4'(R1)

S 78°11'55" E
 169.22'(M)
 169.1'(R1)

S 78°08'50" W
 122.23'(M)
 121.9'(R2)

N 78°08'50" W
 50.41'

50.00' (H PER R1)

N 04°34'21" E
 297.50'

87.05'(M)
 87.0'(R1)

151'PF+12'

176'

151'PF+5'

151'PF+12'

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Town of East Montpelier

The East Montpelier Development Review Board will hold a Public Hearing Tuesday, December 2, 2014 at 7:00 p.m. at the Municipal Office Building to hear the appeal by Duane Wells of the Zoning Administrator's denial of zoning application #14-057. Mr. Wells requested permission to construct a detached 600 square-foot accessory dwelling with a 3-car garage on the eastern portion (across Cutler Heights from the main residence) of his property. The denial was based on the 2011 ruling by Judge Durkin in *In Re: Wells Building Application*, Docket No. 44-3-11 Vtec. The following notice will appear in the Times Argus Monday, November 17, 2014:

The East Montpelier Development Review Board will hold a Public Hearing on Tuesday, December 2, 2014 at 7:00 p.m. at the Municipal Office Building to consider the following:

Appeal by Duane Wells of the Zoning Administrator's decision denying Application #14-057, a request by Mr. Wells to construct a detached accessory dwelling at 30 Cutler Heights. The lot is located in Zone D -- Rural Residential/Agricultural, where accessory dwellings are a permitted use. The Zoning Administrator denied the application based on an Environmental Division of the Vermont Superior Court ruling banning construction of additional dwelling structures on the 30 Cutler Heights property.

The applicant must hand deliver or send by certified mail a copy of this notice to all abutting landowners at least 15 days before the Development Review Board's hearing date. Neighbors do not need to attend the hearing unless they would like to make comments to the Development Review Board. **However, participation (in person or in writing) in the local proceeding is a prerequisite to the right to appeal any resulting decision or action of the Development Review Board, pursuant to 24 VSA §4464(a)(1)(c).**

Questions may be directed to the zoning administrator at the East Montpelier Municipal Office Building (802-223-3313x204) or by e-mail at eastmontadmin@comcast.net.

C. Bruce Johnson
East Montpelier Town & Zoning Administrator
P.O. Box 157
East Montpelier, VT 05651

Town of East Montpelier

PUBLIC HEARING

NOTICE

Date of Hearing: December 2, 2014

Time of Hearing: 7:00 P.M.

The East Montpelier Development Review Board will hold a public hearing at the East Montpelier Municipal Office Building on the above date and time for the following application:

Applicant: Duane Wells

Address: 30 Cutler Heights

For: Appeal of Zoning

Administrator's Denial of Zoning

Permit Application #14-057

Participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. This poster must be displayed on the property, in full view of the public way, for 15 days. The application is available for inspection at the East Montpelier Municipal Office Building, 40 Kelton Road. For information contact Bruce Johnson, 223-3313x204 or eastmontadmin@comcast.net