

STATE OF VERMONT

SUPERIOR COURT
Vermont Unit

ENVIRONMENTAL DIVISION
Docket No. 159-11-14 Vtec

Packard Pine Ridge Lots Merger

JUDGMENT ORDER

This matter relates to two adjoining parcels of land owned by Ellery E. Packard and Jennifer D. Packard (the Packards) located on Pine Ridge Road in the Pine Ridge Planned Residential Development in the Town of East Montpelier, Vermont (the Town). The Packards purchased the first lot, Lot 9, in 1995 and purchased the second lot, Lot 8, at a tax sale in May 2008. The Packards took title to Lot 8 in 2009, after the prior owner failed to redeem the property. Both lots are less than two acres in size and are therefore undersized lots per the applicable East Montpelier Land Use & Development Regulations (Regulations), as amended January 6, 2009, which require a minimum lot size of three acres for the relevant zoning district.

On July 3, 2014 the Packards sought the opinion of the Town of East Montpelier Zoning Administrator (ZA) as to whether Lots 8 and 9 had merged as a matter of law. The ZA determined that pursuant to Regulations § 3.9 and 24 V.S.A. § 4412(2) the two lots had merged as a matter of law and therefore Lot 8 was not a separate lot. The Packards appealed the ZA's determination to the East Montpelier Development Review Board (DRB). The DRB held a hearing on the appeal on October 7, 2014 and voted unanimously to uphold the ZA's decision. The vote was followed by a single page letter, dated October 8, 2014, memorializing the DRB's decision. The Packards timely appealed that decision to this Court.

For the reasons set out in greater detail in the Decision on Motion that accompanies this Judgment Order, the Court concludes that because Lots 8 and 9 of the Pine Ridge Subdivision cannot be used as a single lot, Lot 8 remains a separate individual lot. The Court, therefore, enters judgment in the Packards' favor and hereby overturns the October 8, 2014 decision of the Town of East Montpelier Development Review.

Electronically signed on June 11, 2015 at 11:00 AM pursuant to V.R.E.F. 7(d).



Thomas G. Walsh, Judge
Superior Court, Environmental Division