

On-Site Sewage Permit
Access Permit
60 Ft. R-O-W
Site Plan
Sub-division
10-033-000

Town Of East Montpelier
Application For Zoning Permit

FOR OFFICE USE ONLY
Application No. 93-03
Date Rec'd 7/15/03
Zone C
TR # TM # ~~40133~~

- A. 1. Name of Landowner ANTHONY and JEAN CASSANI Phone No. 802-476-5324
2. Address of Landowner 424 SIERRA LAVIN Road, Barre, Vt. 05641
3. Applicant (other than owner) SAME ANTHONY and JEAN CASSANI Phone No. 802-476-5324
4. Address of Applicant SAME
5. Location of Property ON Route 2 East Montpelier, Vt.

B. Application is made (check appropriate boxes)

- To erect
 repair
 alter
 extend
 remove
 change use
- For one two family dwelling
 commercial/business
 light industrial
 industrial
 accessory building
 other
- For land development (land development is defined as the division of a parcel into two or more parcels)

Describe work to be performed Making a subdivision of 6 lots and 1 existing lot. The first lot would be the existing Family Dwelling. Lots 2, 3, 4, and 5 would be 1.4 acres each for single family 4 bedroom residences. Lots 6 and 7 would be deferral lots at this time.

C. Lot description:

1. acreage 11.5 Acres
2. road frontage 465' Ft.
3. depth front yard 101' Ft. (R-O-W to building)
4. depth side yards 61' Ft. 200' Ft. (building to lot lines)
5. depth rear yard 110' Ft. (building to lot line)

Important - Submit site location map which describes the property on which the proposed land or building 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 R-O-W. Each parcel created by land development should be clearly described.

D. Is lot a sub-division? NO; Is lot two or more parcels less than ten acres? NO
State Environmental Permit No. WW-5-2097; If three or more parcels, ten acres or less, is town plot plan provided? YES

E. Zoning Permit Fee \$ 145.00 Cash Check _____ Date 7/15/03 Rec'd by TC
Hearing Fee \$ _____ Cash _____ Check _____ Date _____ Rec'd by _____

Make checks payable to Town of East Montpelier.

READ CAREFULLY No land or building development may commence, nor shall any land or structure be used or extended in any way, until a Zoning Permit has been duly issued as provided in Section 4443 of the Act. 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 begun 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.

Landowner Anthony Cassani Jean M. Cassani Date April 1, 2003
Applicant _____ Date _____

F. Action by Administrator:

- 1. Granted Denied Reason
date
- 2. Appealed to Board of Adjustment Date
Applicant Note: Appeal from decision or act of Administrator must be made in writing to the Secretary of the Board of Adjustment within 15 days of the decision or act.
- 3. Final Action: Permit No. 93-03 Date Issued 10/3/03
 Effective Date 10/18/03 DO NOT start this project prior to the effective date, as the statutes require a 15 day appeal period.

Diana F. Chace
Zoning Administrator

G. Planning Commission Action:

- 1. Public Notice Date 7/18/03 Date of Hearing 10/2/03
- 2. Granted With conditions as follows: Return to PC for site plan approval of lots 6 & 7; Maintenance agreement for road required in individual deeds
- 3. Denied, Reason:
- 4. Date Approved 10/2/03 Date of Denial
Amended survey was approved 3/4/04 *COO* *Carol Wilton*
 Chairman, Planning Commission

H. Board of Adjustment:

- 1. Public notice date Date of hearing
- 2. Action by Board: Granted With conditions as follows:
- 3. Denied: Reason Date of Denial

Chairman, Board of Adjustment

Important

An appeal from a decision or act by the Board of Adjustment must be made within 30 days from the date of action shown on lines G4, H2 or H3 above. Said appeal is to the Vermont Environmental Court under 24 V.S.A., Sec. 4471(a).

Minutes of the East Montpelier Planning Commission

FINAL, as amended 3/18/04

Hawkins: Home Occupation

Cassani: Subdivision

MEETING: MARCH 4, 2004

Present: -Planning Commissioners Carol Welch (chair), Rick Hopkins, Ken Santor, Lyn Blackwell, Tim Carver, Deborah Fillion, Tracy Phillips (arr. 8:00). Zoning Administrators Diana Chace & Dean Monteith.

Meeting called to order at 7:35 p.m.

Hawkins: Home Occupation (permit #04-007)

Present: Hugh and Susan Hawkins (applicants)

The Hawkins applied to establish a dog grooming business in their home on Old Farm Rd. Susan Hawkins said she and her daughter will work in the business, beginning with Saturday morning hours. As the business grows, hours may increase to allow appointments between 8 a.m. and 5 p.m. several days a week. An indoor kennel will be used to hold any dogs that are dropped off before and after grooming. At a site visit, the Zoning Administrators (ZA) found adequate parking, with space for at least 6 cars. There is no sign planned at present; Hawkins may apply for a sign permit at a later date.

Motion by Santor to approve the home occupation. Second by Carver. Vote carried.

Cassani: Subdivision (permit #93-03, amended)

Based on an engineer's site plan, the Planning Commission (PC) had approved a 7-lot subdivision of Cassani's property on US Route 2 on October 2, 2003. Cassani recorded a final survey map with minor revisions. A warning of the PC's review of the amended plan was published in the Times Argus and abutting landowners were notified. A copy of the final recorded mylar, made by ZA Chace, was examined and found to be in compliance with zoning regulations and the previously approved permit.

Motion by Fillion to approve the final amended survey map on the basis of the ZA's copy of the recorded mylar. Second by Hopkins. Vote carried.

New Members of the Board

The Chair welcomed newly-elected Planning Commissioner Tim Carver and newly-appointed ZA Dean Monteith and expressed the thanks of the PC for the services of outgoing ZA Diana Chace. New office hours for the ZA will be Mondays, 1:00 to 5:00 p.m., and Thursdays, 10:00 a.m. to 1:00 p.m.

Review of Minutes

Motion by Blackwell to approve the PC's minutes of February 5, 2004, with minor amendments. Seconded by Phillips. Vote carried.

Motion by Blackwell to approve the PC's minutes of February 19, 2004, with minor amendments. Seconded by Hopkins. Vote carried.

Review of Planning Consultant Contract

PC reviewed draft contract and scope of work documents submitted by Burnt Rock, Inc. Proposed amendments were made to sections II(K), III, and IV(B), and to the description of Task 1. Project Contact will be Lyn Blackwell. Fillion will send the annotated contract to Town Attorney Bruce Bjornlund for review, with a copy to Town Administrator Marlene Betit, who will administer the grant for the Town.

ZA Chace Report:

- No new permit applications received.
- Announcement of grant money available for clean-up of municipally-owned brown fields.
- Agency of Natural Resources will hold a meeting to discuss wind energy on Tuesday, March 16, from 6:30 to 9:00 at VT College.
- State court fees to file an appeal in Environmental Court have increased from \$150 to \$225.
- Town Administrator has begun to send a formal letter to notify applicants of Selectboard approval of rights-of-way.

(Diana Chace left the meeting.)

Other Business:

- Welch gave an update on the CVRPC study to identify potential growth areas. Carver will attend meeting.
- Hopkins gave an update on the PC's letter to the state regarding the Coburn Road gravel pit swimming hole and the state's plan for wetlands mitigation which calls for the elimination of about half of the pond.
- Update of Zoning Regulations:
PC members were assigned to review the Town Zoning Regulations and relevant parts of the Town Plan to be prepared to discuss at the next meeting.

Motion to adjourn. Vote carried. Adjourned 9:40 p.m.

Minutes prepared by Deborah Fillion

Next Meeting: THURSDAY, March 18, 2004, 7:30 p.m.

Minutes of the East Montpelier Planning Commission

OCTOBER 2, 2003

FINAL, as amended 10/16/03

Cassani: Subdivision hearing

Hill: Subdivision hearing

Present: Planning Commissioners Carol Welch (chair), Ken Santor, Deborah Fillion, Jack Pauly, Rob Chickering, Lyn Blackwell, Tracy Phillips, Dave Sparrow (arr. 7:47); Zoning Administrator Diana Chace

Meeting called to order at 7:30 p.m.

Cassani Subdivision: Continuation of Preliminary & Final Site Plan Review (#93-03)

Sworn in: Anthony "Dutch" Cassani & Jean Cassani (applicants); Dexter Lefavour (surveyor/engineer); Maurice & Barbara Brown (abutters)

Hearing continued from August 6, 2003. As warned in July 18, 2003, *Times Argus*:

"Preliminary and final site plan review of Anthony and Jean Cassani's proposed subdivision of their property on US Route 2. The property is in Residential/Commercial Zone C. The property is 11.5 acres and the Cassanis propose to divide it into 7 lots."

The revised map showed the 60-ft.-wide right-of-way extended to access lots 6 and 7. The Selectboard has approved the private road to access the subdivision. The Browns expressed their concern about the proposed leach field on lot 6 above their property. The Cassanis and Lefavour stated that no leachate from the state-approved system (which serves lots 2-5) would impact the Browns' property. The state wastewater permit indicates lots 6 and 7 are deferred lots; applicants indicated that they currently have no plans to develop lots 6 and 7. PC pointed out that it may not be possible to site a residence within the setbacks required on lot 6 given the leach field and r-o-w located thereon. **Motion** by Chickering, second by Blackwell, to grant final site plan approval with Condition 1 below. **Motion** by Fillion, second by Santor, to add a condition to a road maintenance agreement in the deeds (Condition 2 below). Vote on amendment carried. Amended motion to approve final site plan with two conditions as follows: (1) Owners must have another site review with the PC prior to developing or selling lot 6 and/or lot 7; and (2) The deeds for the subdivided parcels contain a clause requiring a maintenance agreement for the shared private road. Vote carried.

Hill Subdivision: Preliminary & Final Site Plan Review (#121-03) Sworn in: Douglas Hill

(applicant), John Thetford (surveyor/engineer), Hugh Hawkins (neighbor to proposed subdivision)

As warned in September 15, 2003, *Times Argus*:

"Preliminary and final site plan review of Douglas Hill's proposal to subdivide a 34.4 acre lot on Towne Hill Rd. into 6 lots. The property is in Rural Residential and Agricultural Zone D."

Vermont State wastewater permit is pending. The Selectboard has approved an access permit with conditions and approved the right-of-way for the proposed 1,127-ft.-long private road ending in a 100-ft.-

diameter turnaround. The road will meet A-76 standards, will not exceed 10% grade, and may be paved. **Motion** by Phillips, second by Blackwell, to grant final site plan approval. Vote carried.

New State (and Town) Septic System Rules Town Sewage Officer Richard Czaplinski described the new Vermont rules for approved septic systems. In 2002, the State approved use of new performance-based septic system designs that can be constructed and used in locations where conventional and mound systems would not be allowed. The Town must decide whether or not to adopt and administer the new state standards. Czaplinski has discussed this matter with the Selectboard. One of the effects of accepting these new designs is that more East Montpelier land could be developed than in the past. Czaplinski provided PC members with several information sheets related to septic systems.

Procedural Requirements for Boundary Adjustments **Motion** by Phillips, second by Chickering to postpone this discussion item. Motion defeated. PC discussed adopting a simplified procedure for minor subdivisions that are undertaken to create a boundary adjustment, citing the effort involved to notify abutting landowners and the expense involved in surveying a large parcel of land. Under current PC Procedures, the PC's requirement of a survey of the applicant's entire land parcel is optional for cases where the subdivided lot is only a small portion of the owner's total land. At the ZA's suggestion, PC specifically discussed the pending Manghi and Duane/Knoedler permit application. **Motion** by Chickering, second by Fillion, to waive the requirement of a survey of the Duane/Knoedler property in connection with the Manghi land development permit. Vote carried.

Review of minutes **Motion** by Blackwell, second by Santor to approve minutes of September 4, 2003 with minor amendments. Vote carried. **Motion** by Chickering, second by Fillion to approve minutes of September 18, 2003 with minor amendments. Vote carried.

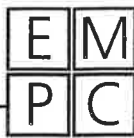
ZA Report: ZA Chace reported on notices, upcoming events and workshops.

Applications Received

127-03	Phillips, Albert & Linda	VT Rte.14 South	Garage addition
128-03	Manghi, Paul & Elaine	Markham/Guyette Rd.	Subdivision
129-03	Manghi, Paul & Elaine	Markham/Guyette Rd.	Enlarge shed & porch
130-03	Parker, Coleman & Jody	140 Maplewood Rd.	Garage
131-03	Brehaut, Walter	980 Clark Rd.	Storage bldg.
132-03	Brothers, Shane	2710 VT Rte. 14 N	Shed
133-03	Fletcher, John (app)	230 Pine Ridge Rd.	Conditional Use

Meeting adjourned at 10:15 P.M.

Minutes prepared by Rob Chickering **Next Meeting: THURSDAY, October 16, 2003, 7:30 p.m.**



Minutes of the East Montpelier Planning Commission

Vt State Surplus Property: Change of use & sign

Joyce Wheeler: Home Occupation

Anthony Cassani: Subdivision sketch plan

Clare & Chris McAfee: Home Occupation

Casey Northrup: Sign

FINAL MINUTES

Approved 5/1/03

Deborah Fillion

Meeting: April 17, 2003

Present: Planning Commissioners Carol Welch (chair), Dave Sparrow, Ken Santor, Jack Pauly, and Deborah Fillion (Fillion also Acting Zoning Administrator)

Meeting called to order at 7:38 p.m.

Vermont State Surplus Property: Change of Use (Application #29-03) & Sign (#17-03)

Present: Patrick Malone (applicant/owner), Bill Baird and Peter Noyes of VT Building and General Services
Noyes is Director of the State of Vermont Purchasing and Central Services, responsible for putting surplus and used state and federal property back into the market — state goods can be sold to the general public, sales of federal property is restricted to state, municipal, and non-profit customers. Bill Baird works for Noyes and operates the retail outlet recently relocated to the rear half of 50 Packard Road, owned by Patrick Malone. The building is 19,800 square feet, with 49 parking spaces in the rear for use by the surplus retail business and 12 in front for Zutano's warehouse employees. Baird said he had monitored daily traffic and reported 2 to 3 delivery trucks and an average of 10 customers per day. Most recent month's count, including a special Saturday sale, was approximately 218 customers with 109 sales. Regular hours of operation are 8:00 am to 4:00 pm, Tuesday through Friday, with special Saturday sales four times a year. There are two employees. Mercury vapor lighting at the rear of the building is in use only during business hours. A larger existing light has been shut off as per the conditions of their Act 250 permit. Alongside the driveway, the applicant proposes to erect a freestanding unlighted sign, 6 feet wide by 3 feet high. **Motion** by Pauly, second by Sparrow, to approve the proposed change of use. Vote carried. **Motion** by Sparrow, second by Santor, to approve the 18-square-foot sign. Vote carried.

Joyce Wheeler: Home Occupation (#23-03)

Present: Joyce Wheeler (applicant) and Duane Wheeler

Joyce Wheeler has operated a Registered Daycare for 35 years in her home at 1205 Towne Hill Rd. She has applied to the State to change her status to a Licensed Daycare for up to 10 children, 6 full-time (pre-school) and 4 part-time (after school) children. The activity will be carried on within the principal area of the dwelling, and will be conducted as a home occupation as described in Article III, Section 4 of the Zoning Regulations. Wheeler said she will have one employee, no sign will be needed, traffic will be minimal, and there is plenty of off-street parking. There is a 50 ft. by 40 ft. chain-link fenced area for outdoor activities. **Motion** by Santor, second by Fillion, to approve the daycare as a home occupation. Vote carried.

Anthony Cassani: Subdivision sketch plan review

Present: Anthony Cassani (applicant) and Dexter Lefavour (engineer)

Anthony and Jean Cassani own the 11.5-acre property on US Rt 2 occupied by Frieda Battles. Cassani submitted a site plan with septic designs by Lefavour showing seven parcels. Four 1.4-acre lots (#2, 3, 4, 5) accessed by a 60-ft.-wide right-of-way and designed for four-bedroom single-family dwellings; lots #6 (1.13 acre) and #7 (1.14 acre) would be conveyed to the abutting landowners (Brown and Audy respectively); and lot #1 is the remaining 2.3-acre homestead. Septic systems for lots #2-5 all use a common field on lot #6, as approved by State permit #WW-5-2097. PC members questioned the uphill isolation distances for the proposed wells on lots #2-5 which

largely occur on the abutting land above, and for the septic system on lot #6 which could impact a water supply on the Browns' property below. Lefavour said Brown and Audy are on Crystal Springs' water system; an easement for the company's supply line crosses lot #7. PC pointed out that the names of all abutting landowners must appear on the site plan and explained the process for notifying abutters by certified mail when a preliminary site plan hearing is warned. PC also pointed out that the new curb cut for the private road would require a state access permit and suggested the plan might be modified to incorporate the existing driveway to avoid having two proximate access points onto Rt. 2. Also suggested possible turnarounds at either end of the "T" created by the new road and asked that all measurements for distances be added to the plan. **Motion** by Fillion, second by Pauly, to approve the sketch plan as proposed with the addition of measurements and abutters to the site plan. Vote carried.

Clare and Chris McAfee: Home Occupation (#18-03)

The McAfees were unable to attend the meeting. **Motion** by Fillion, second by Pauly, to postpone their hearing to the May 1, 2003, PC meeting. Vote carried.

Review of Minutes

Motion by Fillion, second by Sparrow, to approve the minutes of 4/3/03 with minor amendments. Vote carried.

Other business

Acting ZA Report of applications received:

23-03	Wheeler, Joyce	Towne Hill	Home occupation: Daycare
24-03	Blackwell, Lyn & Ed	Center Rd	Garage addition
25-03	Lusignan, Brian & Lois	Lyle Young Rd	Roof & dormers
26-03	Allen, Janet	VT Rt. 14 No.	Garage addition
27-03	Desmarais, Rick	Gray Rd	House & garage
28-03	Shper, Paul	US Rt. 2	Commercial addition
29-03	Malone, Patrick	Packard Lane	Change of Use
30-03	Hunter, Judith	Gray Rd	Access
31-03	Joslyn, Tim & Carroll, Rhoda	Quaker Rd	Porch
32-03	McIntosh, Alec & Grace	County Rd	Deck
33-03	Laguerre, Jamie & Joey	VT Rt. 14 So.	House (convert garage)

Zoning Administrator appointment

Motion by Sparrow, second by Fillion, to appoint Diana Chace for one year to fill the remaining term for Zoning Administrator, effective April 22, subject to approval by the Selectboard at their April 21 meeting. Vote carried.

Casey Northrup: Sign Permit #15-03 (continued from March 6, 2003)

PC reviewed proposal for new 3-ft. by 4-ft. sign submitted in writing by Northrup. **Motion** by Sparrow, second by Santor, to approve sign permit. Vote carried.

Meeting day and time

PC agreed to postpone final decision regarding meeting day and time to the next scheduled PC meeting.

Motion by Santor, second by Pauly, to adjourn. Vote carried. Adjourned 9:45 p.m.

Minutes prepared by Deborah Fillion

Next Meeting: Thursday, May 1, 2003, 7:30 p.m.

**TOWN OF EAST MONTPELIER
SELECTBOARD MEETING**

**Monday, August 18th, 2003 at 7:00 p.m.
Meeting at Municipal Building**

Present: Selectboard Members Edith Miller (chair) and Martha Holden, Town Clerk & Treasurer Sylvia Tosi, Acting Town Administrator Deborah Fillion. Also present: Road Foreman Mike Garand, Zoning Administrator (ZA) Diana Chace, Planning Commission (PC) Chair Carol Welch, Delinquent Tax Collector Norma Raymond; members of the public as indicated below.

- 1. The meeting was called to order at 7:00 p.m.**
- 2. Amend agenda** to correct date of minutes for review and to add appointments for State Police citizen advisory committee.
- 3. Excess Weight Permit approved for:**
 - **D&R Farms**
- 4. Bills Payable and Treasurer's Warrants were reviewed and approved.**
- 5. Approval of subdivision rights-of-ways:**
 - **60-ft.-wide right-of-way for 7-lot subdivision by Cassani off Rt. 2 in East Village**

Present: Anthony "Dutch" Cassani (applicant) and Dexter Lefavour

Road Foreman Garand had walked the r-o-w and described the site as wet. He recommended ditches and culverts for drainage; suggested some brush be cut back to improve site distance; observed that the proposed 24-ft.-wide road would provide access for emergency vehicles but that a cul-de-sac would be needed at the end as a turnaround; discussed A-76 standards. Miller said the road does not have to be built to A-76 standards as long as it is a private road, but that Cassani must let future owners know of the town's requirement that it be brought up to A-76 before it can be taken over as a public street. She explained that PC approval would require deeded road maintenance agreements and note any limitations that exist on the lots. Cassani was given a copy of the town's road standards. **Motion by Holden to approve Cassani 60-ft.-wide right-of-way; seconded by Miller and carried.**
 - **60-ft.-wide right-of-way for Bedell to access lot off of Center Road**

Present: Bryan Bedell (applicant)

As requested by the Selectboard when they met with Bedell in May 2001 (see 5/7/01 minutes), Bedell submitted a survey map of a 60-ft.-wide r-o-w across property owned by the Palmers. The PC approved the proposed 980-ft.-long r-o-w on 8/6/03 subject to and effective upon the approval of the survey by the Selectboard. Road Foreman Garand had walked the r-o-w and described the site as very wet and needing culverts. Due to its length, he recommended the road be wide enough to accommodate emergency vehicles