

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

December 13, 2017

Lester Birnbaum
Allison Caldwell
740 Sparrow Farm Road
Montpelier, VT 05602

Re: East Montpelier Zoning Application #17-053

Dear Mr. Birnbaum & Ms. Caldwell:

Please find enclosed a copy of the permit and supporting documents for the requested 1.31-acre boundary adjustment contained in East Montpelier Zoning Application #17-053. The permit was recorded on December 13, 2017 in the East Montpelier Land Records at Book 147, Page 215.

Boundary adjustments are treated like subdivisions for the purposes of plat recording. A mylar copy of the approved plat must be filed with the East Montpelier Town Clerk within 180 days as required by the East Montpelier Land Use & Development Regulations (LUDR) Section 6.6 coupled with 24 V.S.A. §4463(b). The necessary mylar copy has already been submitted to the town clerk and certified by me, the zoning administrator, as a true copy of the approved plat prior to recording.

Please understand that this permit is solely for a boundary adjustment between Sparrow Farm Subdivision Lots 7 (the undeveloped pond lot) & 8 (your home lot), with 1.31 acres to be subtracted from Lot 8 and added to Lot 7. No new lot has been created by this action. Reference is made to the approved boundary adjustment plat captioned "Lot Line Adjustment of Land of Birnbaum + Caldwell, Sparrow Farm Road, East Montpelier, Vermont" prepared by Richard W. Bell Land Surveying, Inc., dated August 2016, labeled Project #16971, and certified by Richard W. Bell on December 5, 2017; the plat was approved on December 13, 2017 by me as the Town of East Montpelier Zoning Administrator; the mylar was certified by me as identical to the approved plat and recorded on December 13, 2017 in the Town of East Montpelier Land Records under Hanger 87, Slide 372.

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

ZONING PERMIT

NOTICE

[To Be Displayed on the Property in Full View of the Public Right-of-Way]

Date Issued: December 13, 2017

Effective Date: December 28, 2017

Location: 740 Sparrow Farm Road

Owner: Lester Birnbaum & Allison Caldwell

For: Boundary Adjustment Between Sparrow Farm

Subdivision lots: 1.31 acres from Lot 8 to Lot 7

Application # 17-053

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.

Permit # 17-053

ZONING PERMIT APPLICATION

Date Received: 12/11/17

Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 01-049.000

Overlays -

PO Box 157, East Montpelier, VT 05651

Tax Map # 04-01-80.000

- A. 1. Name of Landowner: LES B. RUBIN... ALLISON CALDWELL Phone No. 802.839.8924
 2. Address of Landowner: 740 SPARROW FARM ROAD, MONTPELIER VT 05602
 3. Applicant (other than owner) Phone No
 4. Address of Applicant.....
 5. Location of Property: 740 SPARROW FARM ROAD E. 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 type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input checked="" 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

Boundary is to be moved approximately 50 feet west toward Jacobs Road to coincide with existing tree line. 1.31 acre boundary adjustment for the benefit of Sparrow Farm Lot 7 from Lot 8

- C. Lot description: Lot 7 5.67 to 6.98
 1. acreage Lot 8 7.0 to 5.69 4. depth side yards Ft. Ft.
 (building to lot lines)
 2. road frontage Lot 7 604.12'
Lot 8 1,132.416'
 3. depth front yard Ft. 5. depth rear yard Ft.
 (Road centerline to building) (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.

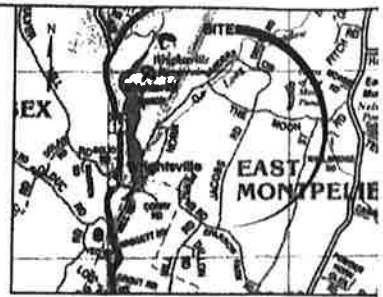
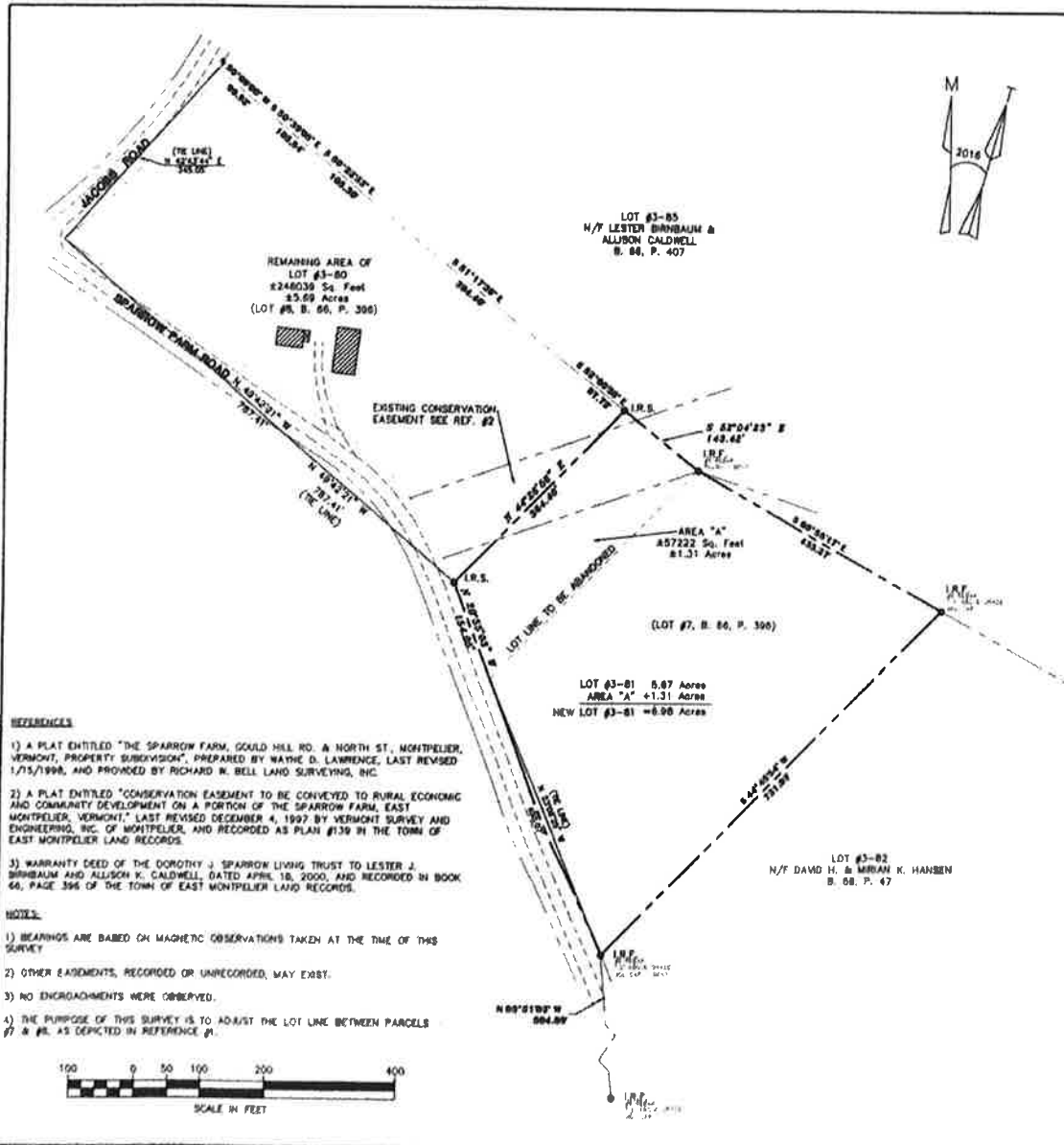
READ BELOW CAREFULLY AND SEE SECTION D ON PAGE 2 OF APPLICATION:

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 Allison Caldwell Date 12/10/17
Applicant Date

Zoning Permit Fee: \$ 75.00 Cash _____ Check 3896 Date 12/11/17 Rec'd by [Signature]
DRB Hearing Fee: \$ _____ Cash _____ Check _____ Date _____ Rec'd by _____

Make checks payable to the "Town of East Montpelier"



LOCUS
NOT TO SCALE

LEGEND

---	PROPERTY LINE
- - - - -	RIGHT OF WAY OR PARCEL LINE
- - - - -	AS SURVEYED BY OTHERS
○ I.R.F.	IRON ROD FOUND
● I.R.S.	IRON ROD SET

- REFERENCES**
- 1) A PLAT ENTITLED "THE SPARROW FARM, GOULD HILL RD. & NORTH ST., MONTPELIER, VERMONT, PROPERTY SUBDIVISION", PREPARED BY WAYNE D. LAWRENCE, LAST REVISED 1/15/1998, AND PROVIDED BY RICHARD W. BELL LAND SURVEYING, INC.
 - 2) A PLAT ENTITLED "CONSERVATION EASEMENT TO BE CONVEYED TO RURAL ECONOMIC AND COMMUNITY DEVELOPMENT ON A PORTION OF THE SPARROW FARM, EAST MONTPELIER, VERMONT", LAST REVISED DECEMBER 4, 1997 BY VERMONT SURVEY AND ENGINEERING, INC. OF MONTPELIER, AND RECORDED AS PLAT #139 IN THE TOWN OF EAST MONTPELIER LAND RECORDS.
 - 3) WARRANTY DEED OF THE DOROTHY J. SPARROW LIVING TRUST TO LESTER J. BINNBAUM AND ALLISON K. CALDWELL, DATED APRIL 18, 2000, AND RECORDED IN BOOK 66, PAGE 396 OF THE TOWN OF EAST MONTPELIER LAND RECORDS.
- NOTES**
- 1) BEARINGS ARE BASED ON MAGNETIC OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
 - 2) OTHER EASEMENTS, RECORDED OR UNRECORDED, MAY EXIST.
 - 3) NO ENCROACHMENTS WERE OBSERVED.
 - 4) THE PURPOSE OF THIS SURVEY IS TO ADJUST THE LOT LINE BETWEEN PARCELS #7 & #8 AS DEPICTED IN REFERENCE #1.



REVISED 11/10/17 TO SHOW NEW LOT LINE BY RWG

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PERFORMED WITH ELECTRONIC TOTAL STATION SURVEY EQUIPMENT, WITH A POSITIONAL TOLERANCE CONFIDENCE LEVEL ABOVE 95%. I FURTHER CERTIFY THAT THIS PLAT MEETS ALL THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.

DATED *Dec 5, 2017*

Richard W. Bell
RICHARD W. BELL L.S. #538 VT.

© COPYRIGHT 2018
PROJ. # 18071

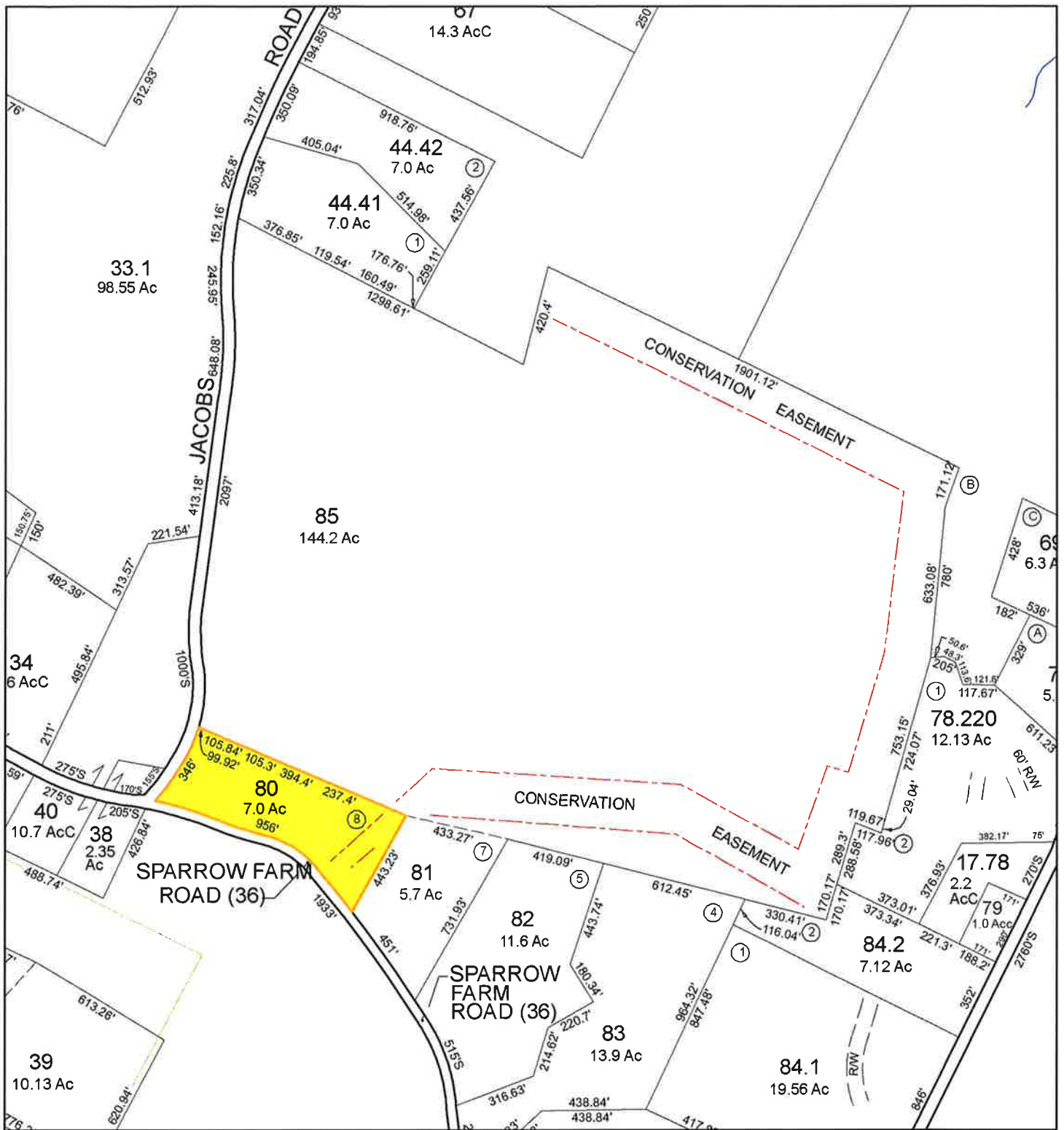
DATE: AUGUST, 2016
SCALE: 1"=100'
SURVEYED BY: RWB/TWV
CHECKED BY: RWB

LOT LINE ADJUSTMENT OF LANDS OF BINNBAUM + CALDWELL SPARROW FARM ROAD EAST MONTPELIER, VERMONT

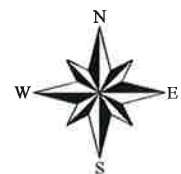
SHEET 1 OF 1 DWS. # 9-971

RICHARD W. BELL LAND SURVEYING, INC.
287 SOUTH MAIN ST.
BARRE, VERMONT 05841
802-478-1283 • 802-753-3037
FAX: 802-478-1283 • 802-753-3037

I CERTIFY THAT THIS PLAT IS AN ORIGINAL WORK ON MY PLAT DRAWING. RICHARD W. BELL, L.S.



**Birnbaum -- 740 Sparrow Farm Road
East Montpelier**



12/13/2017

State of Vermont
Department of Environmental Conservation

Agency of Natural Resources

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
Chapter 21, Water Supply Rules, Effective December 1, 2010Landowner(s): Les Birnbaum
740 Sparrow Farm Road
Montpelier VT 05602

Permit Number: WW-5-7518-R

This permit affects the following properties in East Montpelier, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
8	04-01-80.000	195-062-10068	5.69	Book:66 Page(s):396

This permit is for the correction of errors in the project description and acreages involved in original permit WW-5-7518 regarding a project, consisting of the replacement of a failed wastewater disposal system and a boundary line adjustment, for an existing 4-bedroom single family residence, located at 740 Sparrow Farm Road in East Montpelier, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

1. GENERAL

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Paul Taylor, with the stamped plans listed as follows:

Title	Sheet Number	Plan Date	Revision Date
Replacement Septic Design for Les Birnbaum	1	08/30/2017	10/25/2017

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the East Montpelier Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the East Montpelier Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and wastewater system was installed in accordance with the permitted design and all the permit conditions, was inspected, was properly tested, and has successfully met those performance tests",

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 Lot 8 now being 5.69-aces after a 1.31-acer boundary line adjustment with lot 7, is approved with an existing 4-bedroom single family residence. No alterations to the existing building that would change or affect the water supply or wastewater disposal shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations.
- 1.7 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.8 This permit shall supersede Permit Number WW-5-7518 dated 11/27/2017 and Home Stead Exemption HE-5-0291 dated 3/23/1998.
- 1.9 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.10 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.
- 1.11 This permit authorizes the landowner to construct a new wastewater disposal system required to abate a health hazard created by the failure of the existing wastewater system serving the structure/residence. The landowner is required to continue measures to prevent wastewater from surfacing on top of the ground, entering surface waters of the State, or backing up into the existing residence until such time as the approved wastewater system is constructed, activated, and all the conditions of this permit are satisfied.
- 1.12 The landowner shall complete construction of the **wastewater system** approved by this permit and submit the installation certification required by Condition 1.5 of this permit **no later than June 1, 2018**. The landowner may request one extension of this deadline, provided the landowner makes the request in writing prior to the specified date, and shows good cause why construction cannot be completed by the stated date. If construction is not completed by the required deadline, this permit shall no longer remain valid for the purposes of authorizing the construction of the **wastewater system**.

2.WATER SUPPLY

- 2.1 The existing 4-bedroom single family residence is authorized to utilize the existing water supply. No changes shall be made to the existing water system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division, unless otherwise exempt. No other means of obtaining potable water shall be allowed without prior review and approval by the Drinking Water and Groundwater Protection Division, unless otherwise exempt. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".

3.WASTEWATER DISPOSAL

- 3.1 This existing 4-bedroom single family residence is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for 490 gallons of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.

DOCUMENTS FOR RECORDING

- 3.2 The existing 4-bedroom single family residence is approved for a mound wastewater system provided the mound is constructed in strict accordance with the following conditions:
- a. The mound system is to be located and constructed as depicted on the plans that have been stamped by the Drinking Water and Groundwater Protection Division.
 - b. A qualified Vermont Licensed Designer shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed prior to placement of the appropriate sand fill, the installation and testing of the distribution piping, final grading of the mound including side slopes, and pump station installation.
 - c. The construction of the mound shall adhere to the requirements set forth in Section 1-913(f) of the above referenced rules.
- 3.3 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.4 The corners of the proposed replacement wastewater system shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.5 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.6 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater systems are allowed on or near the site-specific wastewater disposal system area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater system.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By Carl Fuller Dated December 13, 2017
Carl Fuller, PE
Regional Engineer
Montpelier Regional Office
Drinking Water and Groundwater Protection Division

cc: Paul Taylor
Sarah Field, Esq – Via email
East Montpelier Planning Commission