

Permit # 18-007  
Zoning District E  
Overlays WR

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

Date Received: 4/4/18  
Parcel # 02-080.000  
Tax Map # 04-01-50.100

\*\*\*\*\*  
A. 1. Name of Landowner Robert & Lorie Rice Phone No. 802-223-0207  
2. Address of Landowner 855 Jacobs Rd, Montpelier, VT 05602  
3. Applicant (other than owner)..... Phone No.....  
4. Address of Applicant.....  
5. Location of Property 855 Jacobs Road

**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. To further subdivide Lot 1 with 16.28 acres into 2 lots: Lot 1 with 9.15 acres and Lot 4 with 7.13 acres. Lot 3 remains unchanged. The single-family residence on Lot 1 continues to be served by existing on-site water and sewer. Development on Lot 4 is deferred. There is a 60' easement in favor of Lots 3&4 across Lot 1, and a 30' easement across Lot 3 in favor of Lot 4 per included plan. The right of way across Lot 2 is relinquished.

- C. Lot description:
- |   |  |
|---|--|
| 1. acreage <u>16.28 +/-</u>   | 4. depth side yards <u>166' (min)</u> Ft. <u>        </u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>705'</u> Ft.  |  |
| 3. depth front yard <u>42' (min)</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>400' (min)</u> Ft.<br>(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 ..... Date .....  
Applicant ..... Date .....

\*\*\*\*\*  
Zoning Permit Fee: \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_  
DRB Hearing Fee: \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_

Make checks payable to the "Town of East Montpelier"



Surveyors & Septic Designers, Inc

301 North Main Street, Suite 1  
Barre, Vt. 05641

Phone 802-479-9636

Fax 802-479-4017

email: cdchase@chasesurveyors.com

billchase@chasesurveyors.com

kjurentkuff@chasesurveyors.com

April 9, 2018

Bruce Johnson, Zoning Administrator  
Town of East Montpelier  
40 Kelton Road  
PO Box 157  
East Montpelier, VT 05651

Hand Delivered

Re: Subdivision Application – Bob and Lorie Rice, Jacobs Road

Dear Bruce,

Please find attached a formal application for the re-configuration of the 2005 subdivision of Bob and Lorie Rice as was presented to the Development Review Board for conceptual review at the hearing on April 3.

The changes to the previously approved subdivision proposed are as follows:

- 1) Further subdivision of Lot 1 with the existing residence into two lots: Revised Lot 1 of 9.15 acres with the existing residence and new Lot 4 of 7.13 acres. No development is proposed on Lot 4;
- 2) Creation of a relocated 60' wide access and utilities easement to serve previously approved Lot 3 and new Lot 4;
- 3) Creation of a new 30' wide access and utility easement over the south end of Lot 3 to serve new Lot 4;
- 4) Relinquishment of the portion of the previously approved 60' wide right-of-way serving Lots 2 (now land of Morse) and Lot 3 lying on the land of Morse.

As noted, no development is proposed on Lot 4 at this time. It is understood by the owners that any future proposal for the development of Lot 4 will required review and approval by the Board. A condition to that effect is anticipated.

It is my understanding that the right-of-way relocation and relinquishment noted in 2) and 3) above were approved by the Board in 2015, but no mylar to support that approval was ever filed. The followup to this application will correct that oversight. It is also my understanding that in 2015 the Selectboard approved a new curb-cut within the relocated 60' right-of-way, but that that curb-cut was approved to serve only Lot 3. In order to serve Lot 4 as well, an amendment to the 2015 curb-cut will be required. That approval will be sought prior to the May 1 hearing date for this application.

If there are any additional questions or concerns regarding this application, please don't hesitate to call.

Sincerely,

Kris Jurentkuff  
Project Manager



**REFERENCES**

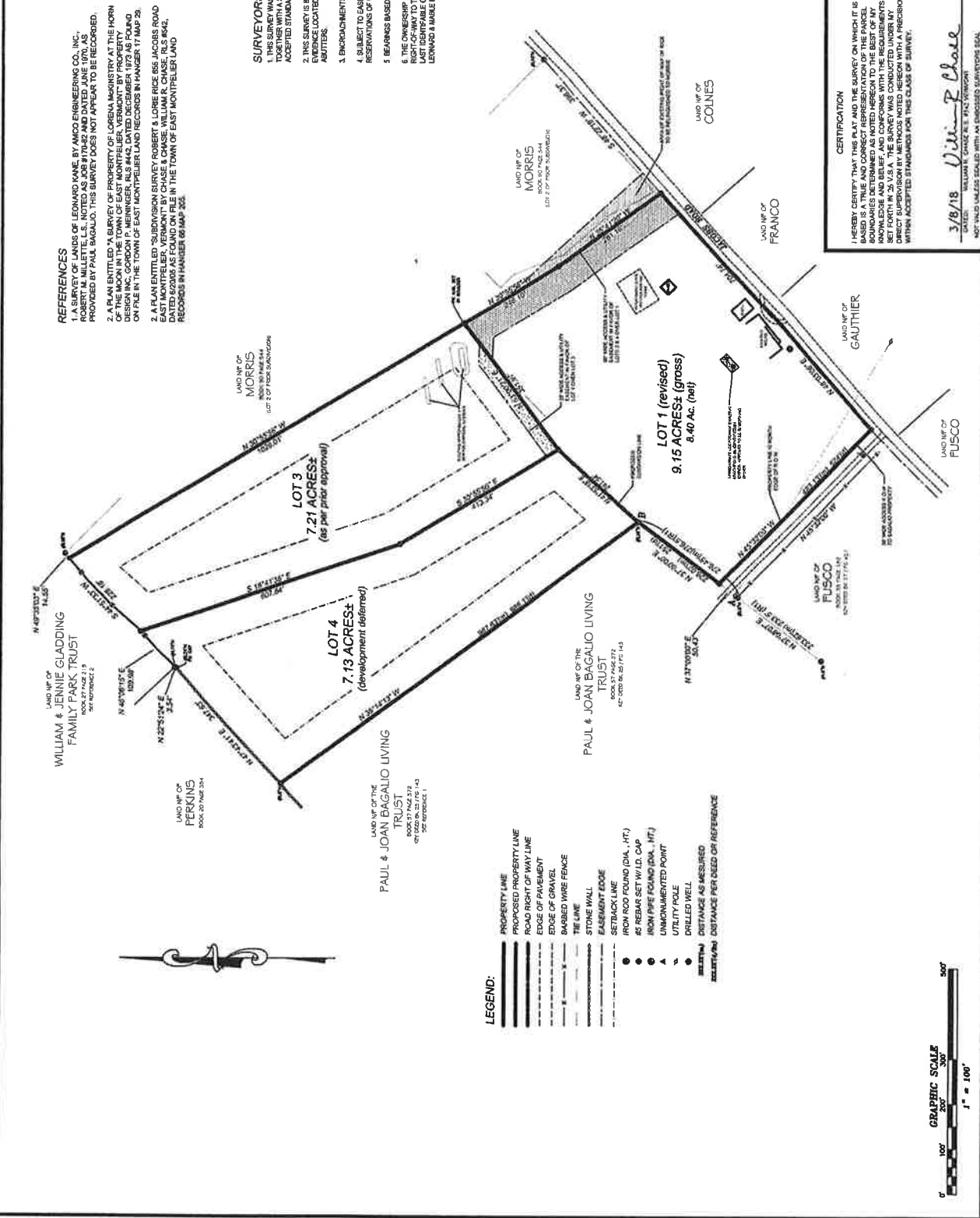
1. A SURVEY OF LANDS OF LEONARD KANE, BY AMCO ENGINEERING CO., INC., ROBERT M. MULLETTE, L.S., NOTED AS JOB #17482 AND DATED JUNE 1970, AS PROVIDED BY PAUL BAGALIO. THIS SURVEY DOES NOT APPEAR TO BE RECORDED.

2. A PLAN ENTITLED "A SURVEY OF PROPERTY OF LORENA MCKINSTRY AT THE HORN DOCK AND SHEDS OF THE TOWN OF MONTPELIER, VERMONT" BY PROPERTY DEPARTMENT OF THE CITY OF MONTPELIER, VERMONT, DATED 1970, AS FILED IN THE TOWN OF MONTPELIER LAND RECORDS IN HANDBOOK 17 MAP 29.

3. A PLAN ENTITLED "SUBDIVISION SURVEY OF ROBERT & LORIE RICE (SEE JACOBS ROAD DATED 8/20/84) AS FOUND ON FILE IN THE TOWN OF EAST MONTPELIER LAND RECORDS IN HANDBOOK 66 MAP 202.

**SURVEYORS NOTES:**

1. THIS SURVEY WAS CONDUCTED BY USE OF A LEITZ SET 4 TOTAL STATION WITH AN ELECTRONIC DISTANCE MEASUREMENT SYSTEM, WITH AN INTERIOR OF CLOSURE WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL ENCROACHMENTS, AND INFORMATION SUPPLIED BY OWNERS AND ADJUTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, AND RESERVATIONS OF RECORD.
5. BEARINGS BASED ON REFERENCE 1 ABOUT LINE A-B NOTED HEREON.
6. THE OWNERSHIP OF THE FEE INTERESTS IN THE SURFACE RIGHTS-OF-WAY TO THE LAND OF BAGALIO HAS NOT BEEN DETERMINED. THE LAST IDENTIFIABLE OWNERSHIP WAS BY THE ORIGINAL SUBDIVIDER LEONARD KANE CIRCA 1970.



**SUBDIVISION SURVEY**  
**ROBERT & LORIE RICE**  
 895 JACOBS ROAD  
 EAST MONTPELIER, VERMONT

**Chase & Chase**  
 Surveyors & Deptic Designers, Inc.  
 301 North Main Street  
 Montpelier, VT 05602  
 Phone: 802-253-1100  
 Fax: 802-253-1101

**CERTIFICATION**

I HEREBY CERTIFY THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF VERMONT. I HAVE READ THE PLAT AND THE SURVEY AND AM AWARE OF THE CONTENTS THEREOF. I HAVE ALSO READ THE DEEDS AND RECORDS OF RECORDS IN THE TOWN OF EAST MONTPELIER, VERMONT, AND AM AWARE OF THE REQUIREMENTS OF THE VERMONT SUBDIVISION ACT AND THE REQUIREMENTS OF THE VERMONT DEEDS ACT. I HAVE ALSO READ THE DEEDS AND RECORDS OF RECORDS IN THE TOWN OF EAST MONTPELIER, VERMONT, AND AM AWARE OF THE REQUIREMENTS OF THE VERMONT SUBDIVISION ACT AND THE REQUIREMENTS OF THE VERMONT DEEDS ACT.

3/18/18 *William R. Chase*  
 DATE: WILLIAM R. CHASE, R.E.T. #1421 VERMONT  
 NOT PUBLIC UNLESS SIGNED WITH AN EMPLOYED SURVEYORS SEAL

TOWN OF  
EAST MONTPELIER, VERMONT  
SELECTBOARD

Casey Northrup (2014 – 2017)  
Gene Troia (2015 – 2016)

Kim Swasey (2015 – 2017)  
Carl Etnier (2013 – 2016)  
Chair, Seth Gardner (2015 – 2018)

November 3, 2015

Robert & Lorie Rice  
855 Jacobs Road  
Montpelier, VT 05602

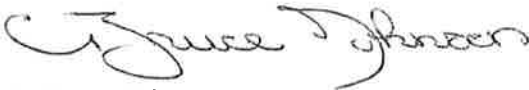
Re: East Montpelier Access Permit #15-035

Dear Mr. & Ms. Rice:

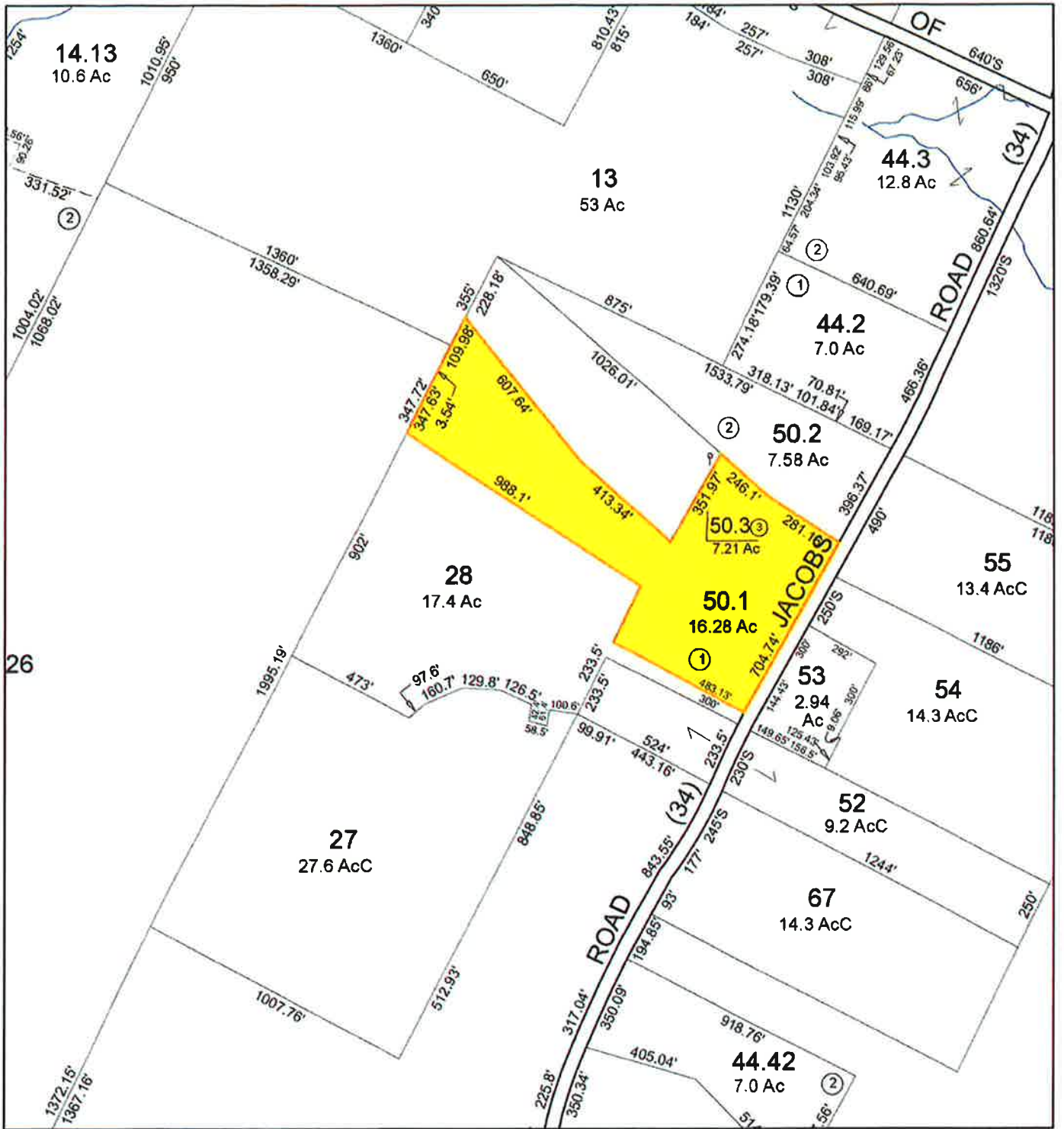
The East Montpelier Selectboard met on Monday, November 2, 2015, and approved the requested shift in residential access/curb cut for Lot 3 of your 2005 subdivision. If you have questions on the construction conditions contained in the approval, please contact Road Foreman Mike Garand at (802) 223-5870.

Please understand that this permit only gives town permission to construct a residential access to Lot #3. Additional town permits will be necessary for any development of your lot. I'll also need to issue an E-911 number (a street address) for the property. Please contact me at (802) 223-3313 x 204 when you're ready for the next steps.

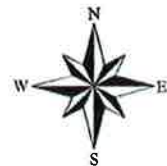
Sincerely,



C. Bruce Johnson  
East Montpelier Town & Zoning Administrator



**Rice -- 855 Jacobs Road  
East Montpelier**



10/27/2015

# Town of East Montpelier

The East Montpelier Development Review Board will hold a Public Hearing Tuesday, May 1, 2018 at 7:00 p.m. at the Municipal Office Building to conduct final plan review of zoning application 18-007 submitted by Bob & Lorie Rice. The application is for a 2-lot subdivision of their property located at 855 Jacobs Road. This is the second subdivision of the Rice property. In 2005 two approximately 7-acre lots were separated from the Rice property, one of which (Lot 2) has now been developed and has the address of 915 Jacobs Road. The second lot (Lot 3) is an undeveloped back lot served by an access easement across the Rice home lot, which is referred to as remainder Lot 1. This new subdivision proposes to carve out a second 7-acre back lot (Lot 4) using the same access easement off of Jacobs Road followed by a smaller easement over Lot 3. The following notice will appear in the Times Argus Saturday, April 14, 2018:

**The East Montpelier Development Review Board will hold a Public Hearing on Tuesday, May 1, 2018 at 7:00 p.m. at the Municipal Office Building to consider the following:**

**Final plan review of Application #18-007, submitted by Lorie & Robert Rice, to further subdivide their residential property located at 855 Jacobs Road. This proposal will divide the original 16.28-acre remainder Lot 1 from the Rice 2005 subdivision into two lots: new Lot 4 of 7.13+/- acres with access by easement over Lot 1 and Lot 3; and, remainder Lot 1 of 9.15+/- acres and existing structures with 705 feet of frontage on Jacobs Road. The property is located in Zone E – Agricultural/Forest Conservation District, where the minimum lot size is 7 acres.**

The applicants 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 V.S.A. §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](mailto:eastmontadmin@comcast.net).

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