

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: May 18, 2018

Effective Date: June 2, 2018

Location: 855 Jacobs Road

Owner: Bob & Lorie Rice

For: 2 - Lot Subdivision
lot 1 - 9.15 acres w/ existing structures
lot 4 - 7.13 acres

Application # 18-007

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.

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

May 18, 2018

Bob & Lorie Rice
855 Jacobs Road
Montpelier, VT 05602

Re: East Montpelier Zoning Application #18-007

Dear Mr. & Ms. Rice:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #18-007 as presented. You have the right to appeal the decision of the Development Review Board. 10 V.S.A. §8504, 24 V.S.A. §4471 and V.R.E.C.P. 5 provide guidance on appeals to the Environmental Division of the Vermont Superior Court, but should you wish to appeal you should seek the advice of an attorney to determine your rights and duties in this particular situation. Generally any appeal must be filed with the Environmental Division within 30 days of the issuance of the decision.

Based on the above-referenced DRB approval I have issued East Montpelier Zoning Permit #18-007 for a 2-lot subdivision of your property at 855 Jacobs Road. You have 180 days to duly file and record a mylar copy of the approved subdivision plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must be certified by me, the zoning administrator, as a true copy of the approved subdivision plat prior to recording.

Please remember that land development on the new lot will require additional permitting, both at the local and state level. Further, if/when you either sell or commence development on Lots 3 & 4, I'll need to issue E911 street addresses for the lots. 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
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Lorie & Robert Rice
 855 Jacobs Road
 Parcel # 02-080.000 Tax Map # 04-01-50.100

East Montpelier Zoning Application #18-007

INTRODUCTION & PROCEDURAL HISTORY

1. On April 11, 2018, Robert (Bob) & Lorie Rice filed an application with the Town of East Montpelier to subdivide their property located at 855 Jacobs Road. The proposal would divide the 16.28-acre parcel into 2 lots: Lot 1 of 9.15 acres with existing structures and frontage on Jacobs Road; and, new Lot 4 of 7.13 acres served by an access easement over Lots 1 & 3 (an undeveloped lot created by a previous Rice subdivision in 2005).
2. The property in question is located in the Agricultural & Forest Conservation District – Zone E, where the minimum lot size is 7 acres and subdivisions require approval from the Development Review Board.
3. Applicant representative Kris Jurentkuff appeared before the DRB on April 3, 2018 for an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision.
4. A public notice was duly published in the Times Argus on April 14, 2018 for a hearing, which was conducted on May 1, 2018.
5. Applicants/owners Bob & Lorie Rice, applicant representative Craig Chase, and Zoning Administrator Bruce Johnson appeared and participated in the May 1, 2018 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the May 1, 2018 hearing were Curtis, Welch, Dworkin, Watson, Lange, Kappel, Cueto, and Lane.

FINDINGS OF FACT

1. Bob & Lorie Rice own a developed 16.28-acre parcel located at 855 Jacobs Road. The current proposal is to subdivide the property to create a new 7.13-acre deferred development lot (Lot 4) and a 9.15-acre remainder lot (Lot 1) with the existing structures.
2. In 2005 Mr. & Ms. Rice were approved for a 3-lot subdivision of their 30-acre parcel, creating two new approximately 7-acre building lots: Lot 2 with direct access on Jacobs Road; and, Lot 3, which was served by an access easement over Lot 2 and Lot 1. The two lots were to be served by a single driveway passing partially over Lot 2. Lot 2 has since been developed; Lot 3 is still undeveloped and remains under Rice ownership. In 2015 the 60-foot access easement for Lot 3 was shifted off of Lot 2 and placed entirely on Lot 1. A residential curb cut permit was issued for the benefit of Lot 3 on November 2, 2015 (application #15-035).
3. The property is located in Zone E – the Agricultural & Forest Conservation District, where a conforming lot requires 7 acres and either 350 feet of road frontage or an approved access easement. Lot 1 contains 9.15 acres with approximately 705 feet of frontage on Jacobs Road. Lot 4 of 7.13 acres has no road frontage and will be served by a 60-foot shared (with Lot 3) easement over Lot 1 coupled with a 30-foot easement over Lot 3.
4. The East Montpelier Selectboard approved the multi-residential access (curb cut) on Jacobs Road that will serve both the proposed deferred development lot (Lot 4) and Lot 3 from the 2005 Rice subdivision on April 23, 2018 (application #18-008).

CONCLUSIONS

The standards for the issuance of a subdivision permit are set forth in Sections 6.7 through 6.10 of the East Montpelier Land Use & Development Regulations. It is found that the standards in Sections 6.7, 6.8, & 6.9 have been reviewed, and the proposed subdivision meets all applicable requirements once the existing shed is removed. It is further found that Section 6.10 does not apply to this project.

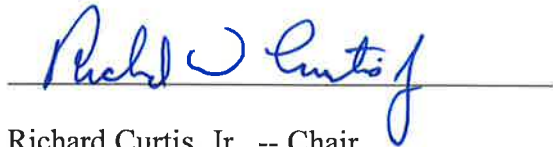
DECISION

By unanimous vote, the DRB approves Zoning Permit #18-007 to allow the further subdivision of the Rice parcel located at 855 Jacobs Road as presented.

This subdivision approval is subject to the East Montpelier Land Use & Development Regulations Section 6.6 plat recording requirements which, among other directives, mandate the filing of a mylar copy of the approved subdivision plat in the East Montpelier land records within 180 days of the date of subdivision approval.

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) 505-5367 to speak to the state Permit Specialist before beginning any construction.

Dated this 17th day of May, 2018.

A handwritten signature in blue ink, reading "Richard Curtis, Jr.", is written over a horizontal line.

Richard Curtis, Jr. -- Chair
East Montpelier Development Review Board

Notice: 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.

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'</u> (min) Ft. Ft. |
| 2. road frontage <u>705'</u> Ft. | (building to lot lines) |
| 3. depth front yard <u>42'</u> (min) Ft. | 5. depth rear yard <u>400'</u> (min) 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 Lorie Rice Date 4-12-18
Applicant _____ Date _____

Zoning Permit Fee: \$ 250 Cash _____ Check 510 Date 4/2/18 Rec'd by [Signature]
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:

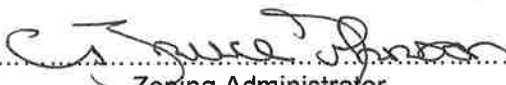
1. Granted Denied Date Reason.....

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 # 18-007 Date Issued 05/18/18 Effective Date 06/02/18

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 4.14.18

2. Date(s) of Hearing 5.1.18

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: 05/18/18

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.
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Surveyors & Septic Designers, Inc

April 9, 2018

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

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

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

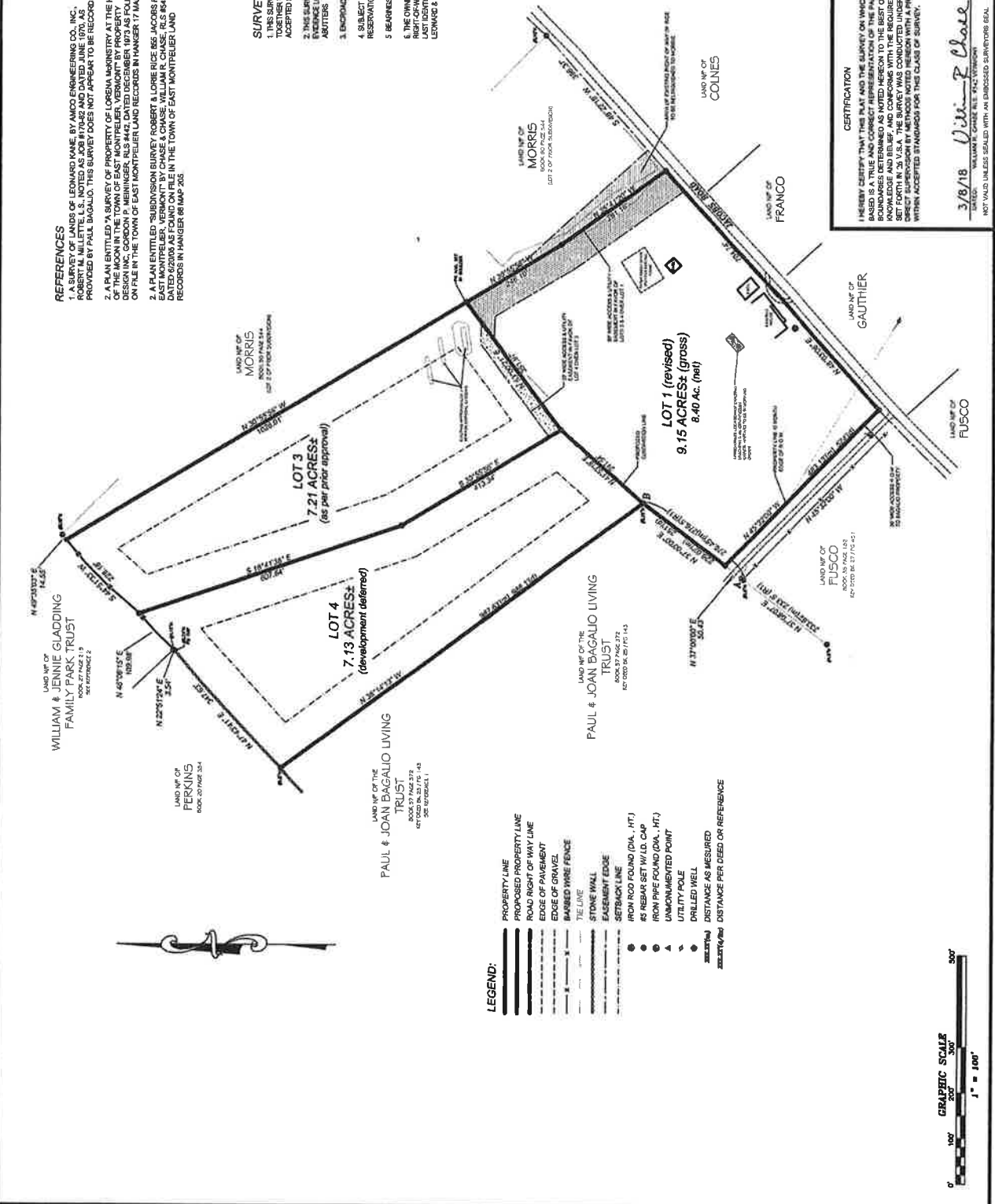


REFERENCES

1. A SURVEY OF LANDS OF LEONARD KANE, BY AMCO ENGINEERING CO., INC., ROBERT M. MULLETTE L.S., NOTED AS JOB #17942 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 WAINSTAY AT THE HORN CREEK IN THE TOWN OF EAST MONTPELIER, VERMONT" BY PROPERTY DESIGNER, INC., NOTED AS JOB #17942 AND DATED JUNE 1970, AS PROVIDED ON FILE IN THE TOWN OF EAST MONTPELIER RECORDS IN HANGER 17 MAP 28.
3. A PLAN ENTITLED "SUBDIVISION SURVEY ROBERT & LORIE RICE AS JACOBS ROAD EAST MONTPELIER, VERMONT" BY CHASE & CHASE WILLIAM R. CHASE, R.C.S., DATED 6/20/08 AS FOUND ON FILE IN THE TOWN OF EAST MONTPELIER LAND RECORDS IN HANGER 86 MAP 205.

SURVEYOR'S NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A LIETZ SET 4 TOTAL STATION SET UP WITH A STEEL TAPE, WITH AN ENDPOINT OF CLOSURE WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL MONUMENTS, 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 ARE NOTED HEREON.
6. THE OWNERSHIP OF THE TREE LANDS LYING BENEATH THE SPURWAY ARE NOTED HEREON. THE LAST IDENTIFIABLE OWNERSHIP WAS BY THE ORIGINAL SUBDIVIDER LEONARD & MARIE KANE CIRCA 1875.



CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF THE REAL ESTATE AND BELIEF, AND CONFORMS WITH THE REQUIREMENTS SET FORTH IN 25 V.S.A. THE SURVEY WAS CONDUCTED UNDER MY PERSONAL SUPERVISION AND ACCORDING TO THE PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

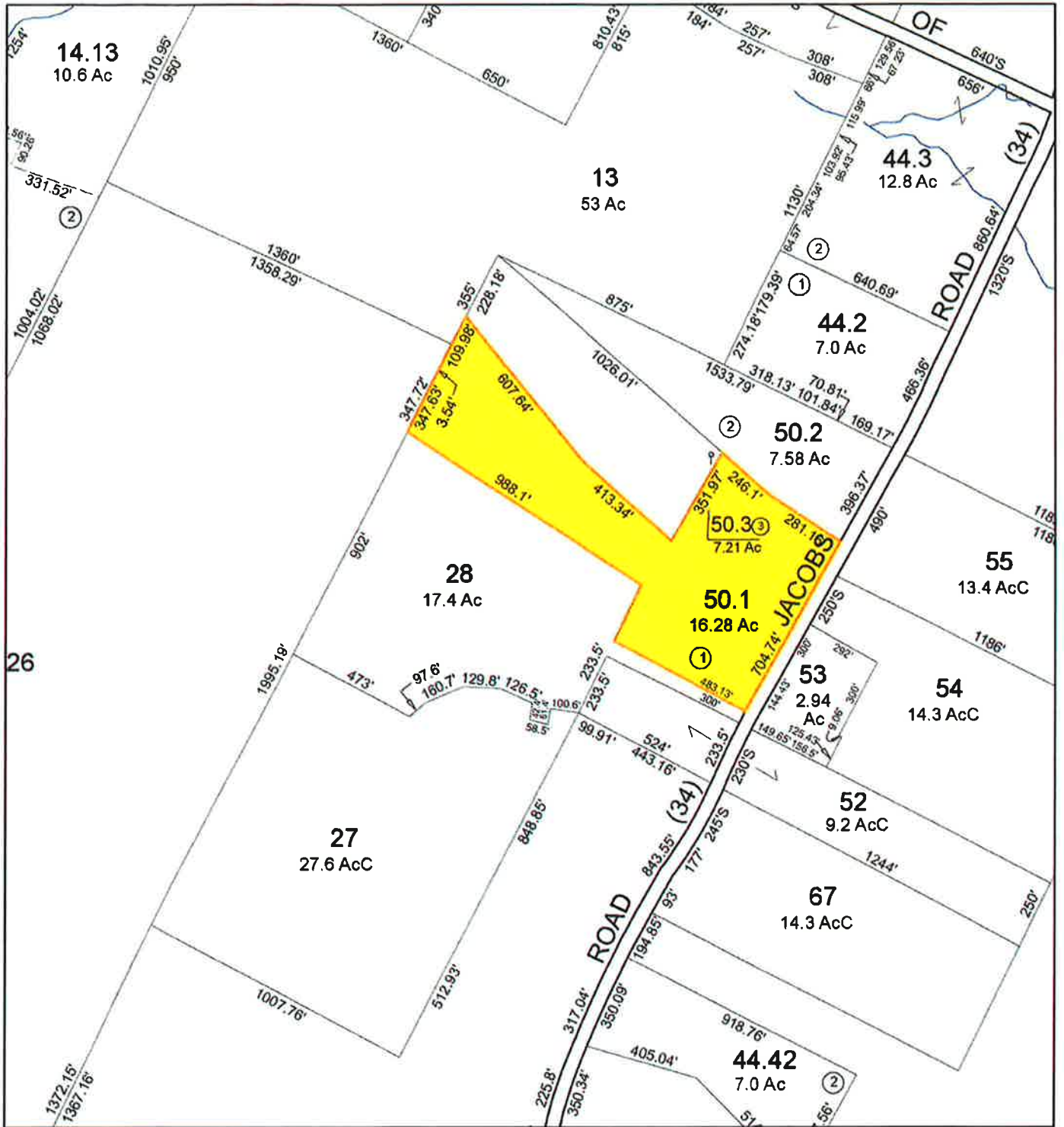
3/8/18 *William R. Chase*
 WALTER K. CHASE R.E., P.E., C.V.T.
 NOT VALID UNLESS SEALED WITH AN APPROVED SURVEYOR'S SEAL

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

Chase & Chase
 Surveyors & Septic Designers, Inc.
 307 PETER PARK DRIVE, SUITE 1
 EAST MONTPELIER, VERMONT 05672-2542
 PHONE: 802-253-2542
 FAX: 802-253-2542
 SCALE: 1" = 200' DATE: 3/27/18 DRAWN BY: JACOBUS/ELW/MSK CHECKED BY: MSK/ELW/MSK SHEET: 1003.33 SHEET NO.: 507 OF 578

- LEGEND:**
- PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - ROAD RIGHT OF WAY LINE
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - BUILT UP WIRE FENCE
 - TELE LINE
 - STONE WALL
 - EASEMENT EDGE
 - SETBACK LINE
 - IRON ROD FOUND (DIA., HT.)
 - AS NEEDED SET W/ CO. CAP
 - ▲ IRON PIPE FOUND (DIA., HT.)
 - ▲ UNMONUMENTED POINT
 - UTILITY POLE
 - DRILLED WELL
 - DISTANCE AS MEASURED
 - DISTANCE PER DEED OR REFERENCE





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



10/27/2015