

# 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 31, 2018

Effective Date: June 15, 2018

Location: 560 VT Rte. 145

Owner: Albert Phillips

For: Boundary Adjustment: 5.61 acres

from 560 VT Rte. 145 to 190 Phillips Road

Application # 18-018

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 31, 2018

Albert Phillips  
560 VT Rte. 14 S  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-018

Dear Mr. Phillips:

Please find enclosed the permit and supporting documents for the requested 5.61-acre boundary adjustment contained in East Montpelier Zoning Application #18-018.

Boundary adjustments are treated like subdivisions for the purposes of plat recording. You have 180 days to duly file and record a mylar copy of the approved plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations (LUDR) Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must contain a certificate block as described in LUDR Section 6.6(A)(4) and must be certified by me, the zoning administrator, as a true copy of the approved plat prior to recording. Since you submitted the mylar at the time of application and it has since been certified and recorded, this condition has been satisfied.

Please understand that this permit is solely for a boundary adjustment with abutting landowners Scott & Kelly Phillips (190 Phillips Road). No new lot has been created by this action. If you would like to create a separate lot, you will need to go through the full subdivision process.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,



C. Bruce Johnson  
East Montpelier Zoning Administrator

Permit # 18-018

**ZONING PERMIT APPLICATION**

Date Received: 5/31/18

Zoning District D

**TOWN OF EAST MONTPELIER**

Parcel # 09-078.000

Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 12-02-51.000

\*\*\*\*\*

- A. 1. Name of Landowner... Albert S. Phillips Phone No. 461-5908  
 2. Address of Landowner... 560 Vt Rte 145 East Montpelier 05651  
 3. Applicant (other than owner)..... Phone No.....  
 4. Address of Applicant.....  
 5. Location of Property.....

**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 adjustment:  
Home lot 3.04 ac  
lot to be merged w/ 09-076.001 5.61 ac

**C. Lot description:**

- |  |   |
|--|---|
| 1. acreage ..... <u>7.8 ac</u>                                 | 4. depth side yards ..... Ft. .... Ft.<br>(building to lot lines) |
| 2. road frontage ..... Ft.                                     |   |
| 3. depth front yard ..... Ft.<br>(Road centerline to building) | 5. depth rear yard ..... 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 Albert S. Phillips Date 5-31-2018  
Applicant ..... Date .....

\*\*\*\*\*  
Zoning Permit Fee: \$ 75.00 Cash (Credit card) Date 5/31/18 Rec'd by D.S.  
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) 505-5367 to speak to Peter Kopsco, our region's 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/energy\\_efficiency/rbes](http://publicservice.vermont.gov/energy_efficiency/rbes)  
Commercial Building Energy Standards: [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/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 # 18-018 ..... Date Issued 05/31/18 ..... Effective Date 06/15/18

**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.**

- 4. **Permittee is required to submit a Certificate of Compliance form to the Zoning Administrator in accordance with East Montpelier Land Use & Development Regulations Section 7.4:**  
 Yes (form included with permit)     No

.....  
*[Signature]*  
Zoning Administrator

**F. Action by Development Review Board:**

- 1. Public Notice Date .....
- 2. Date(s) of Hearing .....
- 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: .....

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.



- NOTES**
1. BEARINGS ARE BASED ON MAGNETIC OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
  2. NO ENCROACHMENTS WERE OBSERVED.
  3. OTHER EASEMENTS RECORDED OR UNRECORDED MAY EXIST.
  4. THE PURPOSE OF THIS PLAT IS TO ADJUST PARCEL #1 ACRES TO BE ABOVE 3 ACRES AND CONVEY THE REMAINING PARCEL TO BE JOINED WITH PARCEL #12-02-53.5

**LOCUS**  
NOT TO SCALE

**LEGEND**

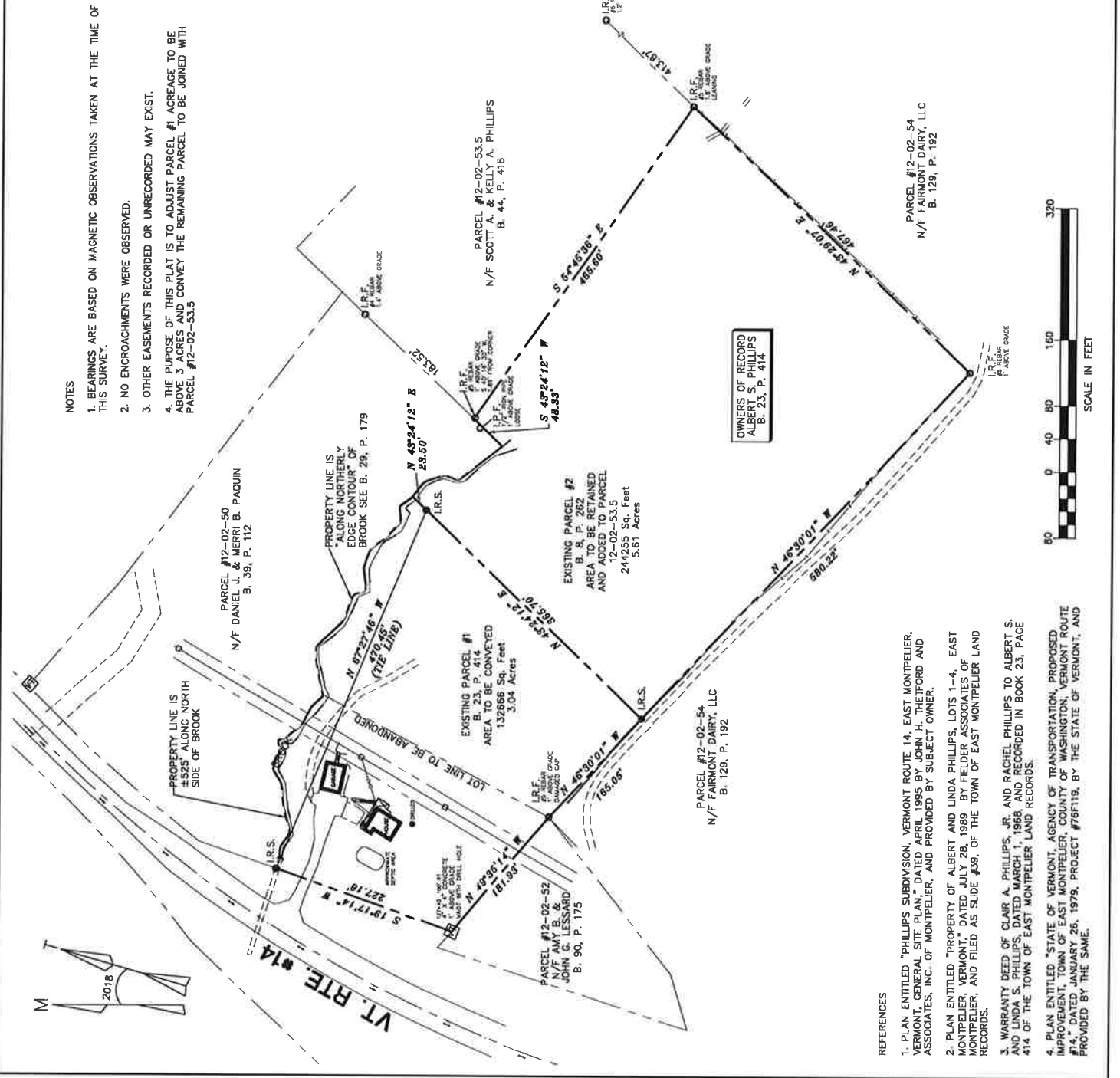
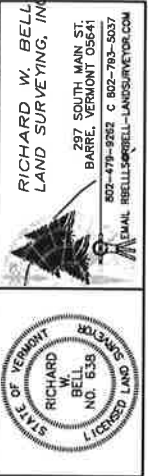
- PROPERTY LINE
- RIGHT OF WAY OR PARCEL LINE
- STONE WALL
- OVERHEAD UTILITY LINES
- WIRE FENCE
- BROOK
- UTILITY POLE
- GUY WIRE
- IRON ROD FOUND
- IRON ROD SET
- IRON PIPE FOUND
- VERMONT AOT HIGHWAY BOUND

**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.

**LOT LINE ADJUSTMENT OF ALBERT S. PHILLIPS VT. RTE. #14 EAST MONTPELIER, VERMONT**

RICHARD W. BELL U.S. #638 VT.  
COPYRIGHT 2018  
PROJ. #18123  
DATE: APRIL 2018  
SCALE: 1"=80'  
SURVEYED BY: RJG/MLC  
CHECKED BY: RWB  
DWG. # S-1123



**REFERENCES**

1. PLAN ENTITLED "PHILLIPS SUBDIVISION, VERMONT ROUTE 14, EAST MONTPELIER, VERMONT, GENERAL SITE PLAN," DATED APRIL 1995 BY JOHN H. THELFORD AND ASSOCIATES, INC. OF MONTPELIER, AND PROVIDED BY SUBJECT OWNER.
2. PLAN ENTITLED "PROPERTY OF ALBERT AND LINDA PHILLIPS, LOTS 1-4, EAST MONTPELIER, VERMONT," DATED JULY 28, 1989 BY FIELDER ASSOCIATES OF MONTPELIER, AND FILED AS SLIDE #99, OF THE TOWN OF EAST MONTPELIER LAND RECORDS.
3. WARRANTY DEED OF CLAIR A. PHILLIPS, JR. AND RACHEL PHILLIPS TO ALBERT S. AND LINDA S. PHILLIPS, DATED MARCH 1, 1968, AND RECORDED IN BOOK 23, PAGE 414 OF THE TOWN OF EAST MONTPELIER LAND RECORDS.
4. PLAN ENTITLED "STATE OF VERMONT, AGENCY OF TRANSPORTATION, PROPOSED IMPROVEMENT, TOWN OF EAST MONTPELIER, COUNTY OF WASHINGTON, VERMONT ROUTE IMPROVEMENT, JANUARY 26, 1975, PROJECT #78F119, BY THE STATE OF VERMONT, AND PROVIDED BY THE SAME.

# Phillips -- 560 VT Rte. 14 S

