

# Town of East Montpelier

# ZONING PERMIT

# NOTICE

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

Date Issued: June 14, 2018

Effective Date: June 29, 2018

Location: 542 Jacobs Road

Owner: Kathryn Ruddle & Micah Ball

For: New 26' x 46' House

24' x 48' Shedrow Barn w/ 12' x 18' Tack Room

Application # 18-022

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 # 18-022  
Zoning District E  
Overlays —

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

Date Received: 6/13/18  
Parcel # 02-084.200  
Tax Map # 04-01-44.420

\*\*\*\*\*

- A.**
1. Name of Landowner: Kathlyn Ruddle and Micah Ball Phone No. 802-839-9840 / 802- 505 -8708
  2. Address of Landowner: 542 Jacobs Rd. East Montpelier 05602
  3. Applicant (other than owner) N/A Phone No.....
  4. Address of Applicant: 542 Jacobs Rd. East Montpelier, VT 05602
  5. Location of Property: 542 Jacobs Rd. East Montpelier, VT 05602

**B: Application is made (check appropriate boxes):**

- |   |  |  |
|---|--|--|
| <b>To:</b>                                    | <b>For:</b>  | <b>For:</b>  |
| <input checked="" type="checkbox"/> Construct | <input checked="" 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 type="checkbox"/> Boundary adjustment           |
| <input type="checkbox"/> Alter                | <input checked="" 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:

- 1) house build 26' x 46' single floor dwelling with walk-out basement.
- 2) 24' x 48' low profile shedrow barn with attached 12' x 18' tack / feed room. (low profile = no hayloft)


**C. Lot description:**

1. acreage: 7 acres
2. road frontage 350.09' Ft.
3. depth front yard 376' Ft. 100'+ to barn
4. depth side yards 207' Ft. (to north) 75'+ to barn 140' (to south) Ft. (building to lot lines)
5. depth rear yard 860' Ft. (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: Kathlyn Ruddle and Micah Ball Date 6.11.18   
Applicant: Kathlyn Ruddle and Micah Ball Date 6.11.18

\*\*\*\*\*

Zoning Permit Fee: \$ 150.00 Cash \_\_\_\_\_ Check #1020 Date 6/13/18 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 # 18-022 Date Issued 06/14/18 Effective Date 06/29/18

**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.**

\* Submission of Certificate of Compliance Required \*

  
Zoning Administrator

---

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

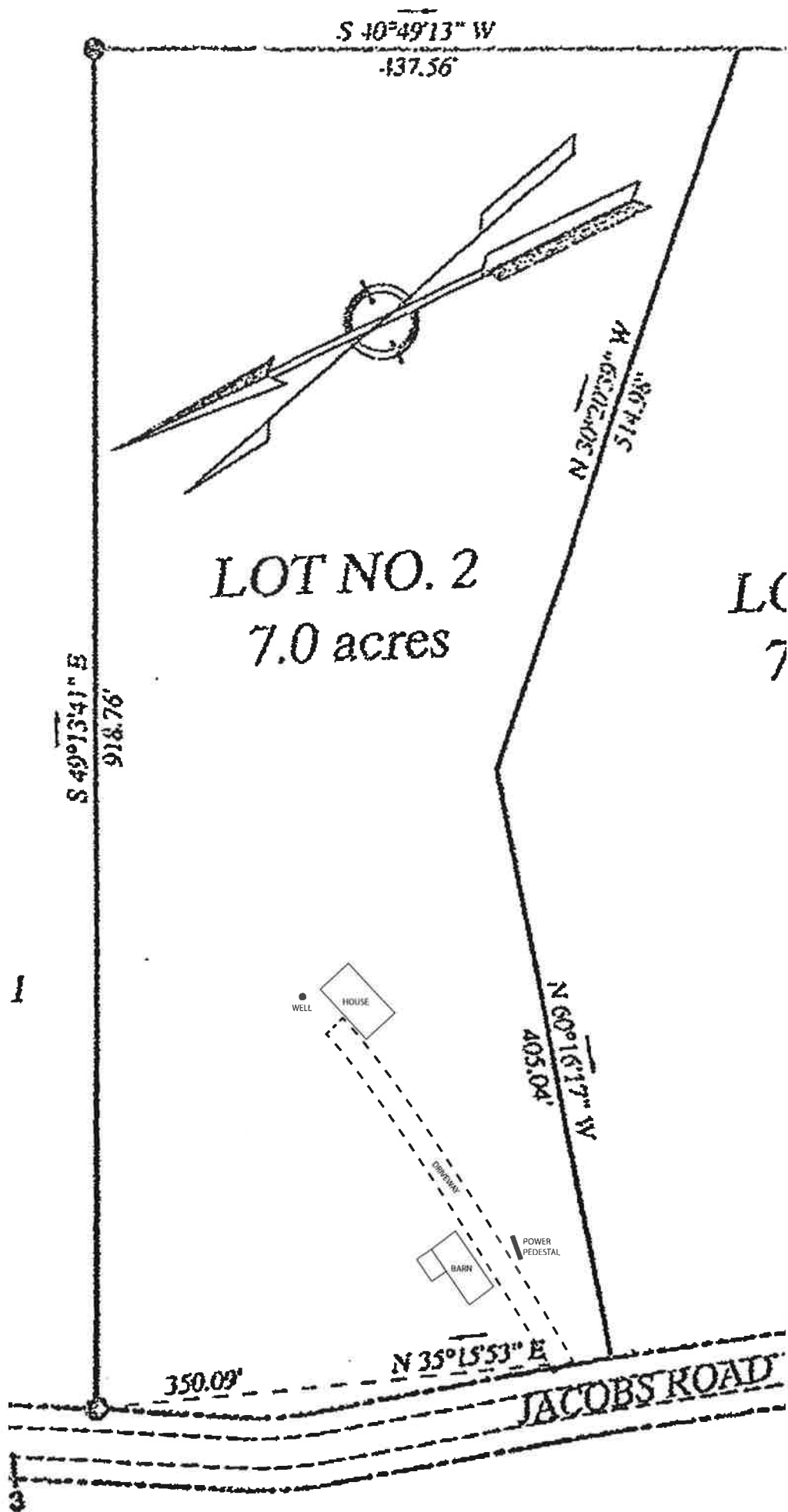
1. Public Notice Date .....
2. Date(s) of Hearing .....
3.  Granted     Without conditions     With conditions (See written decision for conditions)
4.  Denied (See written decision for reasoning)

.....  
Chairman, Development Review Board

The DRB's written decision was issued on: .....

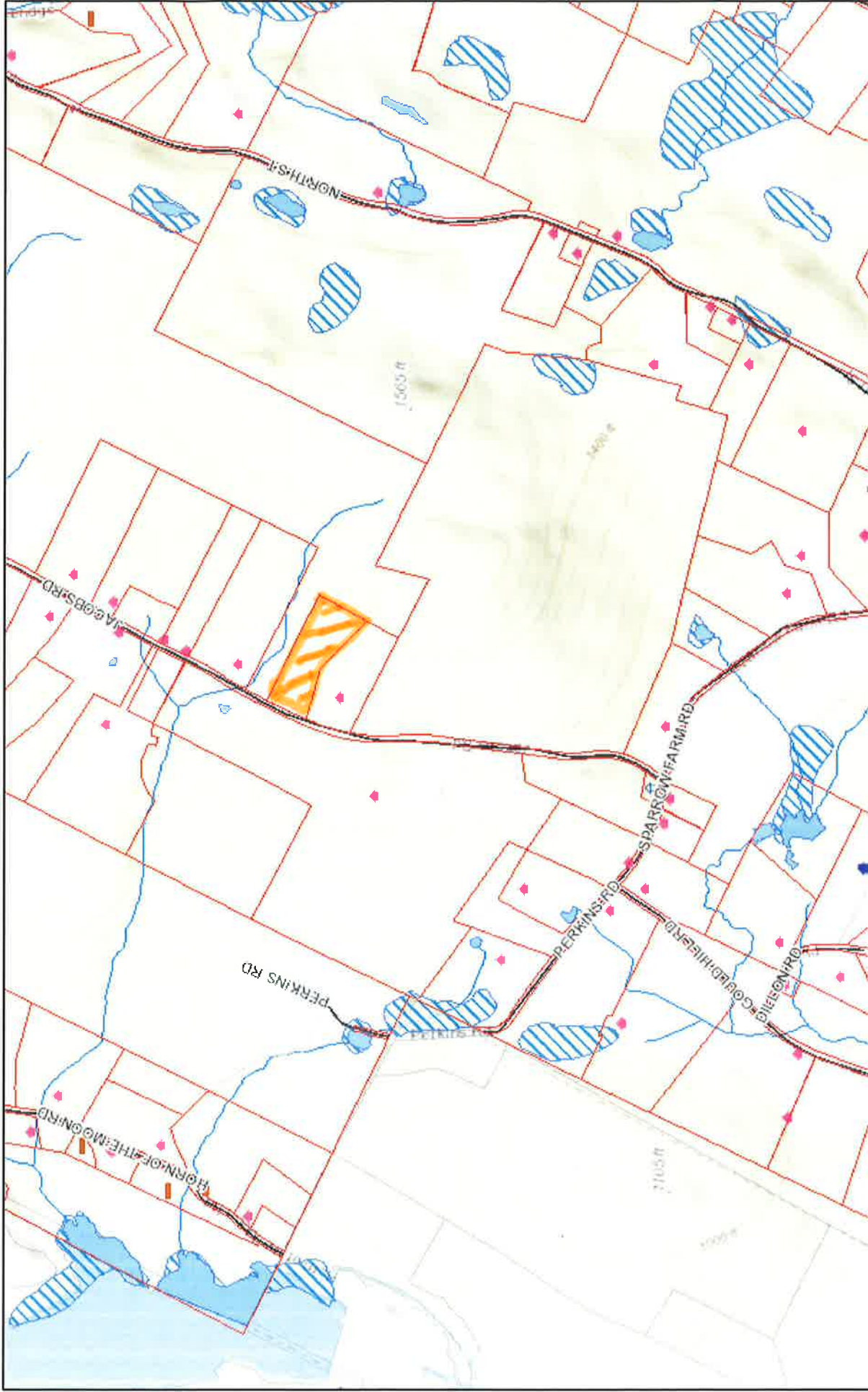
The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

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.

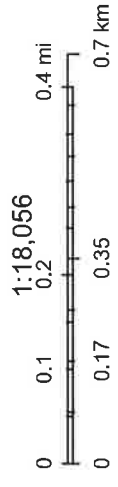


END OF

# Ruddle & Ball -- 542 Jacobs Road



June 12, 2018



Contours 50 Foot □ East Montpelier Parcels 2017 ? Unknown; UNKNOWN

Map\_Annotation E911\_Data

Annotation\_Line — Other

■ Accessory Bldg - Barns, Garages, etc.

VCGLI, Esri, HERE, Garmin, INCREMENT P, USGS, MET/NASA, EPA, USDA

**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT****LAWS/REGULATIONS INVOLVED**

10 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 April 25, 2005

**PIN No:** BR98-0221.01  
**CASE No:** WW-5-3421-3  
**LANDOWNER(s):** Etsuro and Suzanne Nishiyachi  
530 Jacobs Road  
Montpelier VT 05602

This permit affects property identified as Town Tax Parcel ID # 02-084.100 and referenced in deeds recorded in Book 91 Page(s) 468 of the Land Records in East Montpelier, Vermont.

This project, consisting of increase number of bedrooms for previously approved single-family residence to a total of 4 bedrooms for Lot #2 of 7± acres previously approved under Permit WW-5-3421-2 dated 05/13/08, located at 530 Jacobs Road, East Montpelier, Vermont, is hereby approved under the requirements of the regulations named above, subject to the following conditions:

**1. GENERAL CONDITIONS**

1.1. The project must be completed as shown on the following plans and/or documents prepared by Thomas Otterman, listed as follows:

Sheet 2 of 4	Topographic Site Plan & Septic Design	Dated 04/23/08	Revised 07/15/08
Sheet 4 of 4	Construction Standards & Details ...Lot No 2	Dated 04/23/08	Revised 08/05/08

1.2. The project shall not deviate from the plans stamped "THIS IS SUBJECT TO PROVISIONS OR CONDITIONS LISTED IN PERMIT" in a manner that would change or affect the exterior water supply or wastewater disposal systems, building location, or, the approved use of the building, without prior review and written approval from the Wastewater Management Division.

1.3. Each prospective purchaser of any portion of the project shall be shown a copy of the permitted plans and the Wastewater System and Potable Water Supply Permit prior to conveyance of any portion of the project.

1.4. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall be responsible for recording this permit in the East Montpelier Land Records within thirty (30) days of receipt of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.



1.5. This permit shall in no way relieve you of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

1.6. By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property subject to this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental/health statutes, regulations, and permit conditions, including performing an inspection of the wastewater disposal and water supply systems serving the/each structure.

1.7. All conditions set forth in Permit number WW-5-3421-1 dated 01/26/06 and Permit number WW-5-3421 dated 10/31/05 and Permit Number WW-5-3421-2 dated 05/13/08 shall remain in effect except as amended or modified herein.

## 2. WATER CONDITIONS

2.1. Lot 2 is permitted for an on-site water supply from a drilled well provided that the well is located as shown on the permitted plans and meets or exceeds the isolation distances required in the Water Supply Rule.

2.2. No permit issued by the Secretary shall be valid for a substantially completed potable water supply until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

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

2.3. The water system shall be operated at all times in a manner that keeps the water supply free from contamination. Should either system become a failed water system, and not subject to a minor repair, the current landowner must engage a Licensed Designer to evaluate the cause of the contamination and to submit an amendment application to this office prior to repair or replacement of the system.

## 3. SEWAGE DISPOSAL CONDITIONS

3.1. Lot 2 is permitted for the on-site subsurface disposal of wastewater within a mound disposal system in accordance with the design depicted on the permitted plans for a maximum of 490 gallons of sewage per day. Should the system fail, the current landowner must engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office prior to repair or replacement of the system.

3.2. No permit issued by the Secretary shall be valid for a substantially completed wastewater system until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

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

3.3. Prior to the construction of the mound system, the source of the fill material to be used in constructing the mound must be specified and a sieve analysis of the fill material completed as part of the designer's certification requirements.

3.4. Prior to backfilling the distribution piping in the disposal field, the network shall be tested with clean water. The difference in discharge rate between any two orifices shall not exceed 10%. The minimum pressure shall meet or exceed 1 psi. The testing shall be completed under the supervision of a Licensed Designer as part of the designer's certification requirements.

3.5. Either the installer or Licensed Designer shall inspect the effluent/raw sewage pump station and force main installation as part of the designer's certification requirements. The force main shall be leakage tested under the general supervision of the inspecting designer and in accordance with the Wastewater System and Potable Water Supply Rules. The electrical systems and components have not been reviewed or approved by the Wastewater Management Division; however, they shall comply with the National Electrical Code. Any equipment exposed to weather shall meet or exceed the requirements of weatherproof equipment as specified by the National Electrical Manufacturers Association (NEMA). All components of the pump station shall be tested prior to use.

3.6. The septic tank filter should be inspected and cleaned periodically and the septic tank pumped out at least once every 3 to 5 years. Routine inspection is recommended for restaurants and other commercial operations with high organic loading.

Laura Q. Pelosi, Commissioner  
Department of Environmental Conservation

By  08/08/08  
Carl Fuller PE, Assistant Regional Engineer

CC Thomas Otterman  
East Montpelier Planning Commission

**\*NOTICE\***

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.



TOWN OF  
EAST MONTPELIER, VERMONT  
SELECTBOARD

Casey Northrup (2011 – 2014)  
Steve Sparrow (2012 – 2014)

Kim Swasey (2013 – 2015)  
Carl Etnier (2013 – 2016)  
Chair, Seth Gardner (2012 – 2015)

January 19, 2014

Elliot Kaiman & Alison Brodhagen  
11 Genesee Lane  
Madison, CT 06443

Re: East Montpelier Zoning Applications #13-042 & #13-044

Dear Mr. Kaiman & Ms. Brodhagen:

The Selectboard met on Monday, January 6, 2014 and approved the requested access (curb cut) for your lot on Jacobs Road. If you have questions on the construction conditions contained in the approval, please contact Road Foreman Mike Garand at (802) 223-5870.

The Selectboard did not include any special condition regarding signage or mechanical/ physical improvements to the access sight lines. Instead, the board imposed the following condition:

**This is a non-conforming access. This information must be disclosed to all prospective buyers of this property.**

Access Permit #13-042, allowing multi-residential use of the Nishiyachi access to benefit your lot, has been officially withdrawn by the Nishiyachis. It is my belief that any prospective buyer of your lot may still be able to negotiate such use of the Nishiyachi access, but the Selectboard will not consider that option again without a formal agreement between the parties.

However this eventually plays out, please have the buyers contact me to arrange for an E-911 address for whatever becomes the final access point.

If you have any questions regarding this permit, please feel free to contact me.

Sincerely,



C. Bruce Johnson  
East Montpelier Town & Zoning Administrator

40 KELTON ROAD  
P.O. BOX 157  
EAST MONTPELIER, VT 05651

EMAIL: eastmontadmin@comcast.net  
PHONE: (802) 223-3313 X 204  
FAX: (802) 223-4467

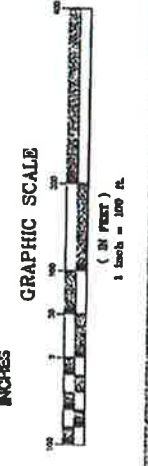
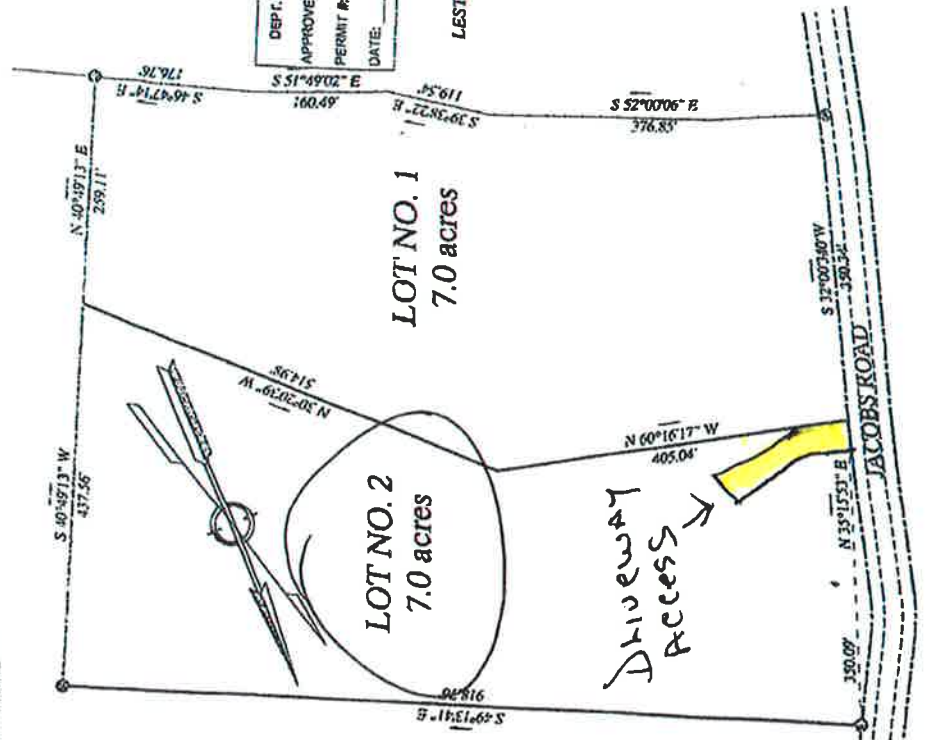
**SURVEYOR'S NOTES:**

1. THIS SURVEY WAS CONDUCTED BY USE OF A LIETZ SET 1308 TOTAL STATION TOGETHER WITH A STEEL TAPE WITH AN ERROR OF CLOSURE WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD. PHYSICAL EVIDENCE LOCATED, AND INFORMATION SUPPLIED BY OWNERS AND ADJACENTS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, AND RESERVATIONS OF RECORD.
5. BEARINGS SHOWN HEREON ARE BASED ON MAGNETIC NORTH, 2001.
6. THE TOWN ROAD WAS DETERMINED TO BE A 1 ROD RIGHT-OF-WAY BASED ON OTHER AREA SURVEYS OF RECORD. DOCUMENTATION FOUND, AND PURSUANT TO TITLE 24 OF THE VERMONT STATE STATUTES ANNOTATED.

**LEGEND:**

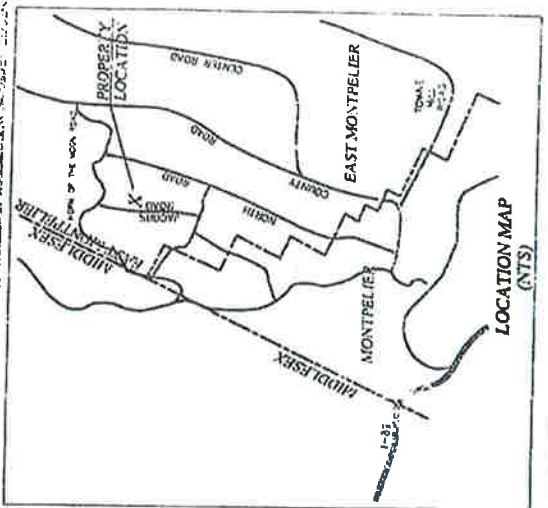
- ROAD RIGHT-OF-WAY LINE
- - - - - EDGE OF GRAVEL
- — — — — STONE WALL
- — — — — FENCE LINE
- IRON ROD FOUND (O.A., I.F.U)
- IRON NAIL SET W/ LD CAP
- ⊙ IRON PIPE FOUND (O.A., I.F.U)
- ▲ UNMARKED POINT
- UTILITY POLE
- UTILITY LINE
- CULLED WELL
- PROPERTY LINE
- BLAZED LINE
- TIE LINE
- PLACED/POLE EDGE
- REGULATORY TEST
- TEST PIT
- WELL DECATION LINE

LAND OF  
DANIEL & FLOR DIAZ SMITH  
TAX MAP 04 BLOCK 01 LOT 44.1  
PARCEL ID#02-041.000  
BOOK 76 PAGE 354



LAND OF  
MICHAEL & MARLENE McCARTY  
TAX MAP 03 BLOCK 00 LOT 33.1  
PARCEL ID#01-054.100  
BOOK 47 PAGE 189

TOTAL AREA =  
14.0 ACRES  
(EXISTING LOT)



DEPT. OF ENVIRONMENTAL CONSERVATION  
APPROVED: *[Signature]*  
PERMIT #: *11.5-3481-2*  
DATE: *5/22/08*

LAND OF  
LESTER BIRNBAUM & ALLISON CADWELL  
TAX MAP 04 BLOCK 01 LOT 85  
PARCEL ID#01-049.000  
BOOK 66 PAGE 407



CERTIFICATION  
I HEREBY CERTIFY THAT THE SURVEY BOOKS MENTIONED IN A  
FOOTNOTED AND CORRECT REPRESENTATION OF THE PARCEL  
AND THE LOCATION OF THE SURVEYED POINTS AND  
ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF  
THE SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION  
AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH  
THE STANDARDS AND PRACTICES OF THE PROFESSION AS OF  
THE DATE OF THIS CERTIFICATION.  
*[Signature]*  
THOMAS C. OTTERMAN, P.L.S., REG. SURV.  
STATE OF VERMONT

PROPOSED PROPERTY SUBDIVISION OF LAND  
IN  
EAST MONTPELIER, VERMONT  
BELONGING TO  
ETSURO & SUZANNE NISHIYACHI  
AT 530 JACOBS ROAD  
PARCEL ID #02-084.100 APR 30 2008  
TAX MAP 04 BLOCK 01 LOT 44.4  
BOOK 91 PAGE 468

DATED 23 APRIL 2008 SCALE: 1" = 100'  
SURVEYED BY THOMAS C. OTTERMAN, RLS #580  
DESIGN BY THOMAS C. OTTERMAN, CST #441  
44 EAST ORANGE ROAD, EAST ORANGE, VERMONT 05086 · 802-439-8838  
05034 - NH  
SHEET 1 OF 4