

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: August 8, 2018

Effective Date: August 23, 2018

Location: Gallison Hill Road Parcel # 05-030.100

Owner: Charles Johnson, Nona Estrin, James Wiese,
Katherine Wiese, William Merrylees, & Lucy Patti

For: Division & Dissolution of Parcel # 05-030.100 as follows:
Parcel 1 of 2.8 acres to be merged w/ Wiese/Wiese Parcel # 05-030.000
Parcel 2 of 2.2 acres to be merged w/ Merrylees/Patti Parcel # 05-032.000
Parcel 3 of 1.8 acres to be merged w/ Estrin Parcel # 05-028.000

Application # 18-033

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

August 8, 2018

Charles Johnson, et al.
2090 Towne Hill Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-033

Dear Mr. Johnson, et al.:

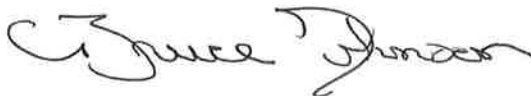
Please find enclosed the permit and supporting documents for the requested multi-section boundary adjustment/dissolution of your Gallison Hill Road common land parcel as presented in East Montpelier Zoning Application #18-033.

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.

This permit is expressly conditioned on the completion of the transfers/mergers of the three adjustment parcels as described in the Memorandum of Understanding between the various parties and the Town of East Montpelier submitted as part of the application.

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

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

Memorandum of Understanding

[to be submitted as part of the boundary adjustment application]

By & between:

- Nona Estrin, as owner of:
 - 2090 Towne Hill Road; Tax Map #11-00-50.000; Parcel #05-028.000
- James Wiese & Kathy Wiese, as owners of:
 - 1590 Gallison Hill Road; Tax Map #11-00-49.000; Parcel #05-030.000
- William Merrylees & Lucy Patti, as owners of:
 - 1410 Gallison Hill Road; Tax Map #11-00-61.000; Parcel #05-032.000
- Charles Johnson, Nona Estrin, James Wiese, Katherine Wiese, William Merrylees, and Lucy Patti, as owners of:
 - Undeveloped Gallison Hill Road parcel; Tax Map #11-00-48.100; Parcel #05-030.100
- Town of East Montpelier, VT

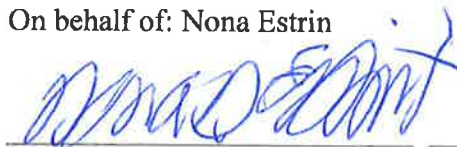
It is understood that the owners of the undeveloped Gallison Hill Road parcel wish to divide the parcel into three parts as depicted on the 2018 survey/subdivision plat prepared by Surveyor Paul Hannan (his project number 17-062-021). The three sections will be transferred as follows:

- Adjustment Parcel 1 will be transferred to James Wiese & Kathy Wiese and merged with Parcel #05-030.000 to create a 4.6 +/- acre lot;
- Adjustment Parcel 2 will be transferred to William Merrylees & Lucy Patti and merged with Parcel #05-032.000 to create a 12.3 +/- acre lot; and,
- Adjustment Parcel 3 will be transferred to Nona Estrin and merged with Parcel #05-028.000 to create a 6.9 +/- acre lot.

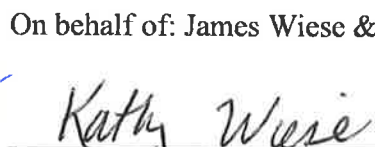
It is further understood that if the Town of East Montpelier grants a permit for the boundary adjustment as requested, a condition of the approval will be that the parcels are formally merged as described above. All parcels sections must be transferred as described or the permit will be void. No new lots will be created by the proposed permit and the original parcel (Tax Map #11-00-48.100; Parcel #05-030.100) will be eliminated once the mergers are completed. It is not allowable to complete one or two of the transfers and not the rest – either all sections are transferred or none at all.

Acceptance of this Memorandum of Understanding is acknowledged by signatures below.

On behalf of: Nona Estrin


Date 8.2.18

On behalf of: James Wiese & Kathy Wiese


Date 8/3/18

On behalf of: Town of East Montpelier, VT


Date 7/31/18
C. Bruce Johnson, TA/ZA

On behalf of: William Merrylees & Lucy Patti


Date 8/3/18

On behalf of: Charles Johnson, Nona Estrin, James Wiese, Katherine Wiese, William Merrylees, and Lucy Patti


Date 8/2/2018

Permit # 18-033
Zoning District D
Overlays -

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

Date Received: 8/6/18
Parcel # 05-030.100
Tax Map # 11-00-48.100

- A. 1. Name of Landowner: CHARLES W. JOHNSON Phone No. 802-223-7745
2. Address of Landowner: 2090 TOWNE HILL RD, E MONTPELIER, VT 05651
3. Applicant (other than owner)..... Phone No.....
4. Address of Applicant.....
5. Location of Property: O. Gallison Hill 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 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: DIVIDING "COMMON LAND" AMONG
THE THREE SETS OF ADJACENT LANDOWNERS.
In accordance with MOU submitted as
part of this application.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>6.8</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage <u>725.8 (GALLISON HILL RD)</u> | |
| 3. depth front yard Ft.
(Road centerline to building) | 5. depth rear yard 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 Charles W. Johnson Date 8/2/2018
Applicant Date

Zoning Permit Fee: \$ 75.00 Cash _____ Check #434 Date 8/6/18 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
Commercial Building Energy Standards: http://publicservice.vermont.gov/energy_efficiency/cbes

E. Action by Zoning Administrator:

1. Granted Denied Date
Reason.....

Condition: Transfers & mergers must occur as described in MOU.

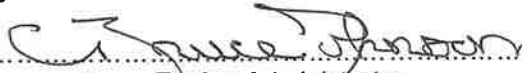
2. Appealed to Development Review Board By
Date

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 # 18-033 Date Issued 08/08/18 Effective Date 08/23/18

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


.....
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)

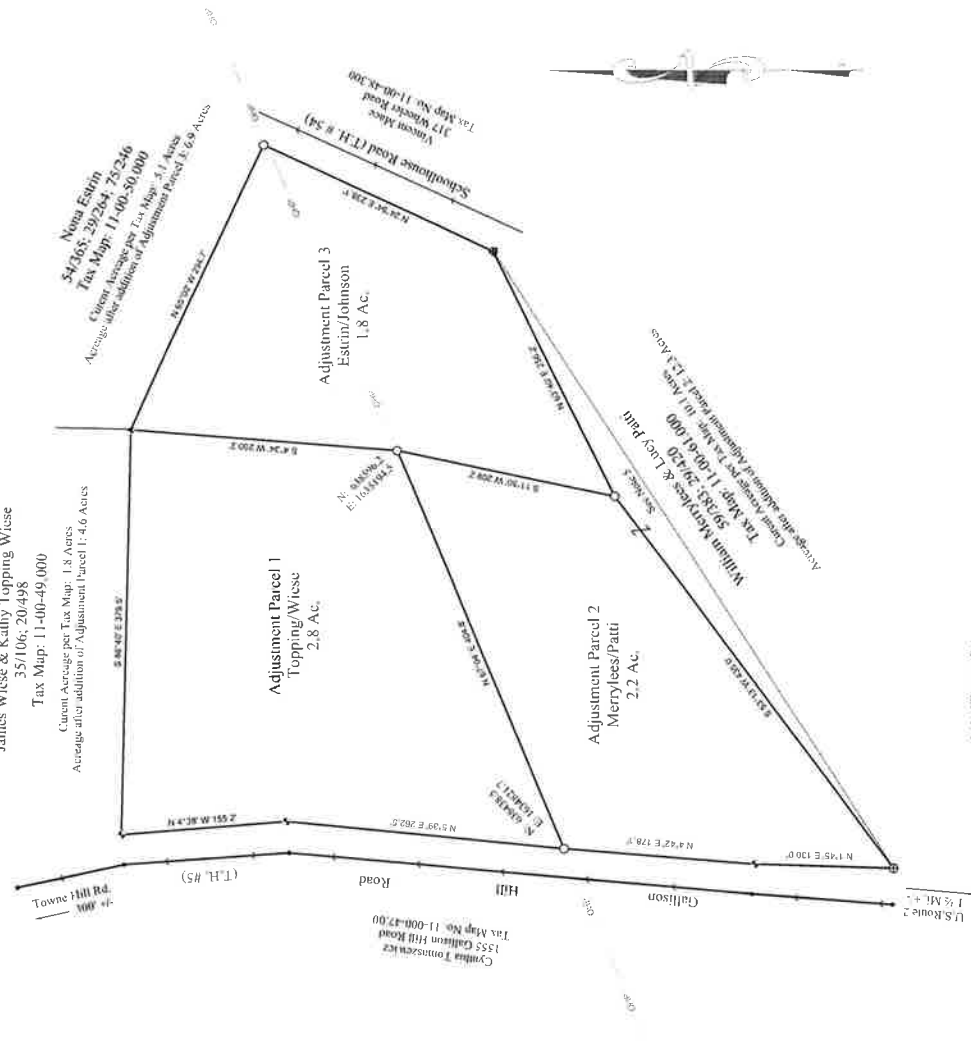
.....
Chairman, Development Review Board

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.

James Wiese & Kately Topping Wiese
 55/106; 20498
 Tax Map: 11-00-49-000
 Current Acreage per Tax Map: 1.8 Acres
 Average area of Addition of Adjustment Parcel 1: 4.6 Acres



VICINITY MAP



CERTIFICATION

I hereby certify that the property lines, measured by me or based on field measurements and research on external boundaries of the parcel. Except as noted, they are consistent with deed and plat references listed as well as existing monuments and other physical evidence and are correct to the best of my knowledge and belief. A signed and stamped mylar version of this plan will conform to requirements of 27 V.S.A. § 4403 - Vermont's plat filing law.

Copy run shall without original unless surveyor's seal and signature. Copyright © 2018

SURVEY NOTES

- All bearings refer to GRID NORTH and distances are GRID DISTANCES. Basis of bearing is derived from survey-grade GPS readings taken on key points. Distances are calculated from averaging between coordinate pairs together with conventional survey methods between GPS points as appropriate. GPS coordinate labels are Vermont State Plane Coordinates, NAD 83 (2011) Central 26, U.S. survey feet. Combined horizontal and vertical accuracy is stated on the instrument for "Stationary" targets. "Point" target measurements on Galston Hill Road are Flag. Reveal for other measurements are between "P" and "H".
- The overall land shows has been held as "common land" until the issuance of adjustment instruments. Any encroachments by the landowner are noted on the plan. The boundaries of the common land are shown as dashed lines. The boundaries of the parcels as depicted on the survey for individual ownership. External boundaries of the overall parcel depicted herein differ somewhat from both the East Montpelier tax map and surveys referenced in note 4. It is expected that the instruments used to convey the individual parcels will formalize these depicted boundaries as the correct lines for the divided common land, merge the adjustment parcels with the respective current owners and remove ambiguities for the original lines of the parties.
- Identification of delineation of any easements, rights of way, public land locations, Vermont lease lands, encroachments, objection to title, etc was not part of the scope of this project. Nevertheless, except as noted, no evidence of such encroachments was observed during field work. The overhead power line revealing the common land is a major Green Mountain Power distribution line encumbering the property. Instrument consider as believed to the 100' wide - not resurveyed in this project.
 - "A" Transit and Tape Survey, Clifford W. & Linda C. Bowman, Towne Hill and Galston Hill Plats," Dated December, 1984, last revised June 16, 1985, prepared by John L. Hedford & Associates, A. Brooks DeLano, L.S.# 133; - Recorded
 - "A Plan of Property Belonging to Patricia Jersey & James Bondurant Showing Proposed Noma Estrin Boundary Lines, Towne Hill and Galston Hill Roads, East Montpelier, Vermont," dated September, 2002, prepared by Sturwize Surveying, Lisa M. Griest, L.S. #599 - Recorded as Survey
 - "Bowman Subdivision, East Montpelier, Vermont" dated January, 1989, prepared by John H. Theibert, L.S. #569 - Recorded as Survey
 - Names and addresses for adjoining parcels, various town records taken from East Montpelier tax parcel data, - not researched further.
- The date of Adjustment Parcel 2 includes a silver of land northwesterly of the existing Merrylees/Patti boundary and southerly of Adjustment Parcels 2 and 3.

LEGEND

- O Sat. 5/8" Rebar w/ 2" Aluminum Cap (L.S.#555)
- Unmarked Point
- Found 5/8" Rebar - no cap
- Found 1 1/2" Iron Pipe
- Found 12" Iron Pipe with metal insert
- Found 5/8" Smooth Iron Rod
- Green Mountain Power Overhead Line
- Blk/Pg. Ref. to East Montpelier Land Records
- GPS Coordinate (See Note 1)



**SURVEY AND SUBDIVISION OF "COMMON LAND" OF
 ESTRIN, JOHNSON, MERRYLEES, PATTI, TOPPING & WIESE
 GALLISON HILL ROAD**

**TAX MAP: 11-00-48-100 PARCEL #: 05-030.100
 EAST MONTPELIER, VERMONT**

BY
PAUL W. HANNAN, L.S. CALAIS, VERMONT
PAUL W. HANNAN, L.S. TITLE: P.H.
SURVEYED: P.H., C.-J. DRAWN: P.H.
SCALE: 1" = 80'
JULY, 2018 PROJ. NO.: 17-062-021



Johnson, et al. Gallison Hill Road Common Land

East Montpelier, VT

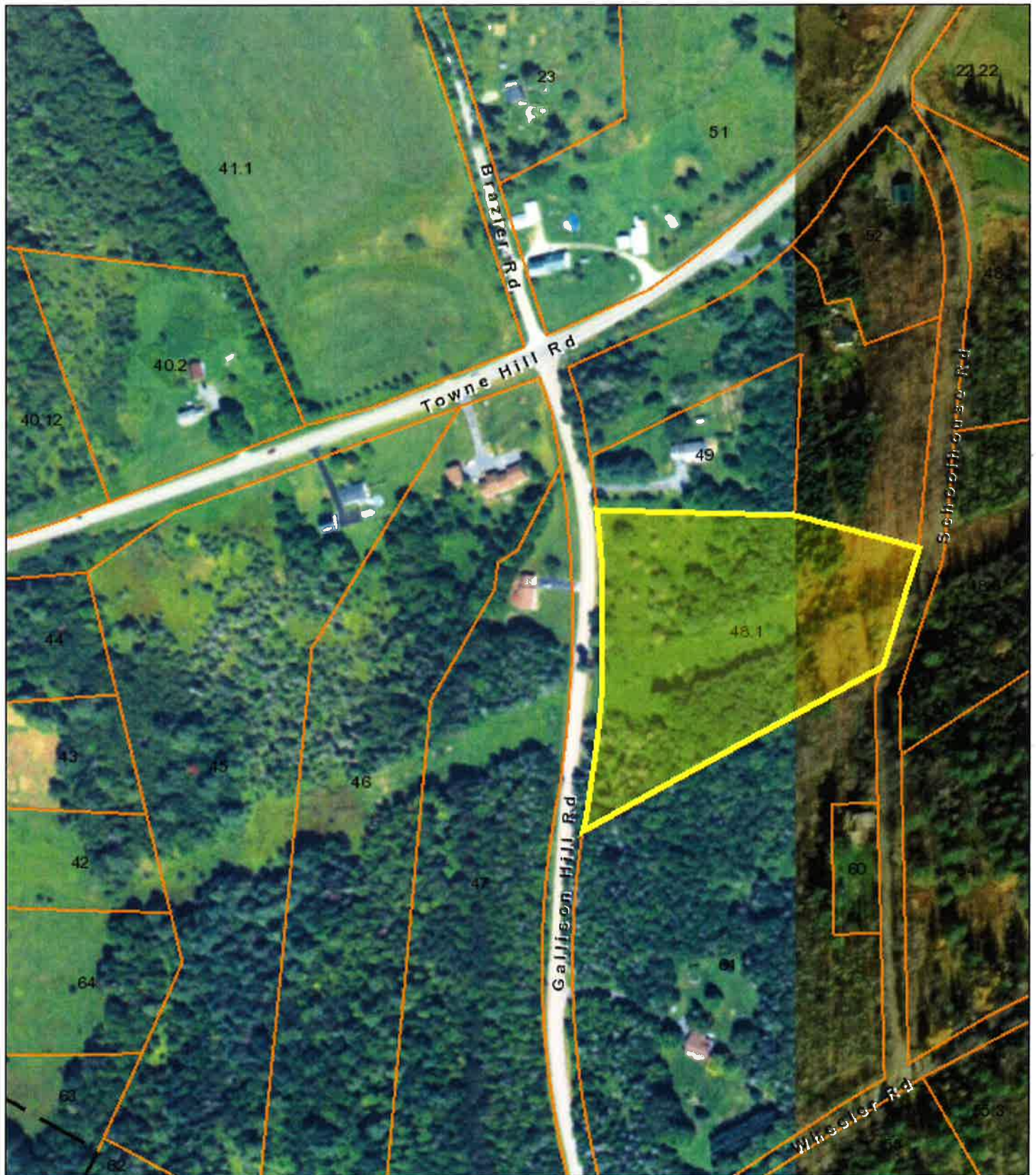
1 inch = 268 Feet



August 24, 2018



www.cai-tech.com



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