

# 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

October 8, 2018

Lauren Isaak  
663 Guyette Road  
Plainfield, VT 05667

Re: East Montpelier Zoning Application #18-039

Dear Ms. Isaak:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #18-039 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 #18-039 for a 2-lot subdivision of your 663 Guyette Road property. 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.

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:       Lauren Isaak  
                                  663 Guyette Road  
                                  Parcel # 07-051.000   Tax Map # 05-00-33.000

East Montpelier Zoning Application #18-039

**INTRODUCTION & PROCEDURAL HISTORY**

1. On September 12, 2018, Lauren Isaak filed an application with the Town of East Montpelier to subdivide her property located at 663 Guyette Road. The proposal would divide the 24.4-acre parcel into 2 lots: Lot 1 of 10.0 acres and existing structures with frontage on Guyette Road; and, Lot 2 of 14.4 acres with frontage on Guyette Road.
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 September 4, 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 September 15, 2018 for a hearing, which was conducted on October 2, 2018.
5. Applicant representative Craig Chase and Zoning Administrator Bruce Johnson appeared and participated in the October 2, 2018 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the October 2, 2018 hearing were Curtis, Kappel, Welch, Lange, Dworkin, Watson, and Lane.

**FINDINGS OF FACT**

1. Lauren Isaak owns a developed 24.4-acre parcel located at 663 Guyette Road. The current proposal is to subdivide the property to split off a 10-acre lot with the existing structures from the remaining 14.4-acre undeveloped portion of the property. Applicant intends to sell the home lot and retain the remainder lot for her own purposes.
2. The property is located in Zone E – the Agricultural & Forest Conservation District, where a conforming lot requires 7 acres and 350 feet of road frontage. Lot 1 is comprised of 10.0 acres with approximately 605 feet of frontage on Guyette Road. Lot 2 contains 14.4 acres with 350 feet of frontage on Guyette Road.

3. No development of proposed remainder Lot 2 is currently anticipated.
4. On October 1, 2018 the East Montpelier Selectboard approved a residential curb cut (application #18-038) on Guyette Road to serve proposed Lot 2.

## 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. It is further found that Section 6.10 does not apply to this project.

## DECISION

By unanimous vote, the DRB approves Zoning Permit #18-039 to allow the subdivision of the Isaak parcel located at 663 Guyette 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 8<sup>th</sup> day of October, 2018.



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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.

# Town of East Montpelier

# ZONING PERMIT

# NOTICE

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

Date Issued: October 8, 2018

Effective Date: October 23, 2018

Location: 663 Guyette Road

Owner: Lauren Isaak

For: 2-Lot Subdivision:  
Lot 1: 10.0 acres w/ existing structures  
Lot 2: 14.4 acres

Application # 18-039

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 # 18-039  
Zoning District E  
Overlays —

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

Date Received: 09/12/18  
Parcel # 07-051-000  
Tax Map # 05-00-33.000

\*\*\*\*\*

- A. 1. Name of Landowner Lauren Isaak Phone No. XXX-XXX-XXXX  
 2. Address of Landowner 663 Guyette Rd, Plainfield, VT 05667 522-7241  
 3. Applicant (other than owner) Phone No. XXX-XXX-XXXX  
 4. Address of Applicant 663 Guyette Rd, Plainfield, VT 05667  
 5. Location of Property 663 Guyette Rd, East Montpelier, VT 05651

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

- |                                     |   |   |
|-------------------------------------|---|---|
| <b>To:</b>                          | <b>For:</b>   | <b>For:</b>   |
| <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 subdivide Parcel # 07-051 into 2 lots. Lot 1 with 10.0 acres, has existing wastewater & potable water systems. Lot 2 with 14.4 acres, is proposing a curb cut, no other development is proposed.

**C. Lot description:**

- |   |  |
|---|--|
| 1. acreage <u>24.4 +/-</u>  | 4. depth side yards <u>50' (min)</u> Ft. .... Ft.<br>(building to lot lines) |
| 2. road frontage <u>350</u> Ft.   |  |
| 3. depth front yard <u>75' (min)</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>50' (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 Lauren Isaak Date 9/12/18  
Applicant \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

Zoning Permit Fee: \$ 250.00 Cash \_\_\_\_\_ Check #4790 Date 9/12/18 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) 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](http://publicservice.vermont.gov/topics/energy_efficiency/rbes) Commercial Building Energy Standards: [http://publicservice.vermont.gov/topics/energy\\_efficiency/cbes](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 # 18-039 Date Issued 10/08/18 Effective Date 10/23/18

**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.**

  
Zoning Administrator

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

1. Public Notice Date 9.15.18

2. Date(s) of Hearing 10.2.18

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: October 8, 2018

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

301 North Main Street, Suite 1

Barre, Vt. 05641

Phone 802-479-9636

Fax 802-479-4017

email: [cdchase@chasesurveyors.com](mailto:cdchase@chasesurveyors.com)

[billchase@chasesurveyors.com](mailto:billchase@chasesurveyors.com)

[kjurentkuff@chasesurveyors.com](mailto:kjurentkuff@chasesurveyors.com)

September 12, 2018

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

RE: Proposed 2-Lot Subdivision, Lauren Isaak, 663 Guyette Road, Parcel ID 07-051.000

Dear Bruce,

Please find attached what we hope to be a complete application for the subdivision of the land of Ms. Isaak on Guyette Road.

As presented at conceptual review on September 4, the proposal is to subdivide the existing 24.4 acre parcel as developed with an existing 3-bedroom residence into two lots: Lot 1 of 10.0 acres with the existing house and Lot 2 of 14.4 undeveloped acres to be retained by Ms. Issak.

The existing on-site water supply and sewage disposal systems serving the Lot 1 residence are located wholly upon Lot 1 with access to be provided along the existing driveway. No development is proposed on Lot 2, but as required by the Development Regulations, an access point has been identified near the northeasterly corner of the property that satisfies the necessary site distances and with constructed improvements, the geometric concerns of the B-71 standard. This location was reviewed by the Road Forman Guthrie Perry on September 11 and a permit for this access should be reviewed by the Selectboard at their meeting on October 1, the evening before the October DRB hearing.

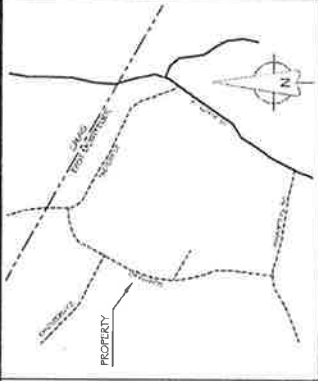
As is the case whenever a developed property is subdivided, a State Wastewater & Water Supply permit is required. The existing Lot 1 septic system was recently replaced due to failure of the original system. This office designed and permitted that replacement, and upon local approval of this application, that permit will be amended to reflect the subdivision, and will include appropriate deferral language concerning future development of Lot 2.

We believe this proposal to be about as straight forward as they come and on fully conformance with the town Development Regulation and hope that you and the Board agree. As always, if you have any questions or comments about this application, please don't hesitate to call. Thank you.

Sincerely,

Kris Jurentkuff  
Senior Technician



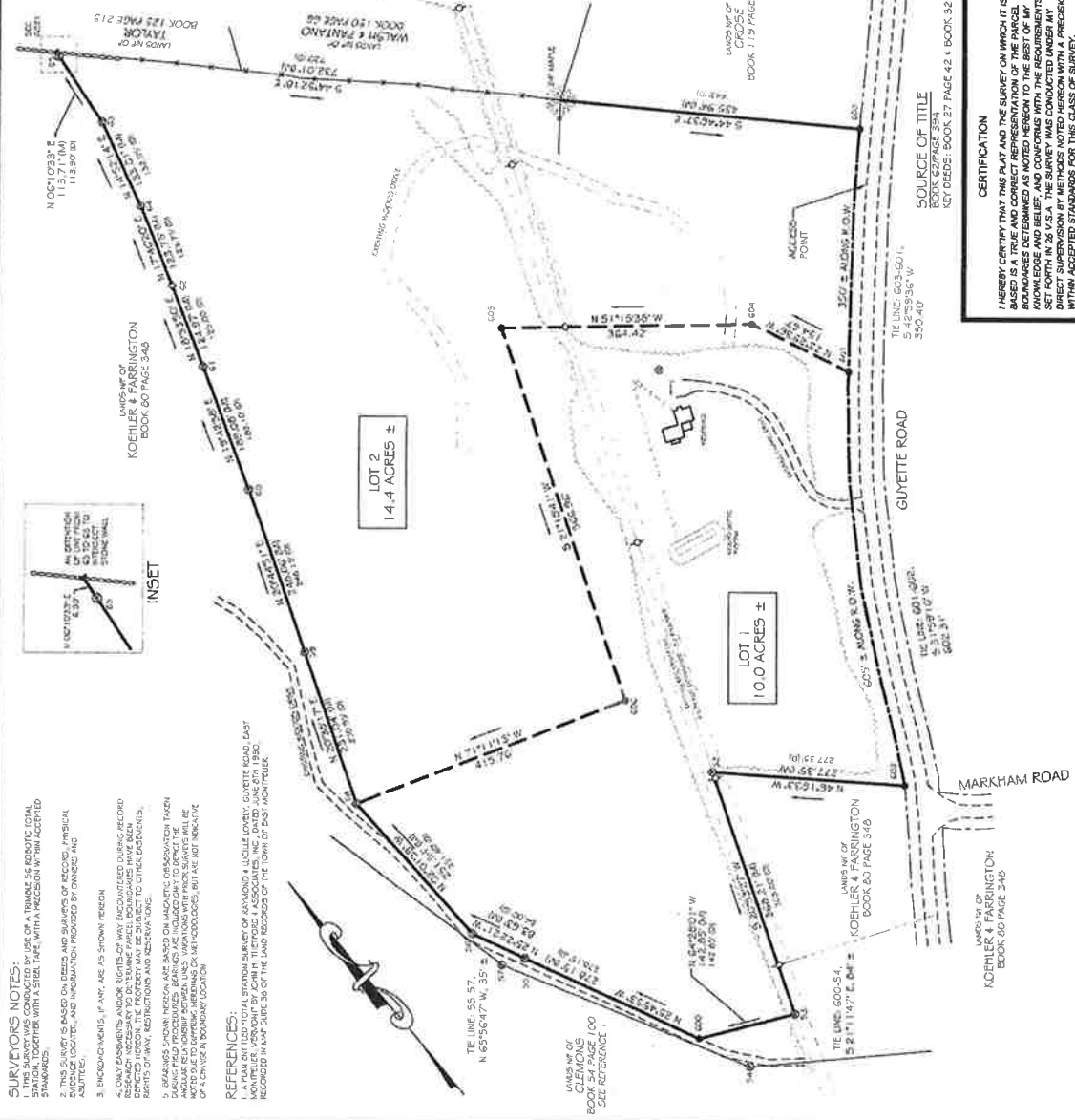


**LEGEND:**

- PROPERTY LINE
- ROAD RIGHT OF WAY LINE
- SUBDIVISION LINE
- OVERHEAD TOWER
- EDGE OF PAVEMENT
- EDGE OF SHOULDER
- STOPPING PASSENGER
- STONE WALL
- EDGE OF TROUBLE
- IRON ROD FOUND (I.A. INT)
- IRON PIPE FOUND (I.P. INT)
- REBAR SET W/ID CHP
- STANDARD POINT
- UTILITY POLE
- GRAVEL WALL
- PER REFERENCE #
- PER DEED
- MONUMENT

**MONUMENT DESCRIPTION TABLE**

NO.	DESCRIPTION	DATE	BY
1	IRON ROD FOUND (I.A. INT)	07/24/18	LAUREN ISAAC
2	IRON PIPE FOUND (I.P. INT)	07/24/18	LAUREN ISAAC
3	REBAR SET W/ID CHP	07/24/18	LAUREN ISAAC
4	STANDARD POINT	07/24/18	LAUREN ISAAC
5	UTILITY POLE	07/24/18	LAUREN ISAAC
6	GRAVEL WALL	07/24/18	LAUREN ISAAC
7	PER REFERENCE #	07/24/18	LAUREN ISAAC
8	PER DEED	07/24/18	LAUREN ISAAC
9	MONUMENT	07/24/18	LAUREN ISAAC



**SURVEYORS NOTES:**

- THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE 56 ROBOTIC TOTAL STATION WITH AN STEEL TAPE, WITH A PRECISION WITH ACCEPTED STANDARDS.
- THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD. PHYSICAL EVIDENCE LOCATED AND INFORMATION PROVIDED BY OWNERS AND ADJACENTS.
- ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
- ONLY EASEMENTS AND/OR RIGHTS OF WAY RECORDED DURING RECORD REVISIONS AND/OR REVISIONS TO THIS SURVEY ARE SHOWN. UNRECORDED RIGHTS OF WAY, RESTRICTIONS AND RESERVATIONS.
- BEARINGS SHOWN HEREON ARE BASED ON MAGNETIC OBSERVATION TAKEN ON 07/24/18. BEARINGS ARE CORRECTED FOR ANOMALOUS VARIATION. ANOMALOUS VARIATION IS THE DIFFERENCE BETWEEN MAGNETIC AND TRUE NORTH. ANOMALOUS VARIATION IS NOT SHOWN DUE TO VARIATIONS IN MAGNETIC DECLINATION, BUT ARE NOT INFLUENCE OF A CHANGE IN MAGNETIC DECLINATION.

**REFERENCES:**

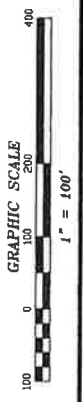
- A PLAN DATED TOTAL STATION SURVEY OF AVANARD A LOCAL ROAD, GUYETTE ROAD, DAY MOUNTAIN, VERMONT, BY JOHN H. TIERROD & ASSOCIATES, INC., DATED JUNE 07, 1980, RECORDED IN MAP BOOK 38 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED COMPLY WITH ALL REQUIREMENTS OF THE VERMONT STATUTES AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING. THE SURVEY WAS CONDUCTED UNDER MY PERSONAL SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THE CLASS OF SURVEY.

7/31/18 *Lauren Isaac*  
 LAUREN ISAAC  
 VERMONT LICENSE # 1101

NOT VALID UNLESS SEALED WITH AN ENCLOSED SURVEYORS SEAL



**SUBDIVISION SURVEY**  
**LAUREN ISAAC**  
 663 GUYETTE ROAD  
 EAST MONTPELIER, VERMONT

**Chase & Chase**  
 Surveyors & Septic Designers, Inc.  
 301 North Main Street, Suite 1  
 Barre, VT 05641  
 802-479-9636

SCALE: 1" = 100' (EAST, 07/24/18) (WEST, 07/27/18) (SOUTH, 07/27/18) (NORTH, 07/27/18)





# Isaak -- 663 Guyette Road

East Montpelier, VT

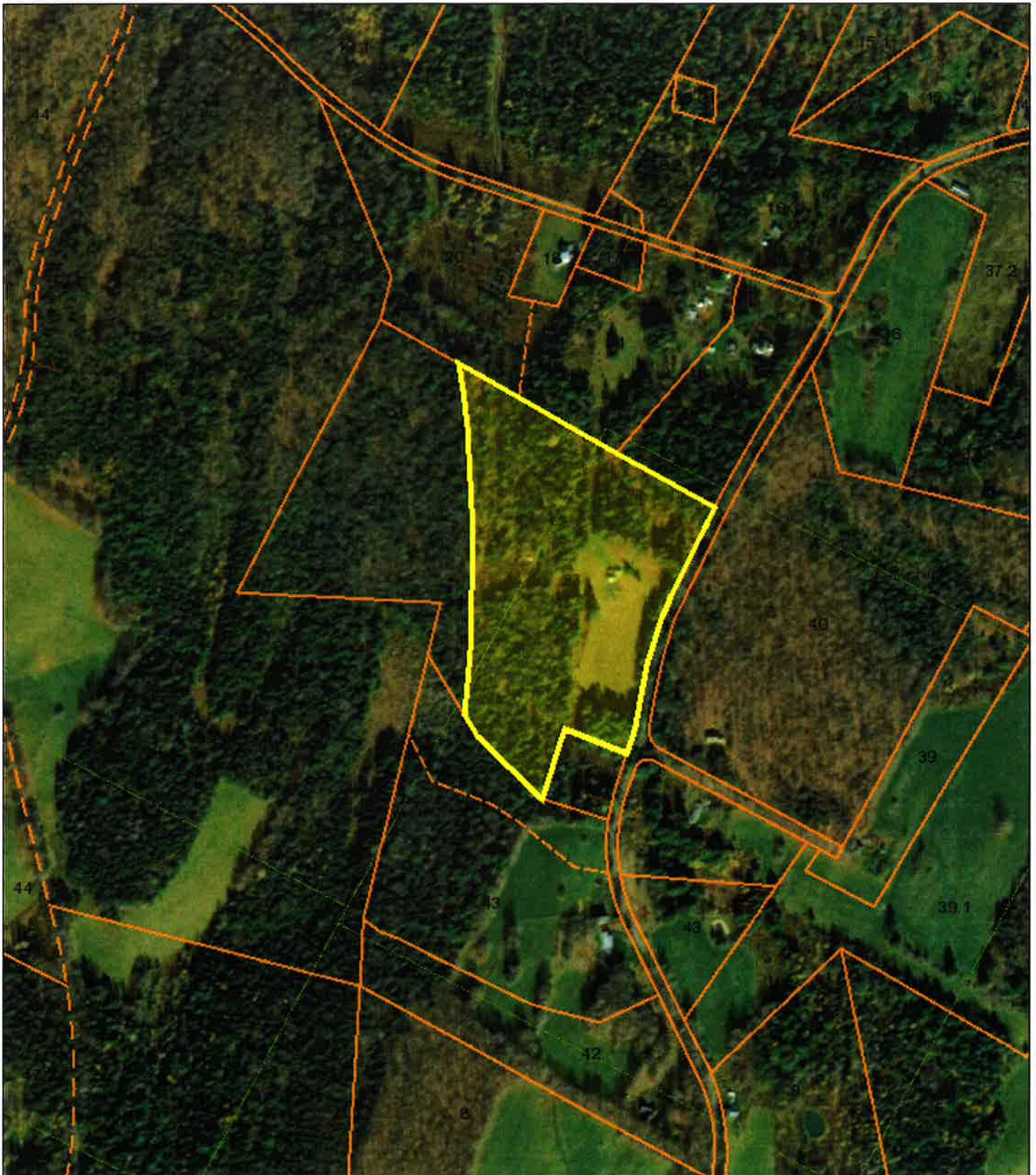
1 inch = 537 Feet



September 4, 2018



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.