

# 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

David Antonovich, Jr.  
Miriam & Diana Antonovich  
8539 Wakefield Drive  
Palm Beach Gardens, FL 33410

Re: East Montpelier Zoning Application #18-041

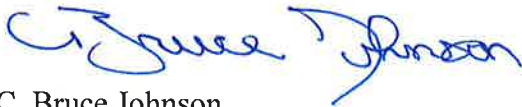
Dear Mr., Ms., & Ms. Antonovich:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #18-041 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 #18-041 for a 3-lot subdivision of your 2570 North Street 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:       David Antonovich, Jr., Miriam Antonovich, & Diana Antonovich  
                                  2570 North Street  
                                  Parcel # 01-040.000   Tax Map # 08-01-10.000

East Montpelier Zoning Application #18-041

**INTRODUCTION & PROCEDURAL HISTORY**

1. On September 12, 2018, David Antonovich, Jr., Miriam Antonovich, and Diana Antonovich filed an application with the Town of East Montpelier to subdivide their property located at 2570 North Street. The proposal would divide the 51.3-acre parcel into 3 lots: Lot 1 of 3.0 acres with frontage on North Street and served by an access easement over Lots 2 & 3; Lot 2 of 3.4 acres with frontage on North Street and served by an access easement over Lot 3; and, Lot 3 of 44.9 acres and existing structures with frontage on North Street.
2. The property in question is located in the Rural Residential/Agricultural District – Zone D, where the minimum lot size is 3 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. The DRB authorized a Section 6.2(B) large lot survey waiver.
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, neighboring property owners Richard Harrington & Anne Mixer, 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. David Antonovich, Jr., Miriam Antonovich, and Diana Antonovich own a developed 51.3-acre parcel located at 2570 North Street. The current proposal is to subdivide the property to create two 3-acre lots for future development at the northern end of the parcel. The developed remainder lot will be comprised of approximately 45 acres and the existing structures.
2. The property is located in Zone D – the Rural Residential & Agricultural District, where a conforming lot requires 3 acres and 250 feet of road frontage. Lot 1 contains 3.0 acres with 251 feet of frontage on North Street. Lot 2 contains 3.4 acres (3.0 acres exclusive of the access easement benefitting Lot 1) with 251 feet of frontage on North Street. Lot 3 contains 44.9 acres and approximately 2,300 feet of frontage on North Street.
3. On October 1, 2018 the East Montpelier Selectboard approved a multi-residential curb cut (application #18-040) located on Lot 3 along North Street to serve proposed Lots 1 & 2. The frontage on North Street included with Lots 1 & 2 was unsatisfactory for safe access purposes.
4. Lot 1 will be served by a 60-foot-wide access easement starting at the approved curb cut location on Lot 3 and running over Lot 2. The segment of the access easement over Lot 3 will also serve as the access for Lot 2.
5. Lots 1 & 2 are expected to become building lots. At this point, however, there is no intention of obtaining state water & wastewater permits. Both lots have been evaluated for such purposes and there are known areas that should support the necessary permitting for single-family residential use.

## **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.

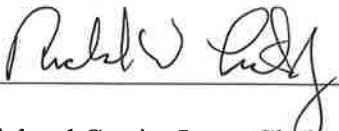
## **DECISION**

By unanimous vote, the DRB approves Zoning Permit #18-041 to allow the subdivision of the Antonovich parcel located at 2570 North Street 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: 2570 North Street

Owner: David Antonovich, Jr. ;  
Miriam Antonovich ; Diana Antonovich

For: 3-Lot Subdivision:  
Lot 1: 3.00 acres      Lot 2: 3.40 acres  
Lot 3: 44.30 acres w/ existing structures

Application # 18-041

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 # 18-041  
Zoning District D  
Overlays WR

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

Date Received: 9/12/18  
Parcel # 01-040.000  
Tax Map # 08-01-10.000

- A. 1. Name of Landowner David Jr., Diana, and Miriam Antonovich Phone No. 561-602-0499  
2. Address of Landowner 8539 Wakefield Dr, Palm Beach, FL 33410  
3. Applicant (other than owner)..... Phone No. 561-602-0499  
4. Address of Applicant 8539 Wakefield Dr, Palm Beach, FL 33410  
5. Location of Property 2570 North Street, East Montpelier

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 subdivide Parcel # 01-040 into 3 lots. Lot 1 has 3.00 acres, proposed on-site sewer and water. Lot 2 has 3.40 acres, proposed on-site sewer and water. Lot 3 has the remaining 44.30 acres with existing on-site sewer and water to serve the single family residence. There is a 60' easement in favor of Lots 1 & 2 across Lot 3, and a 60' easement in favor of Lot 1 across Lot 2 per the included plan.

- C. Lot description:
- |   |  |
|---|--|
| 1. acreage <u>44.3 +/-</u>  | 4. depth side yards <u>50' (min)</u> Ft. .... Ft.<br>(building to lot lines) |
| 2. road frontage <u>251'</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 [Signature] Date 9/11/18  
Applicant [Signature] Date 9/11/18

Zoning Permit Fee: \$ 300.00 Cash  Check  #4788 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 # 18-041 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
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

September 12, 2018

Bruce Johnson, Zoning Administrator  
Town of East Montpelier  
P.O. 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

RE: Proposed 3-Lot Subdivision, David Antonovich, et als, 2570 North Street, Parcel ID 08-01-10.000

Dear Bruce,

Please find attached what we hope to be a complete application for the subdivision of the land of Antonovich family on North Street. As presented at conceptual review on September 4, the proposal is to subdivide the existing 51.3 acre parcel as developed with an existing 3-bedroom residence into three lots: Lots 1 and 2 of 3.0 and 3.4 acres, respectively, each for the construction of single-family residences, and Lot 3 of the remaining 44.9 acres with the existing single-family residence. Note that as approved by the DRB on the 4<sup>th</sup>, only Lots 1 and 2 have been resurveyed for this subdivision: the balance of Lot 3 is to be as shown on the prior survey by John Thetford as recorded in Map slide 35.

Lots 1 and 2 are to be served by on-site sewage disposal and water supply systems. Soil exploration and preliminary design analysis has been completed to determine the location and footprints of the necessary mound-type systems as shown on the project plan. The final location of the water supplies has not yet been determined, but will be located as required by the applicable isolations. Home sites will be located up slope of the mound systems in conformance with the applicable setback as shown and in consideration of the overhead utility line crossing the property. No change to the existing on-site systems serving the existing Lot 3 residence are proposed or warranted. Because the new boundary line between Lot 2 and Lot 3 is in excess of 500' from the existing residence, the State Rule do not require a replacement system be defined, therefore we have not done so.

Access will be provided to Lots 1 and 2 via a shared curb-cut onto North Street. As I related at the conceptual review, it was necessary to move the access point southerly on to Lot 3 in order to gain sufficient site distance to the south. The location of the proposed curb cut was reviewed by Road Foreman Guthrie Perry on September 11 and the access permit should be reviewed by the Selectboard at their October 1 meeting.

A review of the State ANR Natural Resources Atlas reveals no identified protected or endangered natural elements. A printout of that review is included here.

We believe this proposal to be about a 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







# Antonovich -- 2570 North Street

East Montpelier, VT



September 4, 2018

1 inch = 537 Feet

[www.cai-tech.com](http://www.cai-tech.com)



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