

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

Michael & Jamie O'Hare
835 Dodge Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-042

Dear Mr. & Ms. O'Hare:

Please find enclosed the written decision of the East Montpelier Development Review Board granting preliminary plan approval for your subdivision application #18-042 as presented subject to the following modifications:

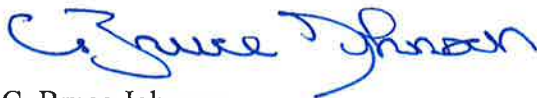
- The access easement for Lot 2 will be relocated to minimize the effect of the right-of-way on the Cleland/Miller parcel located at 1105 Dodge Road;
- Any other adjustments that can be reasonably made to assuage the concerns of abutting neighbors expressed at the October 2, 2018 hearing.

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.

The preliminary plan approval sets the stage for the final plan hearing before the DRB. It does not, on its own, ensure approval of the final subdivision plan. The preliminary plan approval remains effective for a period of six months from the date of issuance. Please let me know when you are ready to move forward with the final plan hearing process.

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: Michael & Jamie O’Hare
 835 Dodge Road
 Parcel # 06-056.000 Tax Map # 08-03-01.000

East Montpelier Zoning Application #18-042

INTRODUCTION & PROCEDURAL HISTORY

1. On September 12, 2018, Michael and Jamie O’Hare filed an application with the Town of East Montpelier to subdivide their property located at 835 Dodge Road. The proposal would divide the 40-acre parcel into four 10-acre lots: Lot 1 with frontage on Dodge Road; Lot 2 served by an access easement over Lot 1; Lot 3 with existing structures and frontage on Dodge Road; and Lot 4 served by an access easement over the land of Barry Rufenacht at 585 Dodge 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. The DRB determined that this would be considered a major subdivision for regulatory purposes.
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. Applicants Jamie & Michael O’Hare, Applicant representative Craig Chase, neighboring property owners Bernadette Cleland, Albert Miller, Pat Fitzsimmons, and Barry Rufenacht, 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. Michael & Jamie O'Hare own a developed 40.0-acre parcel located at 835 Dodge Road. The current proposal is to subdivide the property to create three 10-acre lots for future development, leaving a 10-acre remainder lot with the existing structures.
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 contains 10.0 acres with 1,129 feet of frontage on Dodge Road. Lot 2 contains 10.0 acres served by a 60-foot-wide access easement over Lot 1. Lot 3 contains 10.0 acres and 867 feet of frontage on Dodge Road. Lot 4 contains 10.0 acres served by a 60-foot-wide access easement of the property of Barry Rufenacht at 585 Dodge Road.
3. The proposed access easements raised concerns from abutting neighbors. Applicants agreed to make alterations to minimize the concerns to the extent feasible.
4. Building envelopes are not included on the preliminary subdivision plat. No development of the proposed new lots is currently contemplated, but the lots are clearly intended for development at some point in the future.
5. Lots 1, 2 & 4 are expected to become building lots. At this point, however, there is no intention of obtaining state water & wastewater permits. All three lots have been evaluated for such purposes and there are known areas that should support the necessary permitting for single-family residential use.
6. There are significant wetland areas on Lot 1. The wetland boundaries have been delineated. Both the boundaries and the regulatory buffer areas are shown on the subdivision plat.

CONCLUSIONS

The standards for the issuance of preliminary approval of a subdivision plan 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 the preliminary subdivision plan for Zoning Permit Application #18-042 subject to the following modifications:

- The access easement for Lot 2 will be relocated to minimize the effect of the right-of-way on the Cleland/Miller parcel located at 1105 Dodge Road;

- Any other adjustments that can be reasonably made to assuage the concerns of abutting neighbors expressed at the October 2, 2018 hearing.

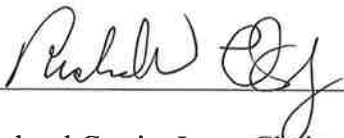
No building envelopes need to be shown on the subdivision plat.

This preliminary plan approval does not constitute approval of the final subdivision plan and associated plat.

The approval of the preliminary plan remains effective for a period of six months from the date of this written notice of 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 8th day of October, 2018.



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.

Permit # 18-042
Zoning District E
Overlays WR/RC

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

Date Received: 9/12/18
Parcel # 06-056.000
Tax Map # 08-03-01.000

A. 1. Name of Landowner Michael & Jamie O'Hare Phone No. 802-229-9217
2. Address of Landowner 835 Dodge Road, East Montpelier, VT 05641
3. Applicant (other than owner)..... Phone No.....
4. Address of Applicant.....
5. Location of Property 835 Dodge Road, East Montpelier, VT 05641
S

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 PID 06-056 into 4 lots. Lots 1, 2, & 4 have 10.0 acres each with proposed on-site sewer and water. Lot 3 has 10.0 acres with existing on-site sewer and water, and a designated replacement area to serve the existing single family residence. Lot 4 is served by an existing 60' ROW and Lot 2 is served by a proposed 60' ROW across Lot 1 per the included plan. Lots 3 & 4 have frontage on Dodge Road.

- C. Lot description:
- | | |
|---|--|
| 1. acreage <u>40.0 +/-</u> | 4. depth side yards <u>50' (min)</u> Ft. Ft.
(building to lot lines) |
| 2. road frontage <u>350' (min)</u> Ft. | |
| 3. depth front yard <u>75' (min)</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>50' (min)</u> 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 Jamie O'Hare / Michael Date 9/11/18
Applicant Date

Zoning Permit Fee: \$ 550.00 Cash _____ Check #4787 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"



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

billchase@chasesurveyors.com

kjurentkuff@chasesurveyors.com

September 12, 2018

Bruce Johnson, Zoning Administrator

Town of East Montpelier

P.O. Box 157

East Montpelier, VT 05651

RE: Proposed 4-Lot Subdivision, Michael & Jamie O'Hare, 835 Dodge Road, Parcel ID #08-03-01.000

Dear Bruce,

Please find attached what we hope to be a complete application for preliminary review of the subdivision of the lands of Michael & Jamie O'Hare. As presented at conceptual review on September 4, the proposal is to subdivide the existing 40 acre parcel as developed with the existing residence into four lots: Lots 1, 2 and 4 of 10.0 acres each for the construction of single-family residences, and Lot 3 of 10.0 acres including the existing single-family residence. As a four lot subdivision, this project was deemed a major subdivision by the DRB at the conceptual meeting.

The "back lot" configuration, with slight refinements to the plan presented at conceptual, has been decided upon by the O'Hare's, eliminating road frontage for Lot 2 and serving it with a 60' wide right-of-way through Lot 1. Lot 1 has benefit of over 1000' of frontage along Dodge Road. Lot 3 with the existing house has adequate frontage along Dodge Road and will be accessed via the existing driveway. Lot 4 does not have frontage along Dodge Road, but will be accessed along an existing right-of-way over lands of Rufenacht. Upon preliminary approval of this subdivision, the access points for Lots 1, 2 and 4 will be reviewed by Road Foreman Guthrie Perry and access permit applications will be submitted to the Selectboard for review and approval...all prior to the hearing for final approval by the DRB.

Lots 1, 2 & 4 are to be served by on-site water supply and sewage disposal systems. Adequate soils for mound-type disposal systems have been identified on each lot, as well as for a replacement area designation for the existing residence on Lot 3. It is the owners wish to market these lots with only the assurance that a viable sewage disposal is available...without pursuing the State Wastewater and Water Supply Permits that will be necessary prior to construction. This final step is to be left to the buyers based on their specific development plans.

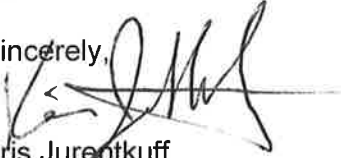
A review of the State ANR Natural Resources Atlas reveals no identified protected or endangered natural features. A printout of that review is included here. As part of our normal on-the-ground due diligence, we did identify two areas of potential wetlands. These areas were delineated by Gilman & Briggs Environmental and a mapping of that delineation is shown on the project plan. These wetlands appear to meet the presumptive Class II standard and therefore are subject to an additional 50' no-disturb buffer. This buffer has also been shown on the plan, along with 5-foot interval contours extracted from the VCGI lidar database.

In keeping with the owner's wishes to allow buyers for the lots to determine how the parcels are to be developed, we have not identified building envelopes. Certainly, areas suitable for development will be

controlled by the required setbacks applicable to the zone, as well by other features, such as the wetlands and buffers. But the owner does not believe that further restricting the location of development by simply saying "you must build here", without benefit of knowing the wishes of a given buyer, is not the best way to approach the development of these large parcels.

This proposal reflects the owner's wishes as to how to approach the subdivision of their land. We believe that the subdivision as presented is in full conformance with the Development Regulations 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,

A handwritten signature in black ink, appearing to read "Kris Jurentkuff", written over a horizontal line.

Kris Jurentkuff
Senior Technician



LEGEND:

- ROAD RIGHT OF WAY LINE
- PROPERTY LINE
- SUBDIVISION LINE
- BARBED WIRE FENCE
- EDGE OF DRAIN
- THRESHOLD OF BROOK
- TREELINE
- OVERHEAD UTILITY LINE
- WETLANDS
- WETLAND BUFFER
- 8' INTERVAL CONTOUR LINE
- ENTRANCE
- IRON ROD FOUND (DIA. 1/2")
- REBAR SET W/O CAP
- UNCALIBRATED POINT
- UTILITY POLE
- DRILLED WELL
- PER REFERENCE #

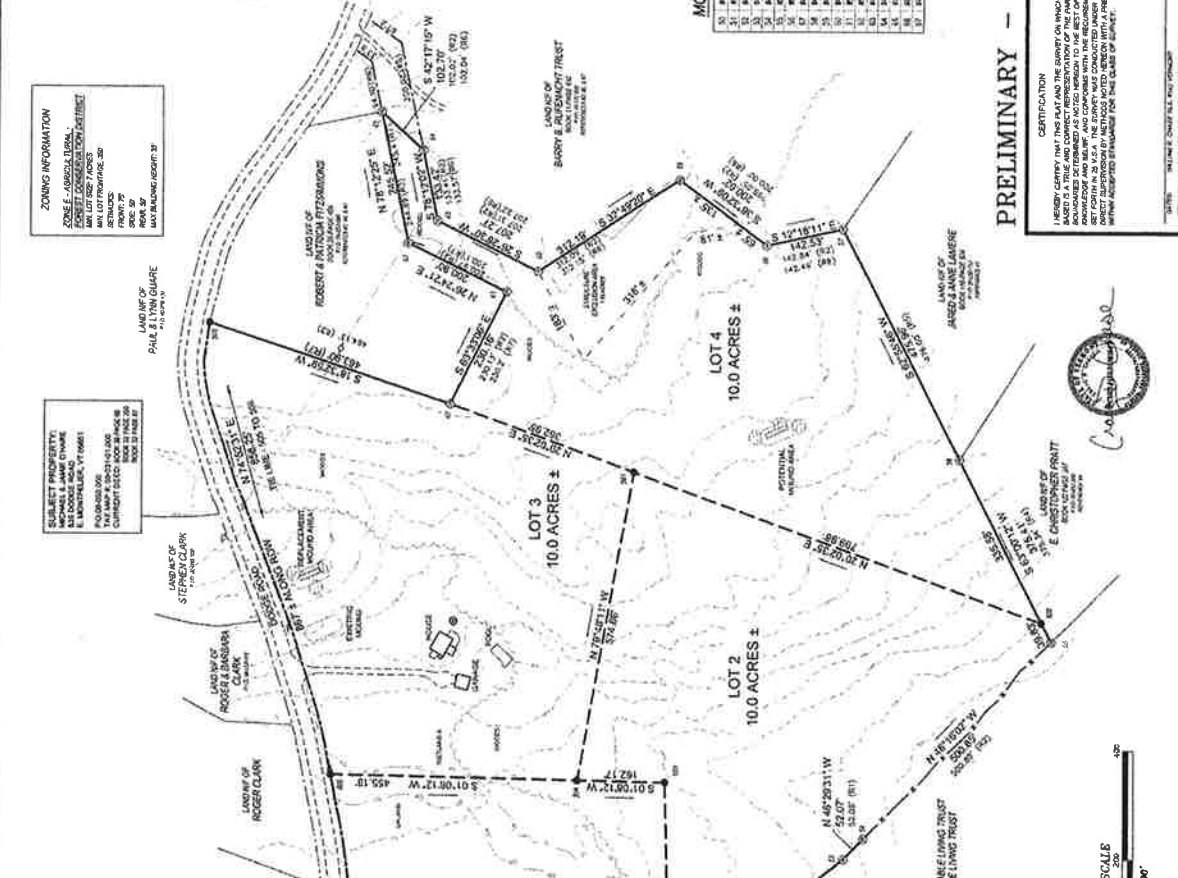
MONUMENT DESCRIPTION TABLE

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PRELIMINARY - 9/12/18

SUBDIVISION SURVEY
MICHAEL & JAMIE O'HARE
 235 DOODGE ROAD
 EAST MONTPELIER, VERMONT

Chase
 Surveyors & Engineers, Inc.



SURVEYOR'S NOTES:

- THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE 5800 RTK TOTAL STATION, TOGETHER WITH A STEEL TAPE, WITH A PRESSION WITHIN ACCEPTED STANDARDS.
- THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL EVIDENCE LOCATED, AND INFORMATION PROVIDED BY OWNERS AND ADJUTERS.
- ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
- ONLY EASEMENTS AND/OR RIGHTS-OF-WAY ENCOUNTERED DURING RECORD RESEARCH NECESSARY TO DETERMINE PARCEL BOUNDARIES HAVE BEEN DEPICTED HEREON. THE PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS.
- BEARINGS SHOWN HEREON ARE BASED ON THE BEARINGS FROM POINT 53 TO POINT 28 AS SHOWN ON MAP 13, MAP 15, MAP 16, MAP 17, MAP 18, MAP 19, MAP 20, MAP 21, MAP 22, MAP 23, MAP 24, MAP 25, MAP 26, MAP 27, MAP 28, MAP 29, MAP 30, MAP 31, MAP 32, MAP 33, MAP 34, MAP 35, MAP 36, MAP 37, MAP 38, MAP 39, MAP 40, MAP 41, MAP 42, MAP 43, MAP 44, MAP 45, MAP 46, MAP 47, MAP 48, MAP 49, MAP 50, MAP 51, MAP 52, MAP 53, MAP 54, MAP 55, MAP 56, MAP 57, MAP 58, MAP 59, MAP 60, MAP 61, MAP 62, MAP 63, MAP 64, MAP 65, MAP 66, MAP 67, MAP 68, MAP 69, MAP 70, MAP 71, MAP 72, MAP 73, MAP 74, MAP 75, MAP 76, MAP 77, MAP 78, MAP 79, MAP 80, MAP 81, MAP 82, MAP 83, MAP 84, MAP 85, MAP 86, MAP 87, MAP 88, MAP 89, MAP 90, MAP 91, MAP 92, MAP 93, MAP 94, MAP 95, MAP 96, MAP 97, MAP 98, MAP 99, MAP 100, MAP 101, MAP 102, MAP 103, MAP 104, MAP 105, MAP 106, MAP 107, MAP 108, MAP 109, MAP 110, MAP 111, MAP 112, MAP 113, MAP 114, MAP 115, MAP 116, MAP 117, MAP 118, MAP 119, MAP 120, MAP 121, MAP 122, MAP 123, MAP 124, 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CERTIFICATION

I, MICHAEL O'HARE, VERMONT LICENSED SURVEYOR, NUMBER 18, AND JAMIE O'HARE, VERMONT LICENSED SURVEYOR, NUMBER 28, HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE VERMONT SURVEYING ACT AND THE VERMONT PROFESSIONAL SURVEYING BOARD REGULATIONS. THE SURVEY WAS CONDUCTED UNDER MY PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT ACCURATELY REPRESENTS THE ACTUAL CONDITIONS ON THE GROUND AT THE TIME OF SURVEY.

Chase
 Surveyors & Engineers, Inc.

1" = 100'



O'Hare -- 835 Dodge Road

East Montpelier, VT

1 inch = 537 Feet



September 4, 2018



www.cai-tech.com



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