

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: February 5, 2019

Effective Date: February 20, 2019

Location: 440 Horn of the Moon Road

Owner: Gianna Petito & Alexander Tinks

For: Change of Use: From Single-Family
to Two-Family Residential

Application # 19-007

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 # 19-007

ZONING PERMIT APPLICATION

Date Received: 1/22/19

E Zoning District Zone E-Ag-Forest

TOWN OF EAST MONTPELIER

Parcel # 02-037.000

Overlays Conservation District

PO Box 157, East Montpelier, VT 05651

Tax Map # 04-01-41.000

- A. 1. Name of Landowner Gianna Petito & Alexander Jinks Phone No. 609-933-6630
 2. Address of Landowner 440 Horn of the Moon Rd., East Montpelier, VT 05602
 3. Applicant (other than owner)..... Phone No.....
 4. Address of Applicant.....
 5. Location of Property see #2

B: Application is made (check appropriate boxes):

- | | | |
|--|---|--|
| To: | For: | For: |
| <input type="checkbox"/> Construct | <input checked="" type="checkbox"/> One <input checked="" 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 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 checked="" type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed Single family split-level ranch will be split into 2 units (1 upstairs, 1 downstairs) work includes 3 window upgrades to meet egress requirements, hard-wiring of smoke detectors, installation of breaker panel upstairs, split utilities as required by utility company, installation of fire-rated door in stairwell to split units and installation of kitchenette + shower unit downstairs. No changes to footprint

- C. Lot description:
- | | |
|------------------------------------|---|
| 1. acreage <u>2.5</u> | 4. depth side yards <u>~8.5 to shed</u> Ft. <u>277</u> Ft. <u>280</u> |
| 2. road frontage <u>318.5</u> Ft. | (building to lot lines) <u>~25' to deck of house</u> |
| 3. depth front yard <u>173</u> Ft. | 5. depth rear yard <u>145</u> Ft. |
| (Road centerline to building) | (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 1/14/19
Applicant Date

Zoning Permit Fee: \$ 75⁰⁰ Cash _____ Check #1004 Date 1/22/19 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.....

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 # 19-007 Date Issued 02/05/19 Effective Date 02/20/19

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.

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 December 1, 2010

Landowner(s): **Gianna Petito & Alexander Jinks**
440 Horn of the Moon Road
East Montpelier VT 05602

Permit Number: WW-5-6593-1

This permit affects the following properties in East Montpelier, Vermont:

<i>Lot</i>	<i>Parcel</i>	<i>SPAN</i>	<i>Acres</i>	<i>Book(s)/Page(s)#</i>
<i>1</i>	<i>02-037.000</i>	<i>195-062-10837</i>	<i>2.50</i>	<i>Book:132 Page(s):13</i>

This project, consisting of amending permit WW-5-6593 from a 4-bedroom single family residence to a duplex unit with a 2-bedroom single family residence with an attached 1-bedroom apartment located at 440 Horn of the Moon Road in East Montpelier, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

1. GENERAL

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Paul Taylor, with the stamped plans listed as follows:

<i>Title</i>	<i>Sheet Number</i>	<i>Plan Date</i>	<i>Revision Date</i>
<i>Permit Revision for Alexander Jinks and Gianna Petito</i>	<i>1</i>	<i>01/17/2019</i>	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from the Division of Fire Safety; other State departments; or local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the East Montpelier Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The existing 2.50-acre lot is now approved for a 2-bedroom single family residence with an attached 1-bedroom apartment. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.5 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.6 All conditions set forth in **Permit Number WW-5-6593 dated 06/03/2014** shall remain in effect except as amended or modified herein.
- 1.7 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.



- 1.8 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.

2. WATER SUPPLY

- 2.1 The 2-bedroom single family residence with an attached 1-bedroom apartment is approved with an existing on-site drilled well water supply system having a design flow of 420 gallons per day provided the water supply meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination.
- 2.2 No changes shall be made to the existing water system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. No other means of obtaining potable water shall be allowed without prior review and approval by the Drinking Water and Groundwater Protection Division unless otherwise exempt. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 2.3 Prior to the use of the water system for the apartment, the landowner shall test the water for total coliform bacteria, arsenic, chloride, iron, manganese, nitrate, nitrite, odor, PH, sodium and uranium content and the water quality analyses shall be found to comply with the standards in the Water Supply Rules. All water quality tests shall be conducted at a laboratory certified by the Vermont Department of Health (a list of which can be found on the VDH website) to conduct the specific tests. Results of the water tests shall be submitted to the Drinking Water and Groundwater Protection Division for review and approval prior to use.

3. WASTEWATER DISPOSAL

- 3.1 The 2-bedroom single family residence with an attached 1-bedroom apartment is approved with an existing wastewater disposal system with a design flow of 420 gallons per day. No changes shall be made to the existing wastewater system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. Should the system fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and to submit an application to Drinking Water and Groundwater Protection Division prior to correcting the failure. Note the wastewater disposal system has a design capacity of 490 gallons per day.
- 3.2 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.3 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the operation of the wastewater disposal systems are allowed on or near the site-specific wastewater system or depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

Emily Boedecker, Commissioner
Department of Environmental Conservation



By _____ Dated January 25, 2019
Carl Fuller, PE
Regional Engineer
Montpelier Regional Office
Drinking Water and Groundwater Protection Division

cc: Paul Taylor
East Montpelier Planning Commission
Department of Public Safety, Division of Fire Safety



Jinks/Petito -- 440 Horn of the Moon

East Montpelier, VT

January 24, 2019



www.cai-tech.com



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