

# 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

May 13, 2019

Pauline Coburn  
139 Daggett Road  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #19-009

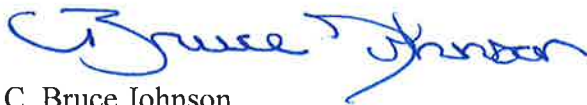
Dear Ms. Coburn:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #19-009 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 #19-009 for a 2-lot subdivision of your 139 Daggett 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:      Pauline Coburn  
                                 139 Daggett Road  
                                 Parcel # 08-018.000   Tax Map # 09-00-54.100

East Montpelier Zoning Application #19-009

**INTRODUCTION & PROCEDURAL HISTORY**

1. On February 15, 2019, Pauline Coburn filed an application with the Town of East Montpelier to subdivide her property located at 139 Daggett Road. The proposal would divide the 79.49-acre parcel into 2 lots: Lot 1 of 60.79 acres and existing structures with frontage on Daggett Road and VT Rte. 14 N; and, Lot 2 of 18.7 acres served by an access easement over Lot 1.
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. Zoning Administrator Bruce Johnson appeared on behalf of Owner Pauline Coburn before the DRB on August 7, 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 March 23, 2019 for a hearing, which was conducted on April 9, 2019.
5. Owner Pauline Coburn, daughter Wendi Coburn, applicant representative Craig Chase and Zoning Administrator Bruce Johnson appeared and participated in the April 9, 2019 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the April 9, 2019 hearing were Kappel, Cueto, Hill, Justis, Dworkin, and Watson.

**FINDINGS OF FACT**

1. Pauline Coburn owns a developed 79.49-acre parcel located at 139 Daggett Road. The current proposal is to subdivide the property to split off an 18.7-acre lot for potential future development from the remaining 60.79-acre developed portion of the property.
2. The property is located in Zone D – the Rural Residential & Agricultural District, where a conforming lot requires 3 acres along with 250 feet of road frontage or access by at least a 20-foot-wide easement as approved by the DRB. Proposed remainder Lot 1 is comprised of 60.79 acres with a combined total of approximately 1,350 feet of frontage on Daggett Road and VT Rte. 14 N. Proposed Lot 2 contains 18.7 acres served by a 60-foot-wide easement over Lot 1 off Daggett Road.

3. No development of proposed Lot 2 is currently anticipated.
4. On August 6, 2018 the East Montpelier Selectboard approved a multi-residential curb cut (application #18-032) on Daggett Road to serve proposed Lot 2 along with the existing parcel at 140 Daggett Road owned by Carolyn Sieven.

## 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.

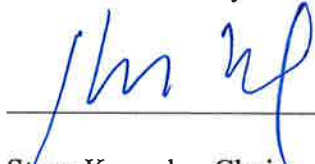
## DECISION

By unanimous vote, the DRB approves Zoning Permit #19-009 to allow the subdivision of the Coburn parcel located at 139 Daggett 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 13<sup>th</sup> day of May, 2019.



Steve Kappel -- 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:

May 13, 2019

Effective Date:

May 28, 2019

Location:

139 Daggett Road

Owner:

Pauline Coburn

For:

2-Lot Subdivision

Lot 1 : 60.79 acres w/ existing structures

Lot 2 : 18.7 acres

Application #

19-009

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 # 19-009  
Zoning District D  
Overlays WR

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

Date Received: 2/15/19  
Parcel # 08-018.000  
Tax Map # 09-00-54.100

\*\*\*\*\*

- A. 1. Name of Landowner Pauline Coburn Phone No. (802) 223-6886  
2. Address of Landowner 139 Daggett Road, East Montpelier, VT 05651  
3. Applicant (other than owner) Phone No.  
4. Address of Applicant  
5. Location of Property Daggett Road, East Montpelier, VT 05651

**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 Lot 2 of 18.7 acres from the existing land of Pauline Coburn,  
leaving 60.79 acres in Lot 1. Lot 2 is served by a proposed 60' ROW off of Daggett Road, and has an area  
suitable for a septic area.

- C. Lot description:
- |   |  |
|---|--|
| 1. acreage <u>18.7 Acres</u>  | 4. depth side yards <u>&gt;50'</u> Ft. <u>&gt;50'</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>60' ROW</u> Ft.                                     |  |
| 3. depth front yard <u>&gt;75'</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>&gt;50'</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 Pauline E. Coburn Date 15 Feb 2019  
Applicant \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

Zoning Permit Fee: \$ 250.00 Cash 1313 Date 2/15/19 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](http://publicservice.vermont.gov/energy_efficiency/rbes)  
Commercial Building Energy Standards: [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes)

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**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 # 19-009 Date Issued 05/13/19 Effective Date 05/28/19

**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

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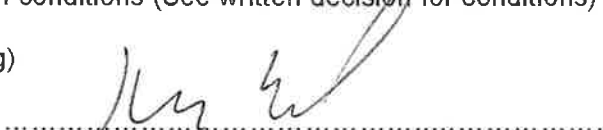
**F. Action by Development Review Board:**

1. Public Notice Date 3/23/19

2. Date(s) of Hearing 4/9/19

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: May 13, 2019

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.

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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)

February 13, 2019

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

RE: Proposed 2-Lot Subdivision, Pauline Coburn, 139 Daggett Road, Parcel ID #08-018.000.

Dear Bruce,

Please find attached what we hope to be a complete application for preliminary and final review of the subdivision of the lands of Pauline Coburn. As presented at sketch plan review on August 7, 2018, Pauline owns a parcel of 79.49 acres with an existing single-family residence. The proposal is to subdivide Lot 2 of 18.7 acres from the whole, leaving Lot 1 with the remaining 60.79 acres.

Lot 2 will have 18.7 acres and will be served by a 60' Right of Way off of Daggett Road. Pauline already has a multi-residential curb cut permit (East Montpelier Access Permit #18-032) for Lot 2. Lot 1 has the remaining 60.79 acres with an existing single-family residence, and has approximately 700' of frontage on Daggett Road.

Lot 2 is to be served by an on-site water supply and sewage disposal system. Adequate soils for a mound-type disposal system have been identified on Lot 2. A replacement area designation for Lot 1 is not required as the existing sewage disposal area is a mound.

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

In keeping with the owner's wishes to defer development of Lot 2 at this time, we have not identified building envelopes; applicable setbacks have been shown. Certainly, areas suitable for development will be controlled by the required setbacks applicable to the zone. But the owner does not believe that further restricting the location of development by simply saying "you must build here", is 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 blue ink that reads "Timothy Morris".

Timothy Morris  
Survey / Engineering Technician







**Land of Pauline Coburn**  
Vermont Agency of Natural Resources

vermont.gov



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources, February 14, 2019



- LEGEND**
- Wetland - VSM  
Class 1 Wetland  
Class 2 Wetland  
Bulker
  - Wetlands Advisory Layer  
Rare Threatened Endangered Species  
Threatened or Endangered  
Rare
  - Significant Natural Community  
Parcels (standardized)  
Parcels (non-standardized)
  - Roads  
Interstate  
Principal Arterial  
Minor Arterial  
Major Collector  
Minor Collector  
Local
  - Not part of Function Classification System
  - Waterbody  
Stream
  - Town Boundary

**1: 4,983**  
1in = 415 ft  
1cm = 50 meters

**NOTES**  
Map created using ANR's Natural Resources Atlas

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





# Coburn, 139 Daggett Road

East Montpelier, VT

1 inch = 537 Feet



August 13, 2018

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



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