

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: September 27, 2019

Effective Date: October 12, 2019

Location: 445 Kelton Road

Owner: Abigail Faulkner & Hobart Guion

For: Shift in Access Easement Location for

Lot 1 of 2018 Faulkner/Guion Subdivision

Application # 19-041

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.

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

September 27, 2019

Abigail Faulkner
Hobart Guion
345 Kelton Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #19-041; 445 Kelton Road

Dear Ms. Faulkner & Mr. Guion:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision amendment application #19-041 as presented subject to the following condition:

- **The required deed work to effectuate the shift in location for the access easement serving Lot 1 be completed and filed in the East Montpelier land records within the timeframe allowed for the filing of the mylar of the approved amended subdivision plat.**

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 #19-041 shifting the access easement location for Lot 1 of the 2018 subdivision of your 445 Kelton Road property. You have already provided the required mylar copy of the approved subdivision plat for recording by the East Montpelier Town Clerk within the 180 day window mandated by the East Montpelier Land Use & Development Regulations Section 6.6 coupled with 24 V.S.A. §4463(b). The submitted mylar has been 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: Abigail Faulkner & Hobart Guion
 445 Kelton Road
 Parcel # 07-009.000 Tax Map # 09-00-76.000

East Montpelier Zoning Application #19-041

INTRODUCTION & PROCEDURAL HISTORY

1. On August 9, 2019, Abigail Faulkner & Hobart Guion filed an application with the Town of East Montpelier to amend the 2018 subdivision, as approved by East Montpelier Zoning Permit 18-034, of their property located at 445 Kelton Road. The proposal would alter the access easement serving Lot 1, a 35.1-acre back lot west of Kelton Road, from a deeded easement over Lot 2 to a deeded easement over the abutting property of Charles Wanzer & Lydia Faesy, located at 515 Kelton 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 lots need either 350 feet of public road frontage or an approved access easement. Amendments to approved subdivisions require approval from the Development Review Board.
3. A public notice was duly published in the Times Argus on August 17, 2019 for a hearing, which was conducted on September 3, 2019.
4. Applicants Abigail Faulkner and Hobart Guion, applicant representative Kris Jurentkuff, and Zoning Administrator Bruce Johnson appeared and participated in the September 3, 2019 hearing. There was no additional public comment.
5. The Board members who voted on this issue at the September 3, 2019 hearing were Kappel, Cueto, Lane, Justis, Weyant, Oates, Cutler, Hill, and Watson.

FINDINGS OF FACT

1. Abigail Faulkner and Hobart Guion own the 110-acre former Frost family property located at 445 Kelton Road. In 2018 they received approval, under East Montpelier Zoning Permit 18-034, for a 3-lot subdivision of the property, creating a 7.72-acre house

lot (Lot 2), a west side of Kelton Road remainder lot of 35.1 acres (Lot 1), and an east side of Kelton Road remainder lot of 67.2 acres (Lot 3). The original method of accessing Lot 1 was by easement over Lot 2. Applicants would like to shift the access easement from Lot 2 to the abutting Wanzer/Faesy parcel, utilizing the existing driveway serving the Wanzer/Faesy and Osborne/Liebermann properties to the extent possible.

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. The approved Lot 1 contains 35.1 acres on the west side of Kelton Road and is currently served by a 60-foot-wide access easement over Lot 2. The new plan is to shift the access to a 60-foot-wide, approximately 422-foot-long, easement on the Wanzer/Faesy parcel along the property border with Lot 2 and a portion of Lot 1.
3. On August 19, 2019 the East Montpelier Selectboard approved Access Application 19-042, authorizing an alteration to the existing residential curb cut serving the Wanzer/Faesy & Osborne/Liebermann parcels to allow the proposed access easement over the Wanzer/Faesy parcel to also serve Lot 1.
4. There are no other proposed alterations to the subdivision as approved by the DRB in 2018.

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, & 6.10 have been reviewed, and the proposed subdivision, as amended, meets all applicable requirements.

DECISION

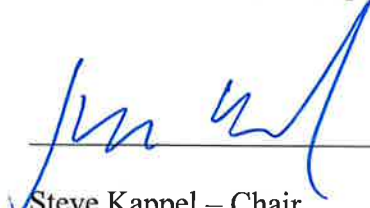
By unanimous vote, the DRB approves Zoning Permit #19-041, as an amendment to Zoning Permit 18-034, allowing the requested shift in access easement location for Lot 1 as presented, subject to the following condition:

- The required deed work to effectuate the shift in location for the access easement serving Lot 1 be completed and filed in the East Montpelier land records within the timeframe allowed for the filing of the mylar of the approved amended subdivision plat.

This subdivision amendment 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 amended subdivision plat in the East Montpelier land records within 180 days of the date of subdivision amendment 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 27th day of September, 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.

Permit # 19-041

ZONING PERMIT APPLICATION

Date Received: 8/9/19

Zoning District E

TOWN OF EAST MONTPELIER

Parcel # 07-009.000

Overlays WR/SFHA/RC PO Box 157, East Montpelier, VT 05651

Tax Map # 09-00-76.000

- A. 1. Name of Landowner Abigail Faulkner Phone No. 223-1808
2. Address of Landowner 345 Kelton E. Mplr. VT
3. Applicant (other than owner) Phone No.
4. Address of Applicant
5. Location of Property Subdivision 18-034 Lot 1

B: Application is made (check appropriate boxes):

To:

- ☐ Construct
☐ Repair
☒ Alter
☐ Extend
☐ Remove
☐ Change use

For:

- ☐ One ☐ Two-family dwelling
☐ Multi-family dwelling
☐ Accessory Structure
☐ Commercial / Business
☐ Light Industrial
☐ Industrial

For:

- ☒ Subdivision of land
☐ Boundary adjustment
☐ Extraction of earth resources
☐ Ground water withdrawal
☐ Landfilling
☐ Other

Describe work to be performed

change location of access easement

for approved subdivision 18-034, Lot #1

C. Lot description:

1. acreage 4. depth side yards Ft. Ft.
(building to lot lines)
2. road frontage Ft.
3. depth front yard Ft.
(Road centerline to building) 5. depth rear yard 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 Abigail Faulkner Date 8/7/19

Applicant Date

Zoning Permit Fee: \$ 225.00 Cash Check # 6457 Date 8/9/19 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 # 19-041 Date Issued 09/27/19 Effective Date 10/12/19

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 AUG 17 2019

2. Date(s) of Hearing SEPT 3, 2019

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: September 27, 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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LOT 1
35.1 ACRES ±
SEE NOTE 8

LAND NF OF
OSBORNE & LIEBERMAN
SEE REFERENCES 1 & 2

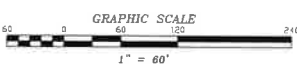
REFERENCES:

1. A PLAN ENTITLED "WANZER, WANZER-FAESY, & OSBORNE KELTON ROAD EAST MONTPELIER, VERMONT PROPERTY SUBDIVISION" BY WAYNE D. LAWRENCE, RLS #160, DATED AUGUST 19, 1996, REVISED JUNE 30, 1997, AND REVISED 15 JULY 1997, AS FOUND ON FILE IN THE TOWN OF EAST MONTPELIER LAND RECORDS IN MAP SLIDE 54.
2. A PLAN ENTITLED "RICHARD COPPING KELTON ROAD EAST MONTPELIER, VERMONT SITE PLAN" BY WAYNE D. LAWRENCE, RLS #160, DATED JANUARY 11, 1992, REVISED 22/7/92, REVISED 10/6/1992, AND REVISED 1/7/92 AS FOUND ON FILE IN THE TOWN OF EAST MONTPELIER LAND RECORDS IN MAP SLIDE 42.
3. A PLAN ENTITLED "SURVEY OF LAND FOR RICHARD, ROBERT & LORETTA COPPING KELTON ROAD EAST MONTPELIER, VERMONT" BY DWIGHT M. BAKER, RLS #317, DATED NOVEMBER 1983, AS FOUND ON FILE IN THE TOWN OF EAST MONTPELIER LAND RECORDS IN MAP SLIDE 28.

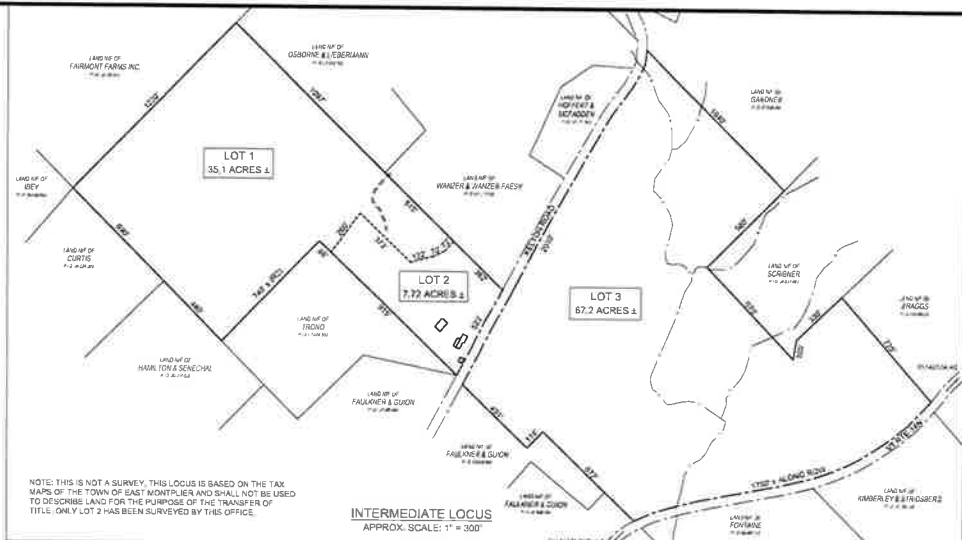
LAND NF OF
WANZER & WANZER-FAESY
BOOK 61 PAGE 254
SEE REFERENCES 1 & 2

LOT 2
7.72 ACRES ± (Gross)
7.02 ACRES ± (NET)
SEE NOTE 7

LAND NF OF
TRINDO
BOOK 43 PAGE 191
SEE REFERENCES 2 & 3



OTHER LANDS NF OF
FAULKNER & GUION
BOOK 11 PAGE 225
SEE REFERENCES 1 & 2



NOTE: THIS IS NOT A SURVEY. THIS LOCUS IS BASED ON THE TAX MAPS OF THE TOWN OF EAST MONTPELIER AND SHALL NOT BE USED TO DESIGNATE LAND FOR THE PURPOSE OF THE TRANSFER OF TITLE. ONLY LOT 2 HAS BEEN SURVEYED BY THIS OFFICE.

INTERMEDIATE LOCUS
APPROX. SCALE: 1" = 300'

SURVEYORS NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE 56 ROBOTIC TOTAL STATION, TOGETHER WITH A STEEL TAPE, WITH A PRECISION WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL EVIDENCE LOCATED, AND INFORMATION PROVIDED BY OWNERS AND ADJUTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. 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.
5. BEARINGS SHOWN HEREON ARE BASED ON A MAGNETIC COMPASS READING TAKEN ON SITE DURING FIELD PROCEDURES. BEARINGS ARE INCLUDED ONLY TO DEPICT THE ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS WITH PRIOR SURVEYS WILL BE NOTED DUE TO DIFFERING MERIDIANS OR METHODOLOGIES, BUT ARE NOT INDICATIVE OF A CHANGE IN BOUNDARY LOCATION.
6. THE RIGHT-OF-WAY OF KELTON ROAD ARE BASED ON MONUMENTATION WHERE FOUND, AND WHERE NOT FOUND, AN ASSUMED 3 ROD WIDTH PURSUANT TO V.S.A. 19-32.
7. LOT 2 AREA IS EXCLUSIVE OF AREA WITHIN THE KELTON ROAD RIGHT-OF-WAY. REPORTED NET AREA IS EXCLUSIVE OF THE 67' RIGHT-OF-WAY TO LOT 1.
8. LOTS 1 AND 3 HAVE NOT BEEN SURVEYED BY THIS OFFICE. THE REPORTED AREA OF LOT 1 IS BASED ON THE TAX MAPS OF THE TOWN OF EAST MONTPELIER AS THE RESIDUAL AFTER THE GROSS AREA OF LOT 2 IS REMOVED. THE AREA OF LOT 3 IS AS PER THE TAX MAPS.
9. CONTOURS ARE BASED ON AN ASSUMED DATUM APPROXIMATELY RECONCILED TO TO NGVD 1985.

LEGEND:

- ROAD RIGHT-OF-WAY LINE
- PROPERTY LINE
- WIRE FENCE
- EDGE OF GRAVEL
- THREAD OF BROOK
- STONEWALL
- OVERHEAD UTILITY LINE
- WOOD FENCE
- EDGE OF WOODS
- EXISTING EASEMENT
- PROPOSED EASEMENT
- IRON ROD FOUND (DIA. 1/4" HT.)
- IRON PIPE FOUND (DIA. 1/4" HT.)
- STONE BOUND FOUND
- REBAR TO BE SET W/ I.D. CAP
- UNMONUMENTED POINT
- UTILITY POLE
- DRILLED WELL
- PER DEED
- PER REFERENCE #
- SOILS TEST PIT

SOURCE OF TITLE:
BOOK 145/PAGE 171



REVISED MAP OF LOT 2 AND LOT 3 UTILITIES EASEMENT RELOCATED - NEW

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL, BOUNDARIES DETERMINED AS NOTED HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND CONFORMS WITH THE REQUIREMENTS SET FORTH IN V.S.A. THE SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

8/12/19 *William Z. Chase*
WILLIAM Z. CHASE
NOTARY PUBLIC FOR THE STATE OF VERMONT - COMMISSION EXPIRES 08/31/2024

SUBDIVISION SURVEY
HOBART G. GUION, JR.
AND ABIGAIL D. FAULKNER
KELTON ROAD EAST MONTPELIER, VERMONT

Scale: 1" = 60' SEE LOCUS 1/2" = 10' 1/4" = 20' 1/8" = 40' 1/16" = 80' 1/32" = 160' 1/64" = 320' 1/128" = 640' 1/256" = 1280' 1/512" = 2560' 1/1024" = 5120' 1/2048" = 10240' 1/4096" = 20480' 1/8192" = 40960' 1/16384" = 81920' 1/32768" = 163840' 1/65536" = 327680' 1/131072" = 655360' 1/262144" = 1310720' 1/524288" = 2621440' 1/1048576" = 5242880' 1/2097152" = 10485760' 1/4194304" = 20971520' 1/8388608" = 41943040' 1/16777216" = 83886080' 1/33554432" = 167772160' 1/67108864" = 335544320' 1/134217728" = 671088640' 1/268435456" = 1342177280' 1/536870912" = 2684354560' 1/1073741824" = 5368709120' 1/2147483648" = 10737418240' 1/4294967296" = 21474836480' 1/8589934592" = 42949672960' 1/17179869184" = 85899345920' 1/34359738368" = 171798691840' 1/68719476736" = 343597383680' 1/137438953472" = 687194767360' 1/274877906944" = 1374389534720' 1/549755813888" = 2748779069440' 1/1099511627776" = 5497558138880' 1/2199023255552" = 10995116277760' 1/4398046511104" = 21990232555520' 1/8796093022208" = 43980465111040' 1/17592186044416" = 87960930222080' 1/35184372088832" = 175921860444160' 1/70368744177664" = 351843720888320' 1/140737488355328" = 703687441776640' 1/281474976710656" = 1407374883553280' 1/562949953421312" = 2814749767106560' 1/1125899906842624" = 5629499534213120' 1/2251799813685248" = 11258999068426240' 1/4503599627370496" = 22517998136852480' 1/9007199254740992" = 45035996273704960' 1/18014398509481984" = 90071992547409920' 1/36028797018963968" = 180143985094819840' 1/72057594037927936" = 360287970189639680' 1/144115188075855872" = 720575940379279360' 1/288230376151711744" = 1441151880758558720' 1/576460752303423488" = 2882303761517117440' 1/1152921504606846976" = 5764607523034234880' 1/2305843009213693952" = 11529215046068469760' 1/4611686018427387904" = 23058430092136939520' 1/9223372036854775808" = 46116860184273879040' 1/18446744073709551616" = 92233720368547758080' 1/36893488147419103232" = 184467440737095516160' 1/73786976294838206464" = 368934881474191032320' 1/147573952589676412928" = 737869762948382064640' 1/295147905179352825856" = 1475739525896764129280' 1/590295810358705651712" = 2951479051793528258560' 1/1180591620717411303424" = 5902958103587056517120' 1/2361183241434822606848" = 11805916207174113034240' 1/4722366482869645213696" = 23611832414348226068480' 1/9444732965739290427392" = 47223664828696452136960' 1/18889465931478580854784" = 94447329657392904273920' 1/37778931862957161709568" = 188894659314785808547840' 1/75557863725914323419136" = 377789318629571617095680' 1/151115727451828646838272" = 755578637259143234191360' 1/302231454903657293676544" = 1511157274518286468382720' 1/604462909807314587353088" = 3022314549036572936765440' 1/1208925819614629174706176" = 6044629098073145873530880' 1/2417851639229258349412352" = 12089258196146291747061760' 1/4835703278458516698824704" = 24178516392292583494123520' 1/9671406556917033397649408" = 48357032784585166988247040' 1/19342813113834066795298816" = 96714065569170333976494080' 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