

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 10, 2019

Effective Date: September 25, 2019

Location: 1320 Horn of the Moon Road

Owner: David & Celeste Huck

For: Boundary Adjustment: 3.74 acres from
Parcel # 02-042.000 (Huck) to Parcel # 02-042.100
(Gladding Family Park Trust)

Application # 19-047

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 10, 2019

David & Celeste Huck
1320 Horn of the Moon Road
Montpelier, VT 05602

Re: East Montpelier Zoning Application #19-047

Dear Mr. & Ms. Huck:

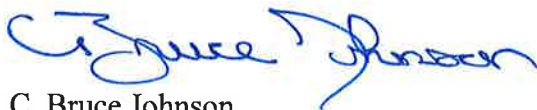
Please find enclosed the permit and supporting documents for the requested 3.74-acre boundary adjustment contained in East Montpelier Zoning Application #19-047.

Boundary adjustments are treated like subdivisions for the purposes of plat recording. You have 180 days to duly file and record a mylar copy of the approved plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations (LUDR) Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must contain a certificate block as described in LUDR Section 6.6(A)(4) and must be certified by me, the zoning administrator, as a true copy of the approved plat prior to recording.

Please understand that this permit is solely for a boundary adjustment with abutting landowner The William & Jennie Gladding Family Park Trust (1415 Horn of the Moon Road). No new lot has been created by this action and the only allowable transfer result is a merger of the 3.74 acres with the 53.0-acre Gladding property, resulting in a 56.74-acre parcel.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

Permit # 19-047

ZONING PERMIT APPLICATION

Date Received: 09/10/19Zoning District E

TOWN OF EAST MONTPELIER

Parcel # 02-042.000Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 04-01-19.000

- A. 1. Name of Landowner David & Celeste Huck Phone No. 595-9356
2. Address of Landowner 1320 Horn of the Moon Rd., Montpelier, VT 05602
3. Applicant (other than owner) The W. & J. Gladding Family Park Trust Phone No. _____
4. Address of Applicant c/c Roy Miller, 158 Cote Road, Monson, MA 01057
5. Location of Property 1320 Horn of the Moon Road

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 type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input checked="" 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 convey the 3.74 acre portion of the lands of Huck lying south of Horn of the Moon Road to adjacent landowner Gladding. Because the parcel is less than the 7 acres minimum required in the Agricultural-Forest Conservation zone, the parcel will be merged with the lands of Gladding.

C. Lot description:

- | | |
|--|--|
| 1. acreage <u>see attached survey plan</u> | 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 [Signature] Date 9/9/19

Applicant _____ Date _____

Zoning Permit Fee: \$ 75.00 Cash _____ Check 3000 Date 9/10/19 Rec'd by DS

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 # 19-047 Date Issued 09/10/19 Effective Date 09/25/19

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)

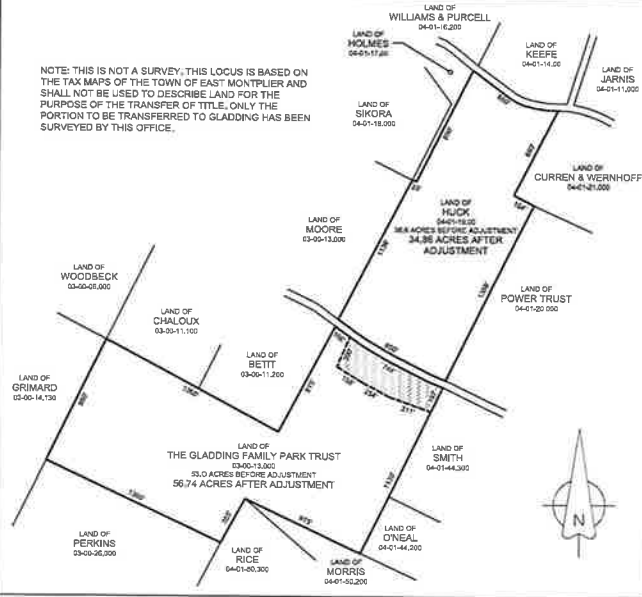
.....
Chairman, Development Review Board

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.

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 DESCRIBE LAND FOR THE PURPOSE OF THE TRANSFER OF TITLE, ONLY THE PORTION TO BE TRANSFERRED TO GLADDING HAS BEEN SURVEYED BY THIS OFFICE.

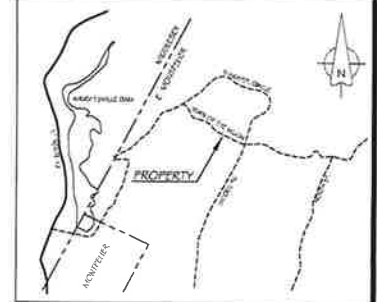


INTERMEDIATE LOCUS
NOT TO SCALE

SURVEYORS NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE 3G ROBOTIC TOTAL STATION, TOGETHER WITH A STEEL TAPE, WITH A POSITIONAL TOLERANCE 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 MAGNETIC OBSERVATION MADE DURING FIELD PROCEDURES. BEARINGS MAY VARY FROM THOSE DEPICTED IN PRIOR SURVEYS REFERENCED.
6. THE RIGHT-OF-WAY OF HORN OF THE MOON ROAD IS BASED ON THE CENTER OF THE TRAVELED WAY AND EXISTING MONUMENTATION, AND PURSUANT TO VSA TITLE 19, IS PRESUMED TO BE 3 RODS (49.5') WIDE.
7. THE LOCATION OF POINTS 'B' & 'C' ARE BASED ON THE RECORD DESCRIPTION OF LINES FROM POINT 'B' TO POINT 'E' AS HELD ABOUT THE INTERSECTION OF THE RECORD DISTANCES FROM 'A' TO 'D' AND 'B' TO 'E'.
8. THE EXISTING GRAVEL DRIVE SERVING THE GLADDING FAMILY PROPERTY ENCLOSED UPON THE RECORD LOCATION OF THE CORNER OF THE HUCK PROPERTY. AN EXAMINATION OF HISTORICAL AERIAL PHOTOGRAPHY (1992) INDICATED THAT THE DRIVE HAS BEEN IN EXISTENCE WELL IN EXCESS OF 15 YEARS, REQUIRED FOR A POSSESSORY CLAIM OF GLADDING TO THE LANDS UNDERLYING IT.
9. PAROLE EVIDENCE PROVIDED BY REBECCAH DONAHUE, SON OF FORMER OWNER FRANCES DONAHUE, INDICATED THAT THE INSTALLATION AND USE OF THE DRIVE MAY HAVE BEEN AN AGREED COMPROMISE IN LIEU OF THE DEVELOPMENT OF THE RECORD RIGHT-OF-WAY TO THE LAND OF GLADDING LOCATED IN THE CENTER OF THE HUCK PARCEL. NO DOCUMENTATION HAS BEEN FOUND TO CONFIRM A PERMISSIVE USE.
10. IN LIGHT OF THIS INFORMATION, IT APPEARS THAT THE EXISTENCE AND USE OF THE DRIVE BY GLADDING HAS REFINED INTO A PRESCRIPTIVE EASEMENT AND POSSIBLY FEE SIMPLE OWNERSHIP OF THE UNDERLYING PROPERTY.
11. THE PORTION OF THE LANDS OF HUCK TO BE CONVEYED TO GLADDING DOES NOT MEET MINIMUM LOT SIZE REQUIREMENTS FOR THE AGRICULTURAL/FOREST CONSERVATION ZONE, SINCE IT IS LOCATED 12 AC. MIN. AND THEREFORE MUST BE LEGALLY MERGED WITH THE LANDS OF GLADDING UPON TRANSFER TO THEM.

LAND OF
DAVID & CELESTE HUCK
BOOK 148/PAGE 199
34.86 AC. BEFORE ADJUSTMENT
34.86 AC. AFTER ADJUSTMENT



LOCATION MAP
NOT TO SCALE

- LEGEND:
- ROAD RIGHT OF WAY LINE
 - PROPERTY LINE
 - PROPERTY LINE TO BE DISSOLVED BY MERGER
 - LAST OF EXISTING EASEMENT
 - EDGE OF GRAVEL
 - STONE WALL
 - WIRE FENCE
 - IRON ROD FOUND (DIA. < 1/2")
 - IRON PIPE FOUND (DIA. < 1/2")
 - AS REBAR SET W/ I.D. CAP
 - UNMONUMENTED POINT
 - UTILITY POLE

F-G	N 48° 23' 46" W	305.87'	80° SETS
G-A	N 42° 05' 16" W	435.73'	

TIE LINES

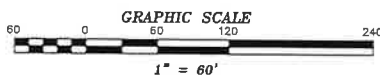
HORN OF THE MOON ROAD

LAND OF
THE WILLIAM & JENNIE GLADDING
FAMILY PARK TRUST
BOOK 27/PAGE 219
53.0 AC. BEFORE ADJUSTMENT
56.74 AC. AFTER ADJUSTMENT

LAND OF
HUCK
TO BE CONVEYED TO
THE WILLIAM & JENNIE
GLADDING FAMILY PARK
TRUST
3.74 ACRES±
(INCLUDING 0.42 ACRES WITHIN THE
HIGHWAY R.O.W.)

REFERENCES:

1. A PLAN ENTITLED "A SURVEY OF PROPERTY OF LORENA MCGHEEY AT THE HORN OF THE MOON IN THE TOWN OF EAST MONTPELIER, VERMONT," DATED DECEMBER 1973 BY PROPERTY DESIGN AS RECORDED IN HANGING MAP FILE 17, MAP #25 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
2. A PLAN ENTITLED "PROPERTY SUBDIVISION OF LAND IN EAST MONTPELIER, VERMONT" BELONGING TO DANIEL SMITH & FLORENTIA DIAZ SMITH ON HORN OF THE MOON ROAD & JACOBS ROAD, THE FORMER HOWARD STONE FARM, DATED MAY 9, 2004 BY THOMAS C. OTTERMAN, L.S. AS RECORDED IN HANGING MAP FILE 25, MAP #153 IN THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.



PROPERTY INFORMATION

OWNER: DAVID & CELESTE HUCK
ADDRESS: 1320 HORN OF THE MOON RD.,
MONTPELIER, VT 05602
DEED: BOOK 148/PAGE 199
TAX MAP PARCEL: 04-01-19,000
PARCEL ID: 02-042,000

OWNER: THE WILLIAM & JENNIE GLADDING
FAMILY PARK TRUST
ADDRESS: 40 ROY MILLER
156 COTE RD.,
MONSON, MA 01057
DEED: BOOK 27/PAGE 219
TAX MAP PARCEL: 03-00-13,00
PARCEL ID: 02-042,100

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION BY METHODS ALSO NOTED ELSEWHERE HEREON, WITH AN POSITIONAL TOLERANCE WITHIN ACCEPTED STANDARDS.

9/6/19
DATED: 9/6/19
WILLIAM R. CHASE, RLS. #542 VERMONT
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS

BOUNDARY LINE ADJUSTMENT
DAVID & CELESTE HUCK AND
THE GLADDING FAMILY TRUST
HORN OF THE MOON RD., E. MONTPELIER, VERMONT

SCALE: 1" = 50' DATE: 9/6/19 PROJ: 19-000 DWG: 000A
DRAWN BY: RCL CHECKED BY: WRC TRAPD: 93 SHEET: 1 OF 1
301 North Main Street, Suite 1
Barre, VT 05641
802-479-9636
Chase & Chase
Surveyors & Septic
Designers, Inc.



Huck -- 1320 Horn of the Moon Road

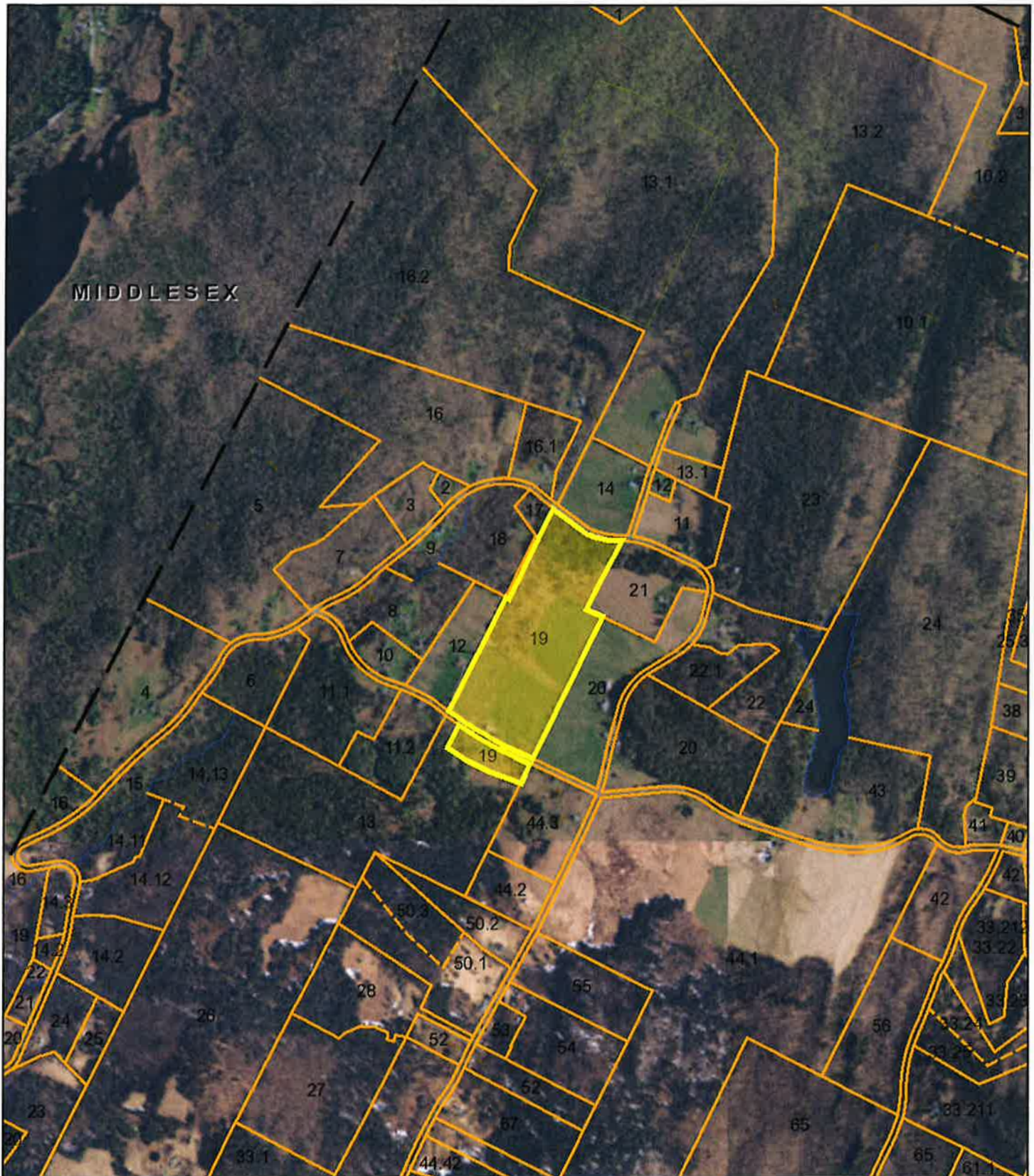
East Montpelier, VT



August 22, 2019

1 inch = 1220 Feet

www.cai-tech.com



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