

# Town of East Montpelier

# ZONING PERMIT

## NOTICE

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

Date Issued: November 8, 2019

Effective Date: November 23, 2019

Location: 435 Guyette Road

Owner: James & Toni Perkins Clemons

For: New ~1,800 sq.ft. Residence

Subject to Condition: Owners must complete all steps to finalize 2019 subdivision 19-057

Application # 19-063

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 # 19-063Zoning District EOverlays WR

## ZONING PERMIT APPLICATION

## TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 11/8/19Parcel # 07-046.000Tax Map # 05-00-43.000

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- A. 1. Name of Landowner JAMES & JONI CLEMONS Phone No. 223-4213  
2. Address of Landowner 435 GUYETTE ROAD 05651  
3. Applicant (other than owner) \_\_\_\_\_ Phone No. \_\_\_\_\_  
4. Address of Applicant \_\_\_\_\_  
5. Location of Property GUYETTE ROAD - SUBDIVISION

## B: Application is made (check appropriate boxes):

- |   |  |  |
|---|--|--|
| To:   | For:   | For:   |
| <input checked="" type="checkbox"/> Construct | <input checked="" 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 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.....

BUILD NEW HOUSE ON NEWLY CREATED LOT FROM  
SUBDIVISION OF 435 GUYETTE ROAD - ACCESS VIA ROW

House Approx. 1800 sq ft (See attached plans.)

## C. Lot description:

- |   |   |
|---|---|
| 1. acreage <u>13.95 AC</u>  | 4. depth side yards <u>200</u> Ft. <sup>+/-</sup> <u>350</u> Ft. <sup>+/-</sup><br>(building to lot lines)  |
| 2. road frontage <u>NONE</u> Ft.  |   |
| 3. depth front yard <u>200</u> Ft. <sup>+/-</sup><br>(Road centerline to building)<br><u>LOT BOUNDARY FRONT</u> | 5. depth rear yard <u>400</u> Ft. <sup>+/-</sup><br>(building to lot line)<br><u>(See attached Survey.)</u> |

**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 11/8/19

Applicant \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

Zoning Permit Fee: \$ 150.00 Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_

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 # 19-063 Date Issued 11/08/19 Effective Date 11/23/19

**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 .....

2. Date(s) of Hearing .....

3. ☐ Granted ☐ Without conditions ☐ With conditions (See written decision for conditions)

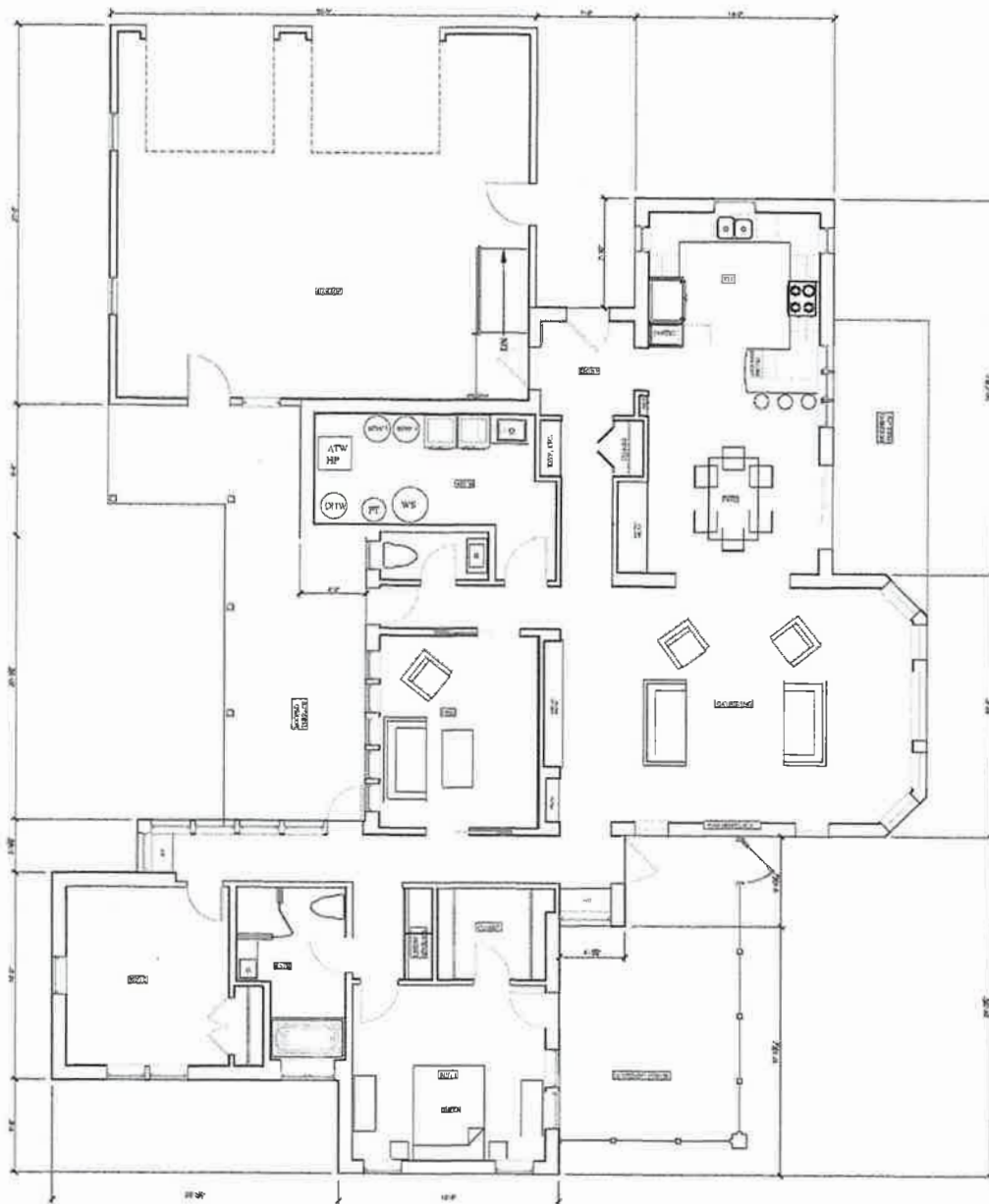
4. ☐ Denied (See written decision for reasoning)

.....  
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.



## GENERAL NOTES (PRELIMINARY)

- 1) ALL EXTERIOR WALLS = DOUBLE STUD 11 1/4" DENSE PACKED CELLULOSE INSULATION (R-42).
- 2) ALL ROOF 24" (MIN.) DENSE PACK INSULATION (R-90).
- 3) ALL SLAB INSULATED TO R-20 (4" EXTRUDED POLYSTYRENE).
- 4) WINDOWS CURRENTLY BEING CONSIDERED ALPEN ZENITH SERIES (R-6.7).
- 5) 50 MINOTAIR PENTACARE V12 @ FRESH AIR / SUPPLEMENTARY HEAT/ COOL
- 6) AERMEC ANK 030 AIR/WATER HEAT PUMP PRIMARY HEAT
- 7) AREAS
  - a. SLAB & ROOF = 2184 SF
  - b. WALLS = 1804 SF+/-
  - c. WINDOWS = 390 SF +/-
  - d. TOTAL ENCLOSED AIR VOLUME= 16,160 CFT +/-
- 8) RADIANT SLAB - PAINTED = FLOOR
- 9) DUCTING IN ELEVATED ROOF AS NEEDED. ALL WITHIN THERMAL ENVELOPE.
- 10) GARAGE UNHEATED
- 11) ALL "FLAT" ROOF



FRONT ELEV



GARAGE ELEV



REAR ELEV



BEDROOM WING ELEV

**ARTCHOKE  
DESIGN**  
704 RIVINGTON CLARK STREET BROAD,  
CALAIS, VT 05648  
khandarchoke@artchoke.com  
(802) 232-1608

NEW RESIDENCE FOR  
**JIM & JONI CLEMONS**  
GUYETTE ROAD, EAST MONTEPELLIER, VT

SCHEMATIC  
1w/ DIMS

DATE: APR 24, 2019  
REVISIONS:  
A.A.N.

SHEET:

**A**

# **SURVEYORS NOTES:**

1. THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE 5600 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/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 THE BEARINGS SHOWN ON REFERENCE DEEDS. BEARINGS ARE INCLUDED ONLY TO DEPICT THE ANGULAR RELATIONSHIPS BETWEEN LINES. VARIATIONS WITH PRIOR SURVEYS WILL BE NOTED DUE TO DIFFERING MEASUREMENT METHODS, BUT ARE NOT INDICATIVE OF A CHANGE IN BOUNDARY LOCATION.
6. THE RIGHT-OF-WAY OF GUYETTE IS BASED ON SURVEYS OF RECORD AND MONUMENTATION FOUND. WHERE UNMONUMENTED, A THREE FOOT WIDTH BASED ON THE OBSERVED CENTERLINE IS ASSUMED PURSUANT TO 19-VSA-32.
7. THE IRON ROD AT POINT 802 WAS RESET FROM THE DISTANCES GIVEN IN REFERENCE #2 AND BOOK 32, PAGE 145 FROM MONUMENTS FOUND AT POINTS 877 AND 878, RESPECTIVELY.
8. A 12" IRON ROD AT POINT 802 WAS RESET FROM THE DISTANCES GIVEN IN REFERENCE #2 AND BOOK 32, PAGE 145 FROM MONUMENTS FOUND AT POINTS 877 AND 878, RESPECTIVELY.
9. THAT PART OF LOT 1 LYING EAST OF GUYETTE ROAD WAS NOT SURVEYED BY THIS FIRM, AND THE BEARINGS, DISTANCES, AND ACRES ARE BASED SOLELY ON REFERENCE #2. NO EFFORT WAS MADE TO RECONCILE THE DISCREPANCIES BETWEEN THE RODS FOUND ON THE EAST SIDE OF THE ROAD AND THE DISTANCES RECORDED ON REFERENCE #2.

## **ZONING INFORMATION**

ZONE E - AGRICULTURAL-FOREST  
CONSERVATION DISTRICT  
MIN. LOT SIZE: 7 ACRES  
MIN. LOT FRONTAGE: 350'  
SETBACKS:  
FRONT: 75'  
SIDE: 50'  
REAR: 50'  
MAX BUILDING HEIGHT: 35'

**SUBJECT PROPERTY:**  
JAMES E. & JONI PERKINS CLEMONS  
435 GUYETTE ROAD  
EAST MONTPELIER, VT 05651

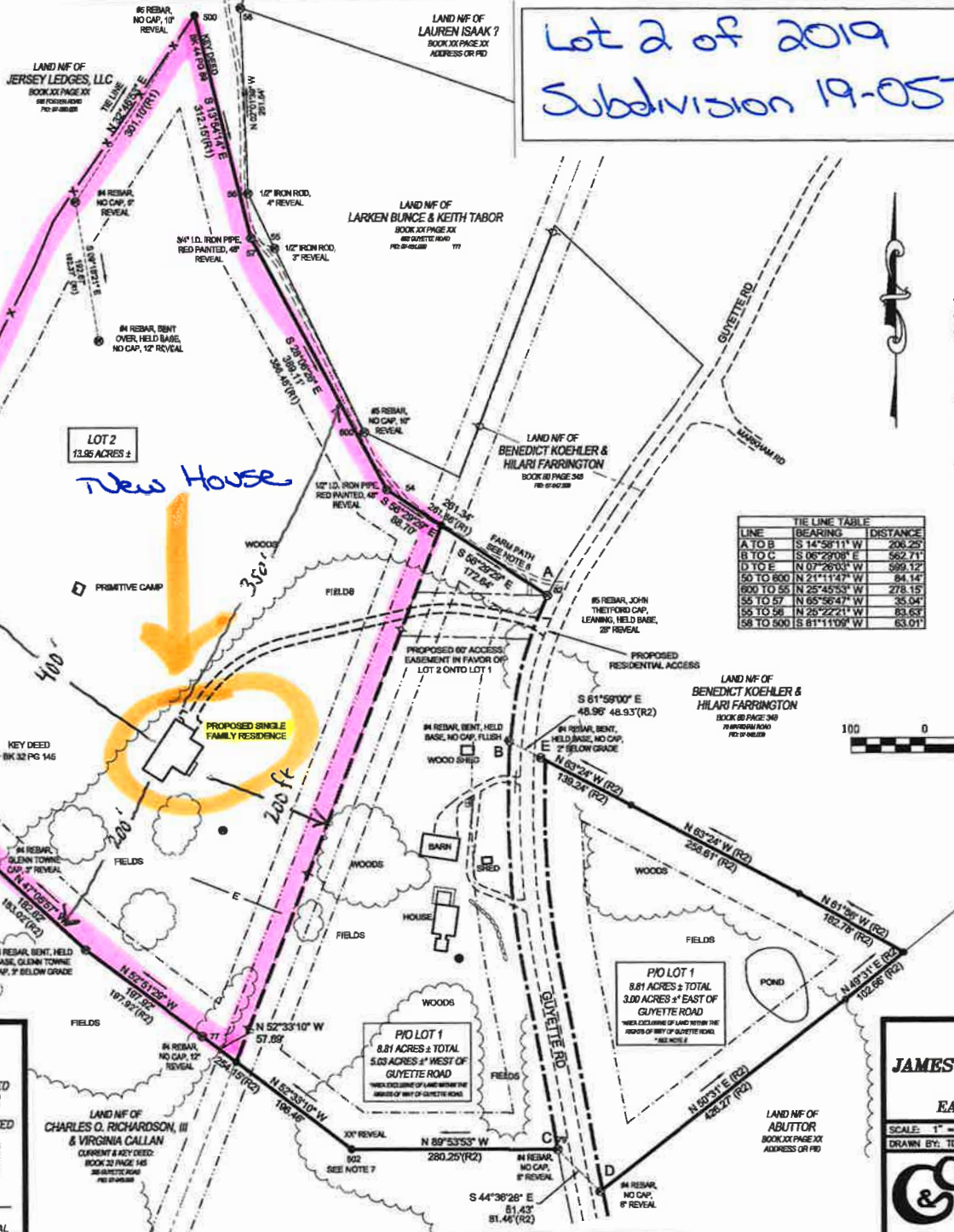
PID: 07-048.000  
TAX MAP #05-00-32.000 &  
TAX MAP #05-00-43.000  
SPAN: 195-062-10194  
DEED: BK 54 PG 100

## **CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT 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 26 V.S.A. § 259B. THE SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

**PRELIMINARY**

DATED: WILLIAM R. CHASE RLS. #542 VERMONT  
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL



## **SUBDIVISION SURVEY**

**JAMES & JONI PERKINS CLEMONS**

435 GUYETTE ROAD  
EAST MONTPELIER, VERMONT

SCALE: 1" = 100' DATE: 5/5/19 PROJ#: 2019 010 DWG#: 18010A  
DRAWN BY: TOM CHECKED BY: WRC TB/PG: 92-143/ETB SHEET SUB 1

**Chase & Chase**

301 North Main Street, Suite 1  
Barnes, VT. 05641  
802-479-9636  
Surveyors & Septic  
Designers, Inc.



# Clemons -- 435 Guyette Road

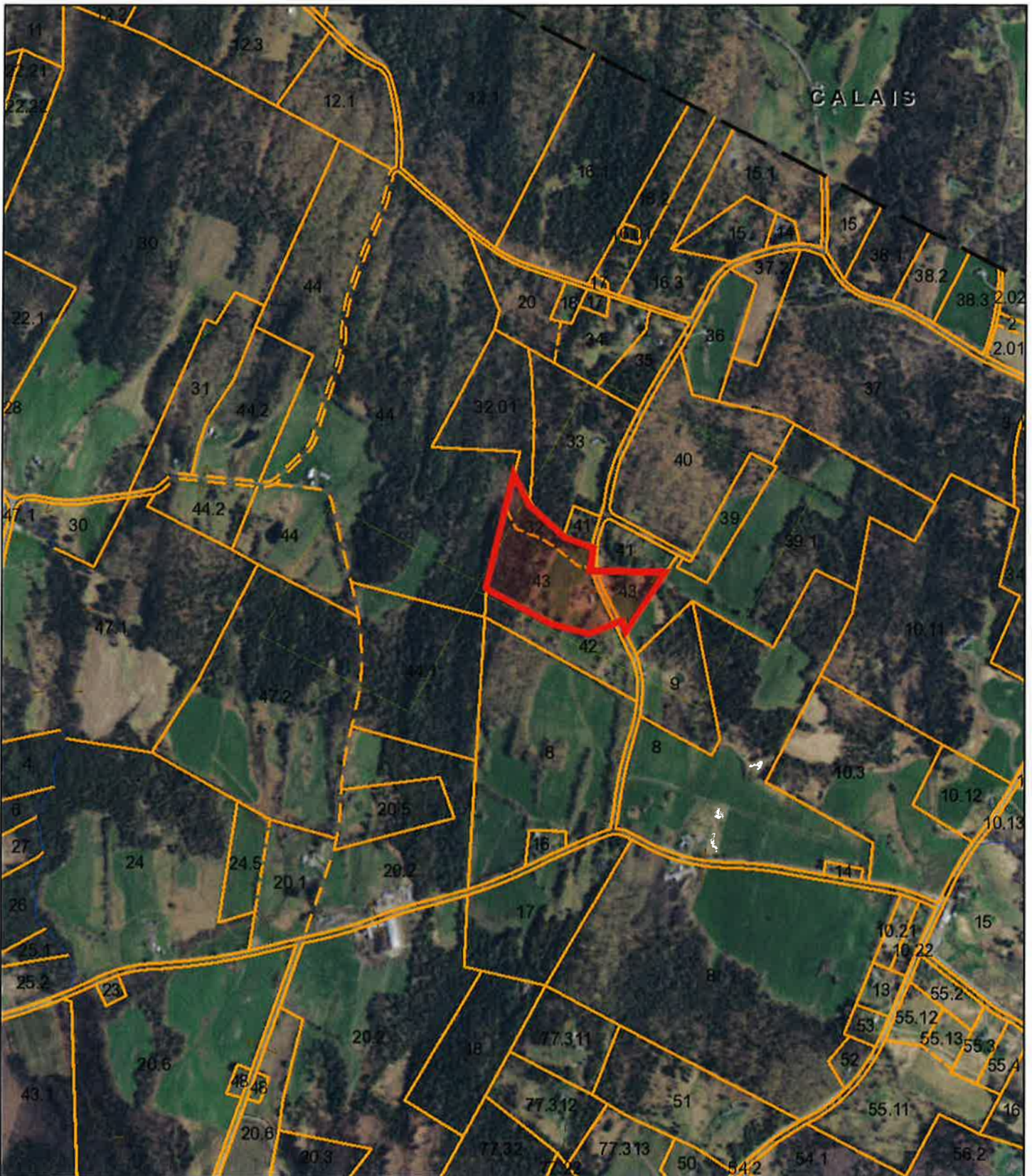
East Montpelier, VT



October 16, 2019

1 inch = 1245 Feet

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



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**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 April 12, 2019**Permittee(s): James & Joni Perkins Clemons**  
**435 Guyette Road**  
**East Montpelier VT 05651****Permit Number: WW-5-8102**

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

<b>Lot</b>	<b>Parcel</b>	<b>SPAN</b>	<b>Acres</b>	<b>Book(s)/Page(s)#</b>
<b>1-Existing</b>	07-046.000	195-062-10194	18.98	Book:54 Page(s):100
<b>1-Proposed</b>			5.03	
<b>2-Proposed</b>			13.95	

This application, consisting of approval for the subdivision of an existing lot into lot 1 of 5.03-acres with an existing 4-bedroom single family residence and lot 2 of 13.95-acres with an existing primitive camp and for the construction of a 2-bedroom single family residence located at 435 Guyette Road in East Montpelier, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions. 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.

**1. GENERAL**

- 1.1 The permittee is responsible to record this permit in the East Montpelier Land Records within thirty days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the East Montpelier Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.5 This permit does not relieve the landowner from obtaining all other approvals and permits other State Agencies or Departments, or local officials prior to construction.

**2. CONSTRUCTION**

- 2.1 Construction shall be completed as shown on the plans and/or documents prepared by Craig D. Chase, with the stamped plans listed as follows:

<b>Title</b>	<b>Sheet #</b>	<b>Plan Date</b>	<b>Revision</b>
<b>Details Sheet</b>	DTLS1	08/06/2019	
<b>Site Plan</b>	SP2	08/06/2019	
<b>Subdivision Survey</b>	SUB1	08/06/2019	



2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, are not allowed without prior approval by the Drinking Water and Groundwater Protection Division.

2.3 No buildings, roads, earthwork, re-grading, excavation, or other construction that might interfere with the operation of the wastewater system or potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply 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.

### 3. INSPECTIONS

3.1 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states: "I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests" or which satisfies the requirements of §1-311 of the referenced rules.

### 4. DESIGN FLOW

4.1 Lot use and design flows (gpd) shall correspond to the following.

Lot	Building	Building Use / Design Flow Basis	Water	Wastewater
1	Existing	4-Bedroom Single Family Residence	490	490
2	Proposed	2-Bedroom Single Family Residence	280	280
2	Existing	Primitive Camp	0	0

**Note:** The 3.00-acre parcel East of Guyette Road is considered a separate existing lot per section 1-201(95) of the Rules.

### 5. WASTEWATER SYSTEM

5.1 The existing 4-bedroom single family residence on lot 1 is approved with an existing wastewater system. No changes shall be made to the existing wastewater system unless otherwise exempt without prior approval from the Drinking Water and Groundwater Protection Division.

5.2 A future replacement wastewater area for lot 1 has been identified on the stamped plan(s). There shall be no construction or other activities that would impact the suitability of this replacement area for wastewater disposal. Should the existing system fail, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to repair or replacement of the system on lot 1.

5.3 A designer shall flag, prior to construction or site work on lot 2:

- The perimeter of the approved mound and the flags maintained until commencement of construction of the component.

5.4 The wastewater system for lot 1 includes the use of an Innovative/Alternative component. Each prospective owner of a lot that utilizes an Innovative/Alternative component shall be shown a copy of the **Innovative/Alternative System Approval letter #2004-02-R7 for Advanced Enviro-Septic® (AES), Enviro-Septic® (ES), and Simple Septic® (SS) Pipe Leaching System** prior to conveyance of the lot.

5.5 Should wastewater system on lot 2 fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division prior to correcting the failure.

5.6 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

## 6. POTABLE WATER SUPPLY


6.1 The existing 4-bedroom single family residence on lot 1 is authorized to utilize the existing on-site water supply system provided the potable water supply is operated at all times in a manner that keeps the supply free from contamination. No changes shall be made to the existing water system, and 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.

6.2 Prior to construction or site work on lot 2, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.

6.3 Prior to the use of the potable water supply for lot 2, the permittee shall test the water for Arsenic, Escherichia coli (E. coli), Fluoride, Lead, Manganese, Nitrate as N, Nitrite as N, Total Coliform Bacteria, Uranium, Adjusted Gross Alpha Particle Activity, Chloride, Sodium, Iron, Odor and pH. 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). Results of the water tests shall be submitted to the Vermont Department of Health prior to use.

6.4 Should either potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division prior to correcting the failure.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

By  Dated October 31, 2019  
Carl Fuller, PE  
Regional Engineer  
Montpelier Regional Office  
Drinking Water and Groundwater Protection Division

Encl: **Innovative/Alternative System Approval letter #2004-02-R7 for Advanced Enviro-Septic® (AES), Enviro-Septic® (ES), and Simple Septic® (SS) Pipe Leaching System**

cc: Craig D. Chase  
East Montpelier Planning Commission  
Presby Environmental