

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: December 20, 2019

Effective Date: January 4, 2020

Location: 139 Daggett Road

Owner: Pauline Coburn

For: 3-Lot Subdivision: Lot 3: 13.3 acres
Lot 1: 28.8 acres w/ existing structures
Lot 2: 18.7 acres added to 18.7 acres; 37.4 acres total

Application # 19-064

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

December 20, 2019

Pauline Coburn
139 Daggett Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #19-064

Dear Ms. Coburn:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #19-064 as presented, subject to the following condition:

- **The proposed turnaround easement portrayed on the subdivision plat and described in Easement Note 3 shall be deeded to the Town of East Montpelier before any change in ownership of any of the parcels or portions thereof at issue in this application.**

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 #19-064 for a 3-lot subdivision/reconfiguration 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 #19-064

INTRODUCTION & PROCEDURAL HISTORY

1. On November 13, 2019, Pauline Coburn filed an application with the Town of East Montpelier to further subdivide and configure her property located at 139 Daggett Road. This property was originally subdivided in May 2019 (East Montpelier Zoning Permit 19-009) to 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. This new subdivision will reconfigure the parcel into a total of 3 lots: Lot 1 of 28.8 acres (originally 60.79 acres from 19-009) and existing structures with frontage on Daggett Road and VT Rte. 14 N; Lot 2 of 37.4 acres (originally 18.7 acres from 19-009, adding 18.7 more acres under this application) served by an access easement over Lot 3; and new Lot 3 of 13.3 acres with front on Daggett Road.
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. Applicant representative Craig Chase appeared on behalf of Owner Pauline Coburn before the DRB on November 5, 2019 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 November 16, 2019 for a hearing, which was conducted on December 3, 2019.
5. Applicant representative Kris Jurentkuff and Zoning Administrator Bruce Johnson appeared and participated in the December 3, 2019 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the December 3, 2019 hearing were Kappel, Cueto, Hill, Justis, Watson, Weyant, Lane, and Sullivan.

FINDINGS OF FACT

1. Pauline Coburn owns a developed 79.49-acre parcel located at 139 Daggett Road. The parcel was subdivided in May 2019 to create a new lot of 18.7 acres and a remainder lot of 60.79 acres. The current proposal is to further subdivide and reconfigure the property to create a new 13.3-acre lot, add another 18.7 acres to the 18.7-acre lot for a total parcel size of 37.4 acres, and leave 28.8 acres with the 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. Reconfigured remainder Lot 1 is comprised of 28.8 acres with a combined total of approximately 1,065 feet of frontage on Daggett Road and VT Rte. 14 N. Reconfigured Lot 2 contains 37.4 acres served by a 60-foot-wide easement over Lot 3 off Daggett Road. New Lot 3 has 285 feet of frontage on Daggett Road.
3. No development of reconfigured Lot 2 or new Lot 3 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 then-proposed Lot 2 along with the existing parcel at 140 Daggett Road owned by Carolyn Sieven. On November 4, 2019 the Selectboard determined that the existing access permit would cover a third residential use of the curb cut, allowing Lots 2 & 3 and the Sieven parcel to utilize the cut.
5. Included on the subdivision plat is a turnaround easement at the eastern end of Daggett Road in favor of the Town of East Montpelier. The intent is to formalize an informal agreement with the Coburn family to allow the town trucks to turn around at the end of Daggett, a short spur road off of VT Rte. 14 N. that terminates at the Coburn farmyard.

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

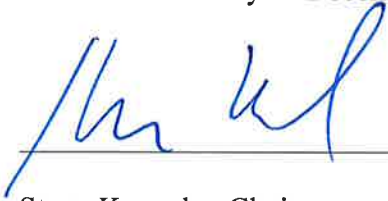
By unanimous vote, the DRB approves Zoning Permit #19-064 to allow the subdivision of the Coburn parcel located at 139 Daggett Road as presented subject to the following condition:

- **The proposed turnaround easement portrayed on the subdivision plat and described in Easement Note 3 shall be deeded to the Town of East Montpelier before any change in ownership of any of the parcels or portions thereof at issue in this application.**

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 20th day of December, 2019.

A handwritten signature in blue ink, appearing to read 'Steve Kappel', is written over a horizontal line.

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 # 19-064
Zoning District D
Overlays WR

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

Date Received: 11/13/19
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

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 two lots from the land of Pauline Coburn.
Lot 2 (previously a parcel of 18.7 Acres) will increase to 37.4 acres, served by a 60' R.O.W. from Daggett Road,
and a 94' wide easement from the end of Daggett Road. There is an area suitable for septic on Lot 2.
Lot 3 of 13.3 acres will have 285' of frontage on Daggett Road and development will be deferred. Lot 1
will be left with the remaining 28.8 acres, the existing house and barn, and about 450' of frontage on Daggett Rd

- C. Lot description: Lot 2: 13.3 Ac
1. acreage..... Lot 3: 37.4 Ac
 Lot 2: 285'
2. road frontage..... Lot 3: 60' R.O.W.... Ft.
3. depth front yard..... >75'..... Ft.
 (Road centerline to building)
4. depth side yards..... >50'..... Ft. >50'..... Ft.
 (building to lot lines)
5. depth rear yard..... >50'..... 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 Pauline Coburn..... Date Nov 13 2019
Applicant Pauline Coburn..... Date Nov 13 2019

Zoning Permit Fee: \$ 300.00 Cash Check Date 11/13/19 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 # 19-064 Date Issued 12/20/19 Effective Date 01/04/20

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 11/16/2019

2. Date(s) of Hearing 12/3/2019

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: December 20, 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.

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.
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Surveyors & Septic Designers, Inc

November 13, 2019

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

301 North Main Street, Suite 1
Barre, Vt. 05641
Phone 802-479-9636
Fax 802-479-4017
email: cdchase@chasesurveyors.com
billchase@chasesurveyors.com
kjurentkuff@chasesurveyors.com

RE: Proposed 3-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. In 2018, Pauline subdivided a parcel of 18.7 acres from the whole, leaving Lot 1 with the remaining 60.79 acres. As presented at sketch plan review on November 5, she would now like to increase the size of Lot 2 to 37.4 acres and create an additional Lot 3 with 13.3 acres. This will leave the remaining Lot 1 with the existing single-family residence on 28.8 acres

Lot 3 will have 13.3 acres (net acreage of 12.5 acres exclusive of the land within the existing and proposed 60' Right of Ways), and 285' +/- of frontage on Daggett Road. Lot 2 will have 37.4 acres and will be served by a 60' Right of Way off of Daggett Road over Lot 3 and an 86' Right of Way off the end of Daggett Road over Lot 1 (which was erroneously noted as 94' on the application). Pauline already has a multi-residential curb cut permit (East Montpelier Access Permit #18-032) for Lot 2. Lot 1 has the remaining 28.8 acres with an existing single-family residence, and has approximately 450' 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. Development will be deferred on Lot 3.

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

In keeping with the owner's wishes to defer development 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,


Timothy Morris

Survey / Engineering Technician



Coburn, 139 Daggett Road

East Montpelier, VT



August 13, 2018

1 inch = 537 Feet

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.