

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: 3205 North Street

Owner: Amy Thornton

For: 2-Lot Subdivision
Lot 1: 7.39 acres w/ existing structures
Lot 2: 4.74 acres

Application # 19-065

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

Amy Thornton
3205 North Street
Montpelier, VT 05602

Re: East Montpelier Zoning Application #19-065

Dear Ms. Thornton:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #19-065 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 #19-065 for a 2-lot subdivision of your 3205 North Street 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: Amy Thornton
 3205 North Street
 Parcel # 01-042.100 Tax Map # 04-01-78.220

East Montpelier Zoning Application #19-065

INTRODUCTION & PROCEDURAL HISTORY

1. On November 13, 2019, Amy Thornton filed an application with the Town of East Montpelier to subdivide her property located at 3205 North Street. This property was originally subdivided in 2006 (East Montpelier Zoning Permit 06-071) by the previous owners and then formally withdrawn in 2007 by Ms. Thornton and her now ex-husband. Ms. Thornton is now requesting a two-lot subdivision of the property along the same lines as the 2006 subdivision: Lot 1 of 7.39 acres and existing structures with frontage on North Street; and, Lot 2 of 4.74 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. Applicant representative Kris Jurentkuff appeared on behalf of Owner Amy Thornton before the DRB on September 3, 2019 for an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision.
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. Amy Thornton owns a developed 12.13-acre parcel located at 3205 North Street. The current proposal is to subdivide the property to split off a 4.74-acre building lot from the remaining 7.39-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. Lot 1 is comprised of 7.39 acres with 309 feet of frontage on North Street. Lot 2 contains 4.74 acres and is served by a 60-foot-wide easement over Lot 1 for 75 feet from the connection with North Street. From that 75-foot point and continuing until the driveway splits, both lots will be served by a common 60-foot-wide utility and access easement with the property dividing line centered on the existing driveway.
3. Lot 2 is intended to be a building lot. Ms. Thornton is in the process of obtaining the necessary state water & wastewater permit.
4. On September 15, 2006 the East Montpelier Selectboard approved a multi-residential curb cut (application #06-070) on North Street to serve both parcels.

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 #19-065 to allow the subdivision of the Thornton parcel located at 3205 North Street 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 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 # 19-065

Zoning District D

Overlays ---

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 11/13/19

Parcel # 01-042.100

Tax Map # 04-01-78.220

- A. 1. Name of Landowner: ANN THORNTON Phone No. 802-461-7805
2. Address of Landowner: 3205 NORTH ST. MONTPELIER VT 05602
3. Applicant (other than owner): Phone No. _____
4. Address of Applicant: _____
5. Location of Property: 3025 NORTH ST.
3205

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 THE EXISTING 12.13 AC LOT WITH AN EXISTING 3-BEDROOM HOME INTO TWO LOTS: LOT 1 OF 7.39 AC WITH THE EXISTING HOUSE AND LOT 2 OF 4.74 AC FOR THE CONSTRUCTION OF A NEW 3-BEDROOM HOUSE.

C. Lot description:

- | | |
|--|--|
| 1. acreage <u>12.13</u> | 4. depth side yards <u>254' R</u> Ft. <u>171' L</u> Ft. (LOT1) |
| 2. road frontage <u>308.57</u> Ft. | (building to lot lines) <u>55'</u> <u>201' L</u> (LOT2) |
| 3. depth front yard <u>587</u> Ft. (LOT1) | 5. depth rear yard <u>92'</u> Ft. (LOT2) |
| (Road centerline to building) <u>N/A LOT 2</u> | (building to lot line) <u>148'</u> (LOT2) |

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 NOV 12 2019

Applicant: _____ Date _____

Zoning Permit Fee: \$ 250.00 Cash _____ Check #5544 Date 11/13/19 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 # 19-065 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

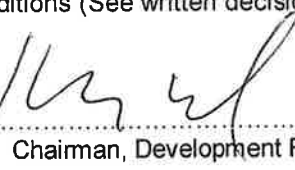
F. Action by Development Review Board:

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

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

November 12, 2019

Bruce Johnson, Zoning Administrator

Town of East Montpelier

P.O. Box 157

East Montpelier, VT 05651

RE: Proposed subdivision of lands of Amy Thornton, 3205 North Street, Tax Map # 04-01-78.220

Dear Bruce,

Please find attached what we believe to be a complete application for the subdivision of the Amy Thornton property on North Street. As you aware, this is the same subdivision approved for Graham & Mullane in 2006 that was subsequently rescinded by Ms. Thornton and her now ex-husband. The purpose of this application is to reinstate the earlier subdivision as reviewed conceptually by the DRB earlier this fall.

Proposed Subdivision

This project proposes the subdivision of the existing 12.13 acre parcel as developed with a 3-bedroom single-family home into two lots: Lot 1 of 7.39 acres with the existing residence, and Lot 2 of 4.74 acres for the construction of a proposed 3-bedroom single-family residence.

Due to the irregular configuration of the existing parcel, the limited existing road frontage and the need to provide minimum lot size in the Rural Residential and Agricultural District (3 Ac.), Lot 2 has been configured with no road frontage. The parcel will be served by a common 60' wide access and utility easement centered on the existing driveway serving the Lot 1 residence. The resulting lots are not pretty, but this would appear to be the only way this parcel can be subdivided in accordance with the Ordinance.

Both lots are/are to be served by on-site water supply and sewage disposal systems. At the conceptual review, I represented that the State Wastewater Permit had been issued in 2006 and was in good standing, requiring no additional permitting; that turns out not to be the case. It appears from our records that the prior owner put the State permitting on hold when the Ms. Thornton and her husband became interested in the entire property, so no permit application was ever submitted. Therefore, a permit under the current Wastewater & Potable Water Supply Rules (WWR) will be required prior to construction.

As required by the WWR, an area suitable for a replacement mound sewage disposal system has been identified for Lot 1. In order to meet the setback to the proposed property line required by the Rule, a 5' wide easement has been proscribed on Lot 2 along the common line between the two house sites. Suitable wastewater and water supply systems for Lot 2 have also been identified, consisting of a mound-type, pre-treated sewage disposal system and a proposed drilled well. Please note that the bedroom count for the proposed Lot 2 home *might* be increased to 4 beds prior to submittal to the State. We therefore request that the Board approval not limit the home to three bedrooms.

Waivers

As this subdivision is minor in nature, has been previously approved as presented, and has very little, if any, impact upon the goals and objectives laid out in the ordinance and Town plan, waivers as provided for under Section 6.2 are sought for "Natural and Physical Features". The physical features as they appear on the VT Agency of Natural Resources Natural Resources Atlas have been included on a separate plan extracted directly from the Atlas. We ask that the Board waive any additional mapping requirements for these features.

I believe this application provides all the materials necessary to demonstrate compliance of the project with the East Montpelier Development Regulations and hope that you and the Board agree. As always, if there is anything else you need to process this application, please don't hesitate to call. Thank you.

Sincerely,



Kris Jurentkuff
Project Manager

SURVEYORS NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A LIETZ SET 4 TOTAL STATION TOGETHER WITH A STEEL TAPE, WITH AN ERROR OF CLOSURE WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL EVIDENCE LOCATED, AND INFORMATION SUPPLIED BY OWNERS AND ADJUTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, AND RESERVATIONS OF RECORD.
5. PURSUANT TO V.S.A. TITLE 19, SECTION 294, THE RIGHT-OF-WAY OF NORTH STREET IS DETERMINED TO BE 3 RODS WIDE (1-1/2 RODS EITHER SIDE OF CENTERLINE).
6. THE BEARINGS SHOWN HEREON ARE BASED ON REFERENCE 1 AS HELD ABOUT MONUMENTS FOUND AT POINTS "XX" AND "YY".

LEGEND

—	ROAD RIGHT OF WAY LINE
---	EDGE OF PAVEMENT
---	EDGE OF GRAVEL
---	STONE WALL
—●—	WIRE FENCE
—●—	PROPOSED FOUND (X, Y, Z)
—●—	AS REBAR W/LD. CAP TO BE SET
—●—	UNADJUTED POINT
—●—	UTILITY POLE
—●—	UTILITY LINE
—●—	CHILLED WELL
—●—	PROPERTY LINE
---	FILE LINE
---	EASEMENT EDGE
---	SETBACK LINE



REFERENCES:

1. SURVEY PLAT ENTITLED "PROPERTY TO BE CONVEYED TO JAMES C. & LESLIE J. BLOUIN, EAST MONTPELIER, VERMONT" BY RICHARD FIELDS, R.L.S. #601, DATED: NOVEMBER 22, 1988, AS FILED IN THE TOWN OF EAST MONTPELIER LAND RECORDS IN MAP SLIDE 38, PAGE 186.
2. A PLAN ENTITLED "SUBDIVISION SURVEY, J. GRAHAM & D. MULLANE, 3205 NORTH STREET, EAST MONTPELIER, VERMONT" DATED SEPTEMBER 8, 2006 BY CHASE & CHASE AS RECORDED IN MAP SLIDE 70, PAGE 294 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
3. A PLAN ENTITLED "ROBERT & CARLEY MCLAUGHLIN, 2905 NORTH STREET, EAST MONTPELIER, VERMONT" DATED AUGUST 30, 2007 BY WAYNE D. LAWRENCE AS RECORDED IN MAP SLIDE 72, PAGE 250 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
4. A PLAN ENTITLED "PARCEL B, CONVEYED TO ROBERT J. KLEIN & JEAN E. VISSERING" DATED OCTOBER 22, 1987 BY R.H. WATSON, P.E. AS RECORDED IN MAP SLIDE 34, PAGE 152 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
5. A PLAN ENTITLED "CONSERVATION EASEMENT TO BE CONVEYED TO RURAL ECONOMIC AND COMMUNITY DEVELOPMENT ON A PORTION OF THE SPARROW FARM, EAST MONTPELIER, VERMONT" DATED LAST REVISED DECEMBER 4, 1997 AS RECORDED IN MAP SLIDE 58, PAGE 139 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
6. A PLAN ENTITLED "THE SPARROW FARM, GOULD HILL RD. & NORTH ST., MONTPELIER, VERMONT, PROPERTY SUBDIVISION" DATED LAST REVISED JANUARY 15, 1984 AS RECORDED IN MAP SLIDE 55 PAGE 122 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.

TIE LINES

LINE	BEARING	DISTANCE
A-B	N 86°37'42" E	41.55
B-C	N 48°36'29" E	132.04
C-D	N 41°06'53" E	139.06
D-E	S 62°17'12" E	40.43
E-F	S 29°03'23" E	56.84
F-G	S 09°08'20" E	181.87
G-H	S 22°37'43" E	91.99

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 68°43'08" E	27.38
L2	S 38°12'21" E	26.88
L3	S 38°12'31" E	30.64
L4	S 29°10'53" E	29.69
L5	S 49°00'10" E	32.32
L6	N 39°23'24" E	45.77
L7	N 58°34'45" E	24.67

OWNER INFORMATION

OWNER: AMY THORNTON
 ADDRESS: 3205 NORTH STREET
 MONTPELIER, VT 05602
 TAX MAP: 04-01-78-220
 PARCEL ID: 01-042.100
 DEED: BOOK 126 PAGE 271
 ZONE: RURAL RESIDENTIAL & AGRICULTURAL

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 METHOD ALSO NOTED ELSEWHERE HEREON, WITH AN ERROR OF CLOSURE WITHIN ACCEPTED STANDARDS.

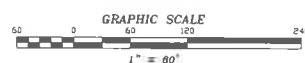
11/12/19
 DATED: WILLIAM H. CHASE RLS. 654 VERMONT
 NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

SUBDIVISION SURVEY

AMY THORNTON
 3205 NORTH STREET
 EAST MONTPELIER, VERMONT



305 North Main Street, 3rd Fl.
 Barre, VT 05641
 802-479-5630
 Surveyors & Septic Designers, Inc.



LEGEND

- ⊙ SOILS TEST PIT
- ⊕ PERCOLATION TEST
- ⊕ UTILITY POLE
- PROPERTY LINE
- STONE WALL
- - - 2' INTERVAL CONTOUR LINE
- - - 12' INTERVAL CONTOUR LINE
- - - EDGE OF GRAVEL
- - - EDGE OF WOODS
- - - BUILDING SETBACK LIMITS
- - - SALT FENCE

*DUE TO SHALLOW LEDGE IN AREA, BLASTING MAY BE REQUIRED TO SET TANKS

PROPOSED 8'x10' 50 WASH DISPOSAL
EASEMENT FOR THE REPLACEMENT
SYSTEM SERVING LOT #1

PROJECT BENCHMARK
TOP OF IRON ROD ASSUMED
DATUM ELEV. + 189.9

LOT #1

LOT #2

PROPOSED 8'x10' 50 WASH DISPOSAL
EASEMENT FOR THE REPLACEMENT
SYSTEM SERVING LOT #1

PROPOSED 8'x10' 50 WASH DISPOSAL
EASEMENT FOR THE REPLACEMENT
SYSTEM SERVING LOT #1

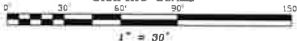
PROPOSED 8'x10' 50 WASH DISPOSAL
EASEMENT FOR THE REPLACEMENT
SYSTEM SERVING LOT #1

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EASEMENT FOR THE REPLACEMENT
SYSTEM SERVING LOT #1

PROPOSED 8'x10' 50 WASH DISPOSAL
EASEMENT FOR THE REPLACEMENT
SYSTEM SERVING LOT #1

GRAPHIC SCALE



SITE PLAN
AMY THORNTON
3205 NORTH STREET
EAST MONTPELIER, VERMONT

Sheet	1 of 1	Date	10/27/18	Project	1158
Drawn by	AMT	Checked by	AMT	Scale	AS SHOWN
Surveyors & Septic Designers, Inc.					



East Montpelier, VT

1 inch = 2020 Feet

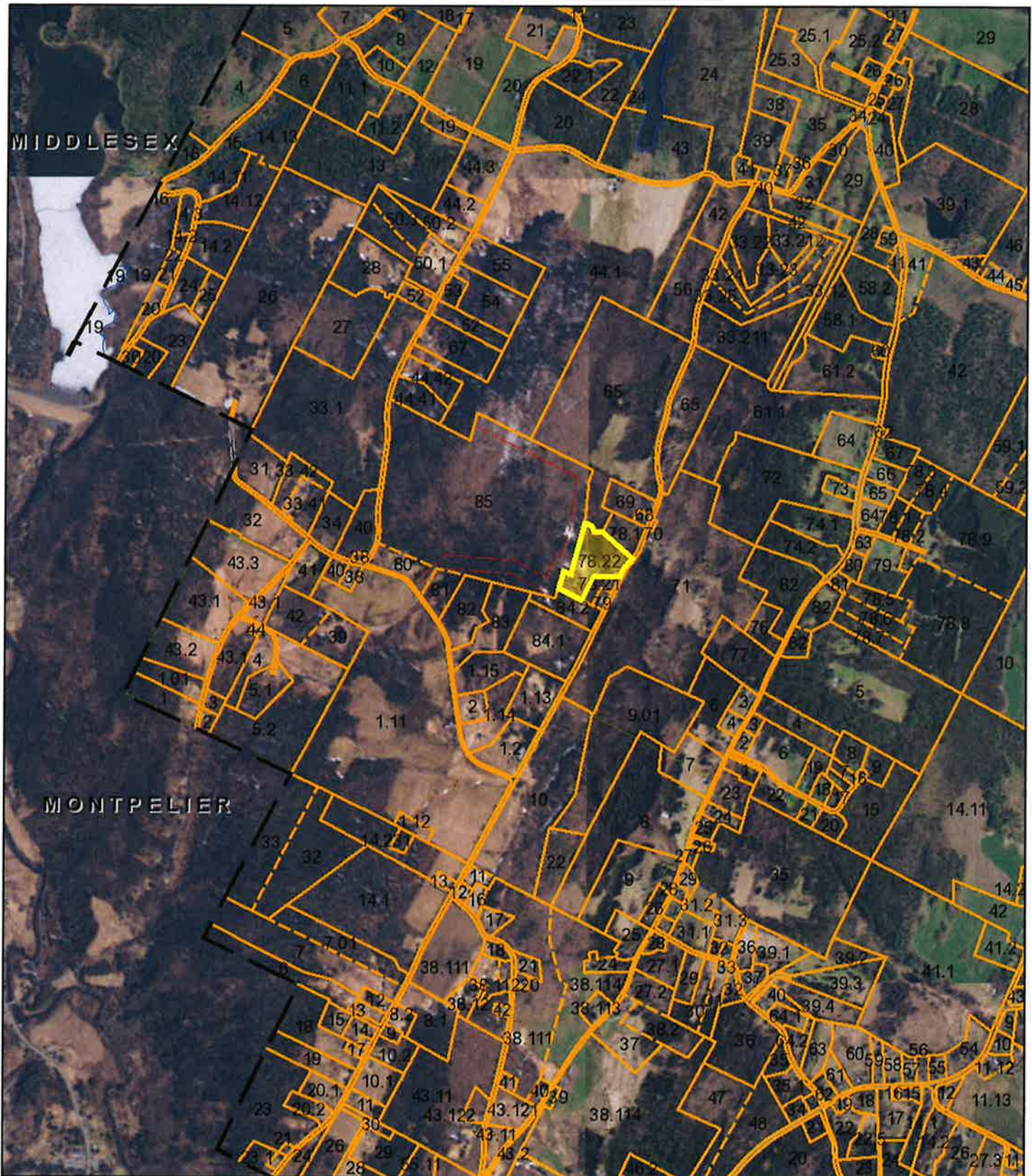
August 12, 2019

0	2020	4040	6060
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CAI Technologies
Pioneer Mapping Visualization

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.