# Town of East Montpelier

# **ZONING PERMIT** NOTICE

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

Date Issued:

July 9, 2020

Effective Date: Tuly 24, 2020

Location: 440 & 450 Fitch Road

Owner: Bruce & Cloudia Fitch

For: Merger of Parcels 02-022.000 & 02-022.100; Lot 1 of 210.9 ocres - 450 Fitch Road 2- Lot Subdivision: Lot 2 of 15.94 ocres - 440 Fitch Road

Application #

30-030

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

July 9, 2020

Bruce & Claudia Fitch 440 Fitch Road Montpelier, VT 05602

Re: East Montpelier Zoning Application #20-020

Dear Mr. & Ms. Fitch:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #20-020 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 #20-020 for the merger of your two contiguous lots coupled with a 2-lot subdivision of your 440/450 Fitch 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:

Bruce & Claudia Fitch 440 & 450 Fitch Road

Parcel # 02-022.000 Tax Map # 04-01-10.100 Parcel # 02-022.100 Tax Map # 04-01-10.200

East Montpelier Zoning Application #20-020

#### INTRODUCTION & PROCEDURAL HISTORY

- 1. On June 17, 2020, Bruce & Claudia Fitch filed an application with the Town of East Montpelier to subdivide their property located at 440 & 450 Fitch Road. The proposal would formally combine their contiguous parcels and then divide the consolidated 226.8-acre parcel into 2 lots: Lot 1 of 210.9 acres and existing farmhouse & outbuildings with frontage on Fitch Road at the address of 450 Fitch Road; and, Lot 2 of 15.94 acres with existing house located at 440 Fitch Road, served by a 25-foot-wide access easement over Lot 1.
- 2. The property in question is located in the Agricultural/Forest Conservation District Zone E, where the minimum lot size is 7 acres and subdivisions require approval from the Development Review Board.
- 3. Applicants Bruce & Claudia Fitch and applicant representative Craig Chase appeared before the DRB on June 2, 2020 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 June 20, 2020 for a hearing, which was conducted remotely utilizing Zoom conferencing on July 7, 2020.
- 5. Applicants Bruce & Claudia Fitch, applicant representative Kris Jurentkuff and Zoning Administrator Bruce Johnson appeared and participated in the July 7, 2020 hearing. There was no additional public comment.
- 6. The Board members who voted on this issue at the July 7, 2020 hearing were Kappel, Cueto, Watson, Hill, Weyant, Justis, Oates, Cutler and Lane.

#### FINDINGS OF FACT

- 1. Bruce & Claudia Fitch own two parcels totaling 226.8 acres located at 440 & 450 Fitch Road. The proposal is to consolidate the two parcels and then subdivide the resultant property to create a separate lot already improved with a residence at 440 Fitch Road which is intended to be transferred to the applicants' son, and a remainder lot with existing farmhouse and associated outbuildings at 450 Fitch Road. The stated purpose of this application is to complete a subdivision started over 30 years ago in 1987 when the East Montpelier Zoning Board of Adjustment authorized two residences on one parcel. In 1991 a 10-acre lot including the new residence was deeded to the applicants by the parents of Mr. Fitch. This attempted transfer was ineffective due to a lack of a formal subdivision. Later that same year the entire property was deeded to the applicants. The current proposal includes the same land intended to be transferred in 1991 plus a small amount of additional land that fits more rationally with the new lot.
- 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 or access by at least a 20-foot-wide easement. Lot 1 is comprised of 210.9 acres with frontage along Fitch Road, which dead ends at the farmhouse driveway. Lot 2 contains 15.94 acres served from Fitch Road by a 25-foot-wide access easement over Lot 1 that is centered on the existing driveway.
- 3. In accordance with the surveying process required by the DRB, the lot lines with the abutting parcel at 101 Doner Road owned by Kathleen Doner, Mr. Fitch's sister, are formally depicted on the subdivision plat. That lot had been cut from the family property in 1973, but the lot lines had not been cleanly set.
- 4. Both lots have existing residential structures with water and wastewater improvements. Due to the deeded transfer of the developed 10-acre parcel in 1991, it is understood that the state will not require a new or amended water & wastewater permit.
- 5. Both lots currently utilize an existing curb cut off of Fitch Road so no new access permit from the East Montpelier Selectboard is necessary.

#### **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 #20-020 to allow the subdivision of the Fitch property located at 440 & 450 Fitch Road 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 9th day of July, 2020.

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 # 20 ~ 020	_
Zoning District	_

## ZONING PERMIT APPLICATION TOWN OF EAST MONTPELIER

245	1	
Date Received:	111	20
Parcel # (2-8)	33.	000
Tax Map # 84-7	31-16	300

	$\frac{1}{100}$ Tax Map # $\frac{04-01-10.100}{100}$
**************************************	
A. 1. Name of Landowner. Bruce & Claudia Fitch     Address of Landowner. 440 Fitch Road, Montpelier, VT 05602	
3. Applicant (other than owner)	
4. Address of Applicant	
5. Location of Property	······································
B: Application is made (check appropriate boxes):	
To: For: For:	land
☐ Construct ☐ One ☐ Two-family dwelling ☐ Subdivision of ☐ Repair ☐ Multi-family dwelling ☐ Boundary adju	
☐ Alter ☐ Accessory Structure ☐ Extraction of e	arth resources
☐ Extend       ☐ Commercial / Business       ☐ Ground water         ☐ Remove       ☐ Light Industrial       ☐ Landfilling	witndrawai
☐ Change use ☐ Industrial ☐ Other	
Describe work to be performed	
To subdivide Lot 2 of 15.94 acres with an existing residence from the remain	ing Lot 1 of 210.9 acres.
Lot 2 is to be served by a proposed 25' access easement along the existing	drive to the residence.
(building to lot lines)	60' Ft332' Ft.
2. road frontage 1).672'.2).1005'. Ft.	
3. depth front yard2) 384' Ft. (Road centerline to building) 5. depth rear yard (building to lot line)	630' Ft.
Important - Submit site location map which describes the property on which the property in the map should indicate the length in feet of each boundary, the location and directly within the property, the distance from that development to all adjacent property lines centerline. Each parcel created by land development should be clearly described.	nensions in feet of the development
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 applicable municipal land use permits and approvals have been issued. The undersidescribed above, understanding that the permit will be voided and penalties impose completed as described. The permit will be voided if development is not substantially co of issue. The undersigned hereby applies on the basis of the representations containe knowledge believes them to be true. The undersigned acknowledges the Section D notice Landowner with the permit will be voided if development is not substantially co of issue. The undersigned acknowledges the Section D notice that the permit will be voided and penalties impose completed as described. The permit will be voided and penalties impose completed as described. The permit will be voided and penalties impose completed as described. The permit will be voided and penalties impose completed as described. The permit will be voided and penalties impose completed as described. The permit will be voided if development is not substantially co of issue. The undersigned acknowledges the Section D notice that the permit will be voided and penalties impose completed as described.	gned requests a zoning permit as ed, if the land development is not mmenced within one year from date d herein, and to the best of his/heres on page 2 of this application.
Applicant Date	
Applicant	****************
Zoning Permit Fee: \$ 250 .00 Cash Check 7217 Date 4	720 Rec'd by D.S.
DRB Hearing Fee: \$ Cash Check Date	Rec'd by

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.	Ac	Action by Zoning Administrator:				
	1.	☑ Granted	Denied Date	Reason		
	2.	2. Appealed to Development Review Board By				
		Development \$150.00.	Review Board &/or Town (	of the Zoning Administrator must be made in writing to the Clerk within 15 days of the decision or act. The appeal fee is		
	3.	Final Action:	Permit # . 20 - 920 Da	ate Issued 07/09/20 Effective Date 07/24/20.		
DO NOT start this project prior to the effective date, as the statutes require a 15-day a period. If this permit is based upon a Development Review Board approval, be advised the appeal of that approval could affect the validity of this permit – do not start project or commend 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)						
F.	Ac	tion by Develo	pment Review Board:			
	1.	Public Notice I	Date June 20,	2020		
	2.	Date(s) of Hea	aring July 7	3030		
				With conditions (See written decision for conditions)		
	4.	☐ Denied (S	ee written decision for reas	Chairman, Development Review Board		
The	e DF	RB's written deci	sion was issued on: んんん	y. 9,2020		
app	oeal rision	the decision ren	ndered by the DRB within 30 t Superior Court, in accordan	who has participated in a regulatory proceeding of the DRB may days of the issuance of such decision, to the Environmental nce with 24 V.S.A. §4471.  Onsist of offering, through oral or written testimony, evidence of a		

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.

Page 2

statement of concern related to the subject of the proceeding.



### 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

June 15, 2020

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

RE: Proposed 2-Lot Subdivision, Bruce & Claudia Fitch, 440 Fitch Road, Parcel ID #02-022.000.

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 Bruce & Claudia. They own a parcel of 226.8 acres with two existing single-family residences, a barn, and several garages and sheds with frontage on both Fitch Road and Doner Road. As you are aware, the Fitches started the subdivision process 30 years ago, but never finalized it by filing a mylar of the new lot with the town. Our plan shows that 9.88-acre parcel along with an additional 6.06 acres to make the now proposed Lot 2 to have 15.94 acres. Lot 2 has an existing single-family residence (log cabin) and a shed on it and is served by a proposed 25' wide access easement along the existing drive. This leaves Lot 1 with the other existing single-family residence, barn, garages, etc. and the remaining 210.9 acres.

The existing residences on both Lot 1 & 2 are served by existing onsite sewer and water facilities.

During this project, we have recreated the record property lines of the land owned by Kathleen Doner as shown on the plan.

A review of the State ANR Natural Resources Atlas reveals an area of Class 2 wetlands in the east part of Lot 1. It also shows that a rare species is present in the west end of Lot 2. However, no development is planned for this project. A printout of that review is included here.

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 do not hesitate to call. Thank you.

Sincerely,

Timothy Morris

Timothy Morris

Survey / Engineering Technician



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© Vermont Agency of Natural Resources

# Natural Resources Atlas

**Vermont Agency of Natural Resources** 

1084 Ft.

1cm =

THIS MAP IS NOT TO BE USED FOR NAVIGATION

130

Meters

vermont.gov

this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not

limited to, the warranties of merchantability, or fitness for a particular use, nor

are any such warranties to be implied with respect to the data on this map.



#### LEGEND

Rare Threatened Endangered

Threatened or Endangered

Rare

Vernal Pools Confirmed – AE/\

Wetland Projects

Wetland - VSWI

Class 1 Wetland

Class 1 vvetiar

Class 2 Wetland

Buffer

Parcels (standardized)

Parcels (non-standardized)

Roads

Interstate

Principal Arterial

Minor Arterial

Major Collector

Minor Collector

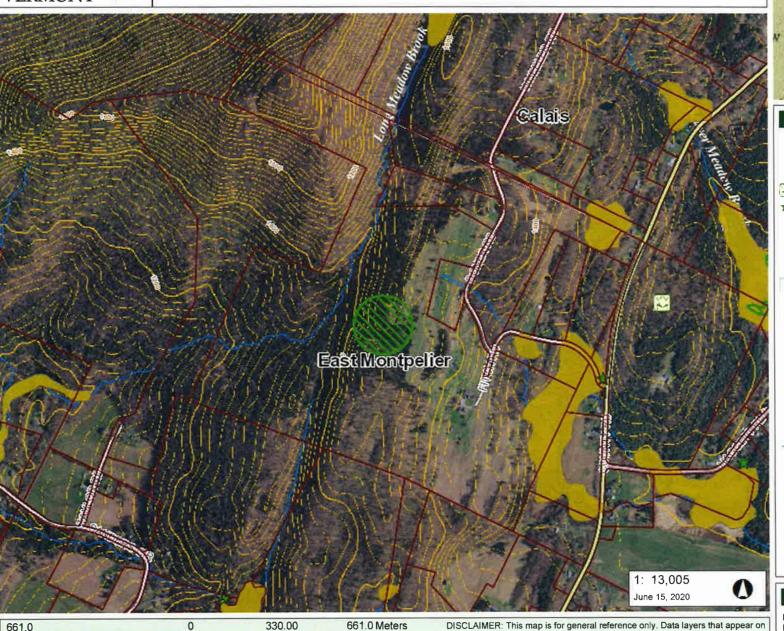
Local

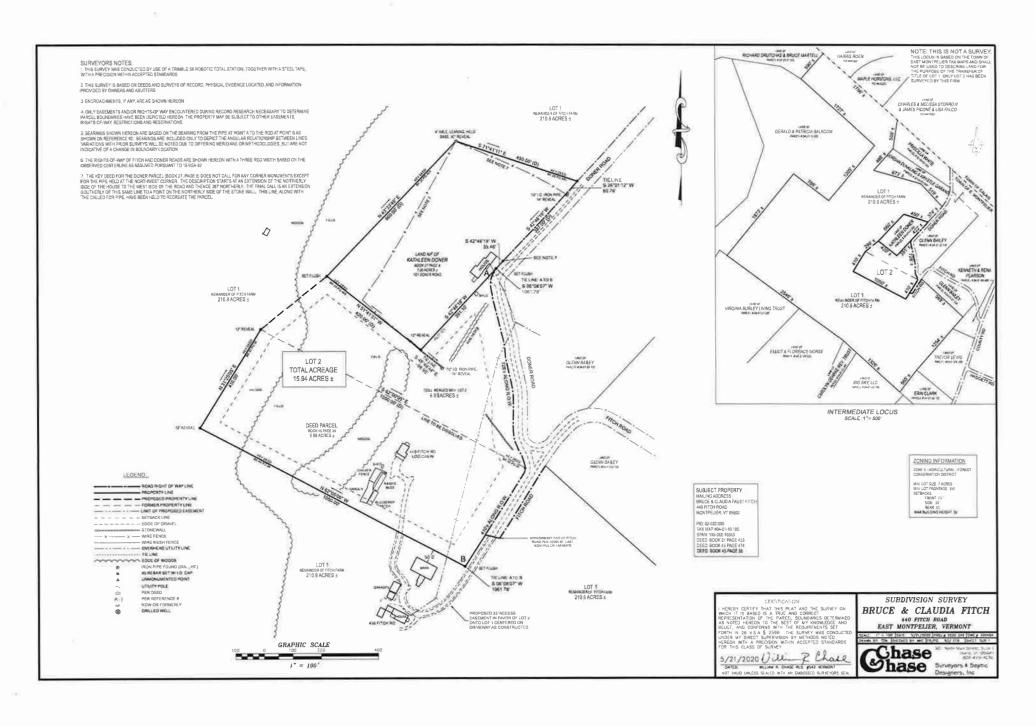
Not part of function Classification S

Stream/River
 Town Boundary

NOTES

Map created using ANR's Natura Resources Atlas





# Fitch -- 450 Fitch Road

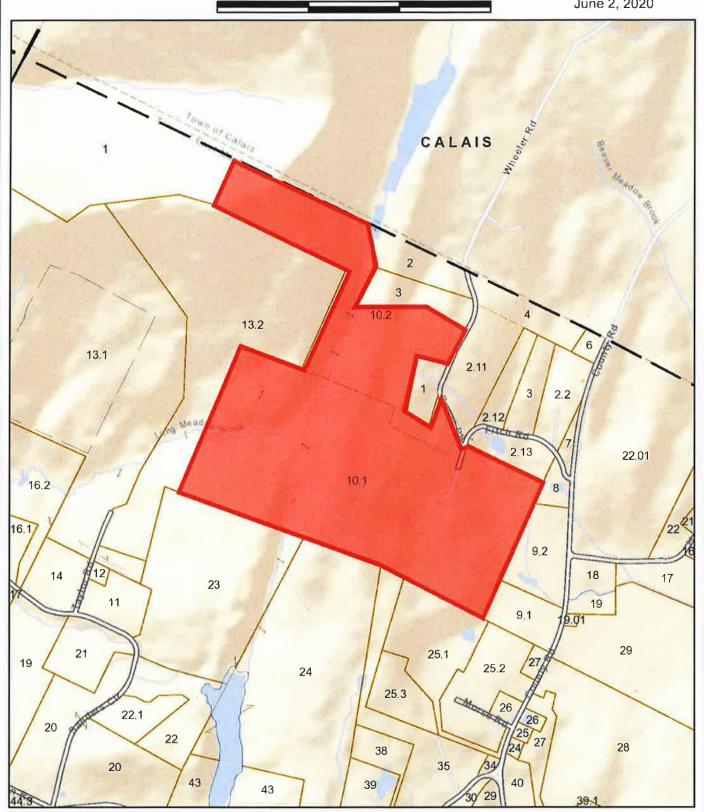
East Montpelier, VT

1 inch = 1077 Feet





June 2, 2020



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.