

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: January 7, 2021

Effective Date: January 22, 2021

Location: 3205 VT Rte. 14 N

Owner: Laura R. Brown Revocable Trust

For: 2-Lot Subdivision: Lot 1 of 11.50 acres

& existing house & Lot 2 of 4.65 acres

Application # 20-052

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
manager@eastmontpeliervt.org
(802) 223-3313 ext. 204

January 7, 2021

Laura Brown, Trustee
Laura R. Brown Revocable Trust
PO Box 70
North Montpelier, VT 05666

Re: East Montpelier Zoning Application #20-052

Dear Ms. Brown:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #20-052 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 #20-052 for a 2-lot subdivision of your 3205 VT Rte. 14 N 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: Laura R. Brown Revocable Trust
 3205 VT Rte. 14 N
 Parcel # 08-047.000 Tax Map # 20-00-05.000

East Montpelier Zoning Application #20-052

INTRODUCTION & PROCEDURAL HISTORY

1. On December 15, 2020, Laura Brown, on behalf of the Laura R. Brown Revocable Trust, filed an application with the Town of East Montpelier to subdivide the trust's property located at 3205 VT Rte. 14 N. The proposal would split the 16.15-acre parcel into 2 lots: Lot 1 of 11.50 acres and existing residential structures with frontage on VT Rte. 14 N; and, Lot 2 of 4.65 acres with frontage on Factory Street.
2. The property in question is located in the Residential & Commercial District – Zone C, where the minimum lot size is 1 acre and subdivisions require approval from the Development Review Board.
3. The DRB did not hold an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision. At the January 5, 2021 hearing the DRB formally waived the sketch plan review requirement.
4. A public notice was duly published in the Times Argus on December 19, 2021 for a hearing, which was conducted on January 5, 2021.
5. Applicant Laura Brown, applicant representatives Craig Chase & Kris Jurentkuff, abutting neighbor Holly Newberry and Zoning Administrator Bruce Johnson appeared and participated in the January 5, 2021 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the January 5, 2021 hearing were Kappel, Cueto, Watson, Hill, Justis, Cutler, and Oates.

FINDINGS OF FACT

1. Applicant Laura Brown, as trustee of the Laura R. Brown Revocable Trust, owns a 16.15-acre parcel located at 3205 VT Rte. 14 N. The proposal is to split off a 4.65-acre parcel building lot from the developed portion of the property.
2. The property is located in Zone C – the Residential & Commercial District, where a conforming lot requires 1 acre and 150 feet of road frontage. Lot 1 is comprised of 11.50 acres with approximately 927 feet of frontage on VT Rte. 14 N. Lot 2 contains 4.65 acres with approximately 718 feet of frontage on Factory Street.
3. Applicant anticipates the imminent sale of Lot 1. She intends to retain ownership of Lot 2 for potential future development by family members or sale as a building lot. A state water & wastewater permit application is in the works.
4. On December 21, 2020 the East Montpelier Selectboard approved a residential curb cut (application #20-053) on Factory Street to serve proposed Lot 2.
5. On January 4, 2021 the VT Agency of Transportation, which handles access management along VT Rte. 14 N, issued a jurisdictional opinion that a Section 1111 access permit is not required for the proposed subdivision.

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 #20-052 to allow the subdivision of the Brown property located at 3205 VT Rte. 14 N 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 7th day of January, 2021.

A handwritten signature in black 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.

TOWN of EAST MONTPELIER

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
manager@eastmontpeliervt.org
(802) 223-3313 ext. 204

January 7, 2021

Holly Newberry
135 Factory Street
Plainfield, VT 05667

Re: East Montpelier Zoning Application #20-052

Dear Ms. Newberry:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the Laura Brown subdivision application #20-052 as presented.

As an abutting neighbor who participated in the hearing process, you may 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 #20-052 for a 2-lot subdivision of Ms. Brown's 3205 VT Rte. 14 N property.

Feel free to contact me if you have any questions concerning this matter. I understand that you continue to be unhappy with how the town is handling stormwater management along the lower end of Factory Street. Both Road Foreman Guthrie Perry and Selectboard Chair & Road Commissioner Seth Gardner have reviewed the situation in the past and would be willing to discuss the matter with you if you so desire.

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

Permit # 20-052

ZONING PERMIT APPLICATION

Date Received: 12/15/20Zoning District C

TOWN OF EAST MONTPELIER

Parcel # 08-047.000Overlays WR, SFHZ

PO Box 157, East Montpelier, VT 05651

Tax Map # 20-00-05.000

- A. 1. Name of Landowner Laura Brown Phone No. 522-3375
2. Address of Landowner PO Box 70, North Montpelier, VT 05666
3. Applicant (other than owner) Phone No.
4. Address of Applicant
5. Location of Property 3205 VT Route 14N

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 Subdivide the existing 16.15 acre parcel into two Lots: Lot 1 of 11.50 acres with the existing house and Lot 2 of 4.65 acres for the construction of one new home. See attached project description.

C. Lot description:

- | | |
|---|--|
| 1. acreage <u>Lot 1 11.5 acres/Lot 2 4.65 Acres</u> | 4. depth side yards <u>Lot 1 R 819' L 43'</u> Ft. <u>Lot 2 R 283' L 433'</u> Ft. |
| 2. road frontage <u>Lot 1 927'/Lot 2 718'</u> Ft. | |
| 3. depth front yard <u>Lot 1 0'/Lot 2 116'</u> Ft. | 5. depth rear yard <u>Lot 1 122'/Lot 2 110'</u> |
| (Road centerline to building) | (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 Laura Brown Date 12/14/20Applicant JAME Date

Zoning Permit Fee: \$ 250.00 Cash Check #7690 Date 12/15/20 Rec'd by DSDRB 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

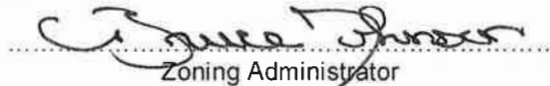
Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 20-052 Date Issued 01/07/21 Effective Date 01/22/21

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 12/19/2020

2. Date(s) of Hearing 01/05/2021

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: 01/07/2021

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.

Project Description

2-lot Subdivision

Laura Brown

3025 VT Route 14 North

Parcel 08-047000

This project involves the subdivision of the existing 16.15 acre parcel as developed with an existing single-family residence, including frontage on Route 14N, Factory Street and North Montpelier Pond into two parcels: Lot 1 of 11.5 acres with the existing house, and Lot 2 of 4.65 acres for the construction of a new single-family residence. The existing house is located on the west side of Route 14, immediately north of the bridge crossing between the upper and lower pond. The property includes frontage along Factory Street and the pond, as well as along Route 14.

Lot 1 is configured with the full 927' of frontage on Route 14N as well as with all frontage along North Montpelier Pond. The existing residence is served by an on-site septic system and a drilled well. As part of the State Wastewater & Water Supply Permit review process, it is necessary to demonstrate that a proposed subdivision will continue to provide existing development access to a location suitable for a replacement septic system, should that ever be necessary in the future. To satisfy that requirement, we have identified a location on top of the hill above the house suitable for an -type system. This location lies within the wellhead protection area for the existing well, therefore we have also identified a location for a replacement well should that ever become necessary. See the included Site Plan as submitted. These locations only demonstrate potential locations for these replacement systems: other areas may be suitable but have not yet been explored.

Lot 2 is configured to include all the frontage along Factory Street. Application for a curb-cut permit has been submitted to the Selectboard for review of a driveway to enter the road at an existing logging access. Locations suitable for a mound-type septic system and drilled well to serve a three-bedroom single-family residence have been identified. Final design of these systems is ongoing with submittal to the State expected prior to the Development Review Board hearing on January 5. The footprint of house shown is conceptual only, with the final house footprint and locations to be determined by a future owner. It is understood that further administrative review of the building location and footprint will be required prior to issuance of a Building Permit for the Lot.

As Zoning Administrator Bruce Johnson is aware, just prior to submittal of this application the boundary between Lot 2 and the lands of Kingsbury Branch Hydroelectric was unresolved: two surveys, noted as References 1 & 2 on the subdivision survey, placed the line in different locations. Additional research into the land records dating back to 1844 (the old Town of Montpelier, before the division) has confirmed that the earlier Reference 2 survey correctly identified the line. The East Montpelier Tax Maps reflect the configuration shown on the latter, incorrect Reference 1 survey, and do not identify the owner to the south. The research is clear: the owner to the south is Kingsbury Branch Hydro (contiguous with land along the pond extending to the dam and Route 14) and the line is located as shown. Kingsbury Branch Hydro has been noticed as part of this application.

Chase & Chase
301 North Main Street, Suite 1
Barre, Vt. 05641
802/479-9636
Surveyors & Septic
Designers, Inc.

