

# 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: 1990 Brazier Road

Owner: Tom & Ann Brazier

For: Boundary Adjustment: 0.58 acres from

Parcel # 05-094.000 to Parcel # 05-096.040

Application # 21-001

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

Thomas & Ann Brazier  
1950 Brazier Road  
Montpelier, VT 05602

Re: East Montpelier Zoning Application #21-001  
1990 Brazier Road

Dear Mr. & Ms. Brazier:

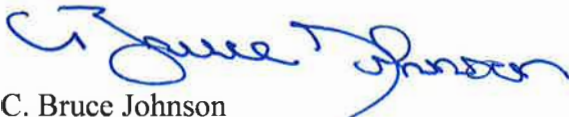
Please find enclosed the permit and supporting documents for the requested 0.58-acre boundary adjustment, from 1990 Brazier Road to Lot 2 of your 2005 subdivision (Parcel #05-096.040) recently transferred to Cody & Michelle Blake, contained in East Montpelier Zoning Application #21-001.

Boundary adjustments are treated like subdivisions for the purposes of plat recording. You have 180 days to duly file and record a mylar copy of the approved plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations (LUDR) Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must contain a certificate block as described in LUDR Section 6.6(A)(4) and must be certified by me, the zoning administrator, as a true copy of the approved plat prior to recording.

Please understand that Permit #21-001 is solely for a boundary adjustment between your farm property (1990 Brazier Road; Parcel #05-094.000) with abutting landowners Cody & Michelle Blake (Parcel #05-096.040; no E-911 address as yet). No new lot has been created by this permit and the only allowable transfer result is the merger of the 0.58 acres with the 3.01-acre Blake parcel, resulting in a 3.59-acre parcel.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,



C. Bruce Johnson  
East Montpelier Zoning Administrator

Permit # 21-001

## ZONING PERMIT APPLICATION

Date Received: 1/5/21Zoning District D

## TOWN OF EAST MONTPELIER

Parcel # 05-094.000Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 08-03-27.311

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- A. 1. Name of Landowner Tom & Ann Brazier Phone No. (802) 279-2478
2. Address of Landowner 1950 Brazier Road, Montpelier, VT 05602
3. Applicant (other than owner) Cody & Michelle Blake Phone No. (802) 371-9735
4. Address of Applicant 93 Woodland Drive, Barre, VT 05641
5. Location of Property 1990 Brazier Road

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

To:

- ☐ Construct
- ☐ Repair
- ☒ Alter
- ☐ Extend
- ☐ Remove
- ☐ Change use

For:

- ☐ One ☐ Two-family dwelling
- ☐ Multi-family dwelling
- ☐ Accessory Structure
- ☐ Commercial / Business
- ☐ Light Industrial
- ☐ Industrial

For:

- ☐ Subdivision of land
- ☒ Boundary adjustment
- ☐ Extraction of earth resources
- ☐ Ground water withdrawal
- ☐ Landfilling
- ☐ Other

Describe work to be performed 0.58 acre boundary adjustment in favor of Parcel 05-096.040 (Cody & Michelle Blake)

## C. Lot description:

1. acreage 196.98 acres prior to boundary adjustment
2. road frontage ..... Ft.
3. depth front yard ..... Ft.  
(Road centerline to building)
4. depth side yards ..... Ft. ..... Ft.  
(building to lot lines)
5. depth rear yard ..... 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 Thomas Brazier Date 12/23/2020Applicant Michelle Blake Date 12-23-20

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Zoning Permit Fee: \$ 75 Cash ..... Check #1578 Date 1/5/21 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](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 .....

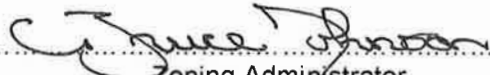
**Notice:** Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 21-001 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

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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

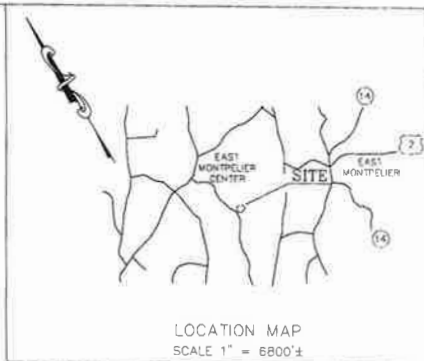
The DRB's written decision was issued on: .....

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.



MONUMENT DESCRIPTIONS  
A - 5/8" DIA. IRON REBAR SET, UP 12'  
B - 5/8" DIA. IRON REBAR FOUND, UP 18'  
C - P.K. NAIL FOUND IN LEDGE NOT FOUND BY THIS SURVEY  
D - 5/8" DIA. IRON REBAR FOUND, UP 18'  
E - 5/8" DIA. IRON REBAR SET, UP 12'



N/F THOMAS H. & ANN M. BRAZIER  
BOOK 97 PAGES 592-593 04/25/2007

PLAN IN NOTE 3 CALLS FOR P.K. NAIL SET IN LEDGE, NOT FOUND BY THIS SURVEY

N/F THE CHARLES EATON HAYNES TRUST  
BOOK 146 PAGE 192 DATED 10/25/2019  
BOOK 88 PAGES 578-579 DATED 04/22/2005  
(FORMERLY LOT #1  
SEE PLAN NOTE #3)

N/F CODY A. & MICHELLE N. BLAKE  
BOOK 163 PAGES 234-235 09/01/2020  
LOT #2 AS SHOWN  
ON PLAN IN NOTE 3.  
OLD AREA = 3.01± ACRES  
NEW AREA = 3.59± ACRES

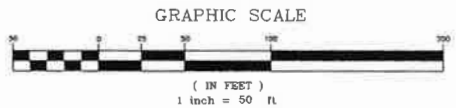
0.58± ACRES TO BE ADDED TO LOT #2

- GENERAL NOTES:
1. THE PURPOSE OF THIS PLAN IS TO ADJUST THE NORTHERLY LINE OF LOT #2.
  2. THE SUBJECT PROPERTIES ARE OWNED BY THOMAS H. & ANN M. BRAZIER AND THE DEED IS RECORDED IN BOOK 97 PAGES 592-593 DATED 04/25/2007. LOT #2 IS OWNED BY CODY A. & MICHELLE N. BLAKE AND THE DEED IS RECORDED IN BOOK 163 PAGES 234-235 DATED 09/01/2020.
  3. REFERENCE SURVEY BY WAYNE D. LAWRENCE ENTITLED "PROPERTY SUBDIVISION SITE PLAN FOR THOMAS H. BRAZIER ET AL BRAZIER ROAD EAST MONTPELIER, VERMONT" DATED DEC. 23, 2004.
  4. THE SUBDIVISION AS REFERENCED IN NOTE 3 IS SUBJECT TO A STATE OF VERMONT WASTEWATER PERMIT #WV-5-3082 DATED 02/18/2005 AND A TOWN OF EAST MONTPELIER ZONING PERMIT #05-009 DATED 04/20/2005. THIS BOUNDARY ADJUSTMENT MAY REQUIRE ADDITIONAL STATE AND LOCAL PERMITS.

BEARINGS REFERENCED TO MAGNETIC NORTH 2004.

THIS PLAT CONFORMS WITH THE REQUIREMENTS OF SECTION 1403 OF TITLE 27 V.S.A.

- LEGEND:
- BOUNDARY LINE
  - - - - - EDGE OF ROAD RIGHT-OF-WAY
  - - - - - EDGE OF GRAVEL ROAD
  - IRF IRON REBAR FOUND
  - IRS 5/8" DIA. IRON REBAR SET W/YELLOW CAP
  - ▲ P.K. NAIL IN LEDGE
  - UTILITY POLE



N/F THOMAS H. & ANN M. BRAZIER  
BOOK 97 PAGES 592-593 04/25/2007

THIS SURVEY WAS BASED ON EVIDENCE FOUND IN THE FIELD AND INFORMATION ABSTRACTED FROM PERTINENT DEEDS AND PLANS OF RECORD.



BOUNDARY ADJUSTMENT OF LAND OF THOMAS H. & ANN M. BRAZIER & CODY A. & MICHELLE N. BLAKE BRAZIER ROAD EAST MONTPELIER, VT. MICHAEL J. PATTERSON L.S. MIDDLESEX, VERMONT		
PROJECT # 2020-10-05	SCALE 1" = 50'	DATE OCT, 2020

THIS IS AN ORIGINAL INK ON MYLAR  
BY MICHAEL J. PATTERSON L.S.

MJBRAZER1.DWG



# Boundary Line Adjustment Exemption Form

Exemption 1-304(9) - Wastewater System and Potable Water Supply Rules

**Step 1:** Please provide the following information:

Landowner 1 - Name(s): <i>Thomas + Ann Brazier</i>		Landowner 2 - Name(s): <i>Cody + Michelle Blake</i>	
Landowner 1 - Mailing Address: <i>1950 Brazier Rd Montpelier VT. 05602</i>		Landowner 2 - Mailing Address: <i>93 Woodland Drive Barrre VT. 05641</i>	
Property 911 Address, if different than Mailing Address:		Property 911 Address, if different than Mailing Address:	
Landowner 1 - Phone Number:		Landowner 2 - Phone Number:	
Landowner 1 - Current Acreage: <i>196.38</i>	Landowner 1 - New Acreage: <i>195.8</i>	Landowner 2 - Current Acreage: <i>3.01</i>	Landowner 2 - New Acreage: <i>3.59</i>
Town(s): <i>East Montpelier</i>		Previous State Permit #'s (if any): <i>WW-5-3082</i>	
		Lot Number(s) (if any): <i>2</i>	

**Step 2:** Please check the box or boxes that apply to the lot line adjustment and attach any requested supporting information.

Check the boxes that apply to this land conveyance:

- ☒ (i) a lot being reduced in size is being reduced by no more than two percent, please include calculations showing percent of lot size reduction. Example: 5.9 acres take away 0.1 acres = 0.1 divided by 5.9 = 0.017 = 1.7 % reduction.); or
- ☐ (ii) a lot is increased in size;
- ☒ (iii) the boundary line being adjusted is located, after adjustment, at least 500 feet from the footprint of the building or structure on an improved lot (Please include the footprint of all buildings -except storage buildings- on the diagram that shows the original and the new proposed property lines and show the distance from the building(s) to the new proposed property line.)
- ☐ (iv) the Secretary, on a case-by-case basis, makes a written determination that the proposed adjustment will not have an adverse effect on any existing potable water supply or wastewater system on the affected lots.

**Step 3A:** For adjustments that meet (i) – (iii) above, please complete this form and submit this form with a plan showing the existing and proposed boundaries to the Regional Office and to the town for recording and indexing in the Town land records. When this is complete, you are exempt, and no written confirmation is required.

**Step 3B:** For adjustments being submitted for review under (iv) above, please complete this form and submit the form and a plan showing the existing and proposed boundaries and the location of all buildings and existing water supplies and septic systems on the affected lot(s) to the appropriate Regional Office. The Secretary will provide a written determination whether condition iv applies. If the Secretary determines that condition (iv) applies, deliver the written determination and plan to the town for recording and indexing in the town land records. **If the Secretary determines Exemption §1-304(9)(A)(iv) does not apply, a Wastewater System and Potable Water Supply permit will be required prior to adjusting the boundary line(s).**

By signing this form, the landowner is certifying the boundary line adjustment meets the exemption in section §1-304(9) (A) of the Wastewater System and Potable Water Supply Rules, effective April 12, 2019.

<i>Thomas Brazier</i>	<i>12/24/2020</i>
<i>Ann Brazier</i>	<i>12/24/2020</i>
Landowner 1 Signature(s)	Date
<i>[Signature]</i>	<i>1-3-2021</i>
Landowner 2 Signature(s)	Date
<i>[Signature]</i>	<i>1-3-2021</i>



