Town of East Montpelier

ZONING PERMIT NOTICE

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

Date Issued:

March 10, 2021

Effective Date: March 25, 2021

Location: 440 East Hill Road

Owner: Norman & Carla Messier

For: 3- Lot Subdivision

Lot 2:9.29 acres w pond & dry hydrant
Lot 3:4.28 acres w house

Lat 4: 19.91 acres

Application # 21-004

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

March 10, 2021

Norman & Carla Messier 440 East Hill Road East Montpelier, VT 05651

Re: East Montpelier Zoning Application #21-004

Dear Mr. & Ms. Messier:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #21-004 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 #21-004 for a 3-lot reconfiguration/subdivision of your 440 East Hill 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:

Norman & Carla Messier

440 East Hill Road

Parcel # 09-102.000 Tax Map # 12-02-42.200

East Montpelier Zoning Application #21-004

INTRODUCTION & PROCEDURAL HISTORY

- 1. On January 13, 2021, Norman & Carla Messier filed an application with the Town of East Montpelier to reconfigure and subdivide their property located at 440 East Hill Road. The Messier property is comprised of three separate lots:
 - ➤ Parcel #09-102.000 (the active combined tax parcel with 33.59 total acres, listed with Tax Map #12-02-42.200), consisting of two separate lots:
 - o Tax Map #12-02-42.300; 3.02 acres with existing house
 - o Tax Map #12-02-42.200; 7.47 acres with pond and town dry hydrant
 - ➤ Parcel #09-080.250; Tax Map #12-02-54.250; 23.1 acres (inactive tax parcel) The proposal would merge the three parcels together and subdivide the resultant 33.59-acre property into three parcels: Lot 2 of 9.29 acres with pond and dry hydrant; Lot 3 of 4.28 acres and existing house; and, Lot 4 of 19.91 acres. All three lots have frontage on East Hill 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. Owners Norman & Carla Messier and applicant representative Craig Chase appeared before the DRB on May 7, 2019 for an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision. The DRB decided to treat the proposal as a minor subdivision.
- 4. Owners Norman & Carla Messier and applicant representative Craig Chase appeared before the DRB on January 5, 2021 for a second East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision.
- 5. A public notice was duly published in the Times Argus on January 16, 2021 for a hearing, which was conducted on February 2, 2021.

- 6. Owners Norman & Carla Messier, applicant representative Craig Chase and Zoning Administrator Bruce Johnson appeared and participated in the February 2, 2021 hearing. There was no additional public comment.
- 7. The Board members who voted on this issue at the February 2, 2021 hearing were Kappel, Cueto, Justis, Oates, Weyant, Watson and Cutler.

FINDINGS OF FACT

- 1. Norman & Carla Messier own a 33.59-acre property consisting of three contiguous parcels located at 440 East Hill Road. The current proposal is to consolidate the three parcels and then subdivide the resultant property to create three reconfigured lots.
- 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. The three proposed lots all have frontage on East Hill Road. Lot 2 has 9.29 acres with 315 feet of frontage. Lot 3 has 4.28 acres with 804 feet of frontage. Lot 4 has 19.91 acres with 300 feet of frontage. There is no "Lot 1" as this numbering is designed to match the 2009 Messier subdivision. Lot 1 from that subdivision is a developed parcel that is under different ownership and plays no part in this project. Original Lots 2 and 3 are being reconfigured as part of this proposal.
- 3. Lot 2 is currently developed with a pond and a Town of East Montpelier dry hydrant. Lot 3 is the site of the existing Messier house. Both those lots and the dry hydrant are served by an existing joint drive with a single curb cut on East Hill Road. This proposal includes a shift in the location of the curb cut and drive elements, but the two lots and the dry hydrant will continue to utilize a single shared access.
- 4. On January 18, 2021 the East Montpelier Selectboard issued Access Permit 21-003 authorizing a relocation of the curb cut onto East Hill Road serving Lots 2 and 3 along with the dry hydrant. If this project moves forward, the existing curb cut slot is required to be abandoned and landscaped.
- 5. Original Lots 2 & 3 are both development lots subject to an existing state water & wastewater permit (WW-5-2608). An amendment to that permit will be pursued to match this subdivision. No development of Lot 4 is currently contemplated.

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 #21-004 to allow the subdivision of the Messier property located at 440 East Hill 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 10th day of March, 2021.

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 # 2/ - 004	
Zoning District	

ZONING PERMIT APPLICATION TOWN OF EAST MONTPELIER

Date Re	eceived: 1/13/21
Parcel #	09-102.000
Toy Mo	"#17 -02 417 200

Zoning District TOWN OF EAST MONTPELIER		IEK Par	Parcel # 04-102.000			
				Map # 12-02-42. 20		
**********	*****	********	*******	**********		
	me of Landowner. Norman & Carla Messier Phone No					
				none No		
• •						
B: Application is made (check ap	propriate boxes):					
☐ Repair ☐ Multi-fam	ry Structure cial / Business ustrial		Subdivision of lar Soundary adjustn Extraction of eart Ground water wit andfilling Other	nent h resources		
Describe work to be performed		_		r in order to create Lot 2		
of 9.29 Acres and a proposed si						
residence, and Lot 4 of 19.91 a				SALES CONTRACTOR OF THE PROPERTY OF THE PROPER		
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
C. Lot description: 1. acreage 2) 9.29 Ac 3) 4.28 2. road frontage >250'			side yards ⁵⁰ g to lot lines)	Ft91 Ft.		
depth front yard150 (Road centerline to building)	Ft.		ear yard120 g to lot line)	Ft.		
Important - Submit site location The map should indicate the ler	map which describe igth in feet of each from that developm	es the property or boundary, the lo	which the propos cation and dimens t property lines an	ed land development is to occur. sions in feet of the development d the distance to the public road		
READ BELOW CAREFULLY AND S	EE SECTION D ON	PAGE 2 OF APE	PLICATION:			
In accordance with 24 V.S.A. §4446, applicable municipal land use perm described above, understanding the completed as described. The permit of issue. The undersigned hereby a knowledge believes them to be true.	its and approvals It the permit will be Will be voided if devoplies on the basis The undersigned ac	have been issue be voided and per velopment is not so of the representa knowledges the S	d. The undersigner enalties imposed, substantially comm ations contained had ection D notices o	ed requests a zoning permit as if the land development is not enced within one year from date erein, and to the best of his/her n page 2 of this application.		
Landowner 7 2 Mes	sin		Date	1/12 2021		
Applicant			Date	/		
*******	****	******	******			
Zoning Permit Fee: \$ 300.00	Cash	Check 2/64	Date 1/13/2	Rec'd by DS.		
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.	Action by Zoning Administrator:						
	1.	☑ Granted ☐ Denied Date					
	2.	Appealed to Development Review Board					
		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 # 21-00th. Date Issued 03/10/21 Effective Date 03/25/21					
DO NOT start this project prior to the effective date, as the statutes require a 15-date period. If this permit is based upon a Development Review Board approval, be advised appeal of that approval could affect the validity of this permit – do not start project or communtil 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.	Ac	tion by Development Review Board:					
	1.	Public Notice Date 01/10/2021					
	2.	Date(s) of Hearing Oa/Oa/ aOa\					
	3.	☑ Granted ☑ Without conditions ☐ With conditions (See written decision for conditions)					
	4.	□ Denied (See written decision for reasoning)					
		Chairman, Development Review Board					
The	, DE	PP's written decision was insued on: Mass by 10 2021					

The DRB's written decision was issued on: ハハペラシューハン ,... みじんハ...

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.

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Project Description
3-lot Subdivision
Norman & Carla Messier
440 East Hill Road
Parcel 09-102.000

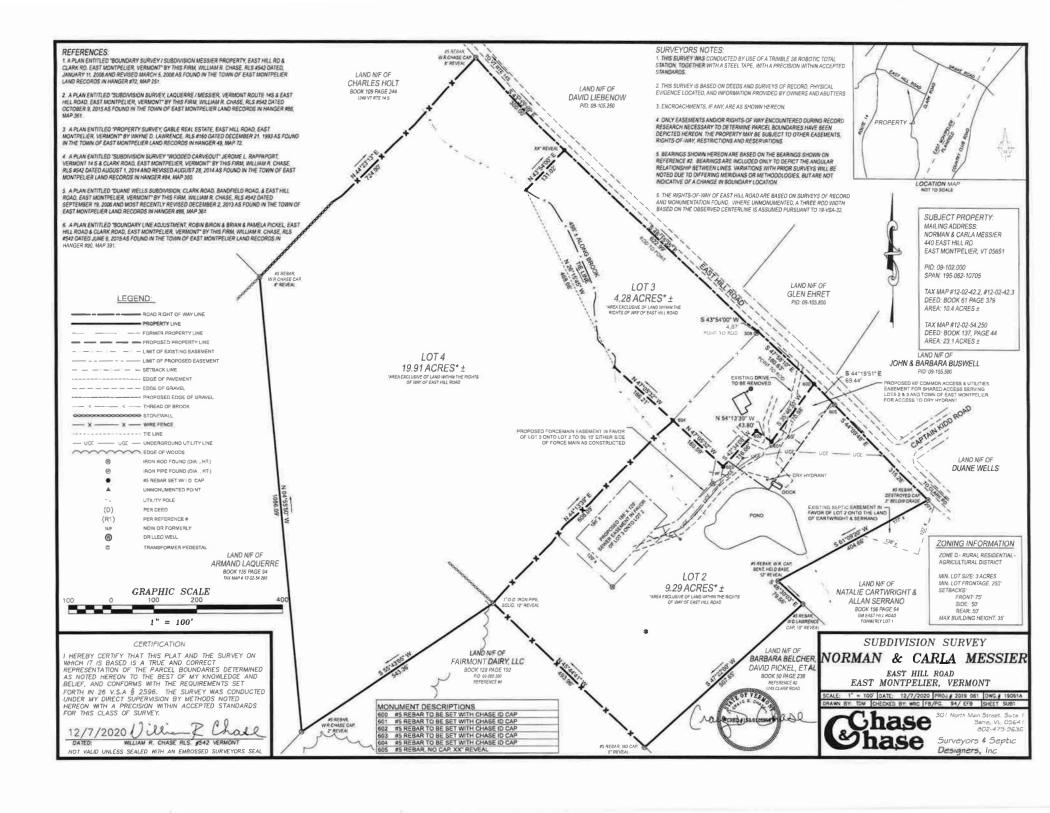
This project involves the reconfiguration of a subdivision previously approved by the Town of East Montpelier Development Review Board. Norman & Carla Messier currently own 33.5 acres on East Hill Road with an existing single-family residence. They wish to subdivide this into three parcels: Lot 2 of 9.29 acres for the construction of a new single-family residence, Lot 3 of 4.28 acres with the existing single-family residence, and Lot 4 of 19.91 acres with no development proposed. The property has 1488' of frontage along East Hill Road.

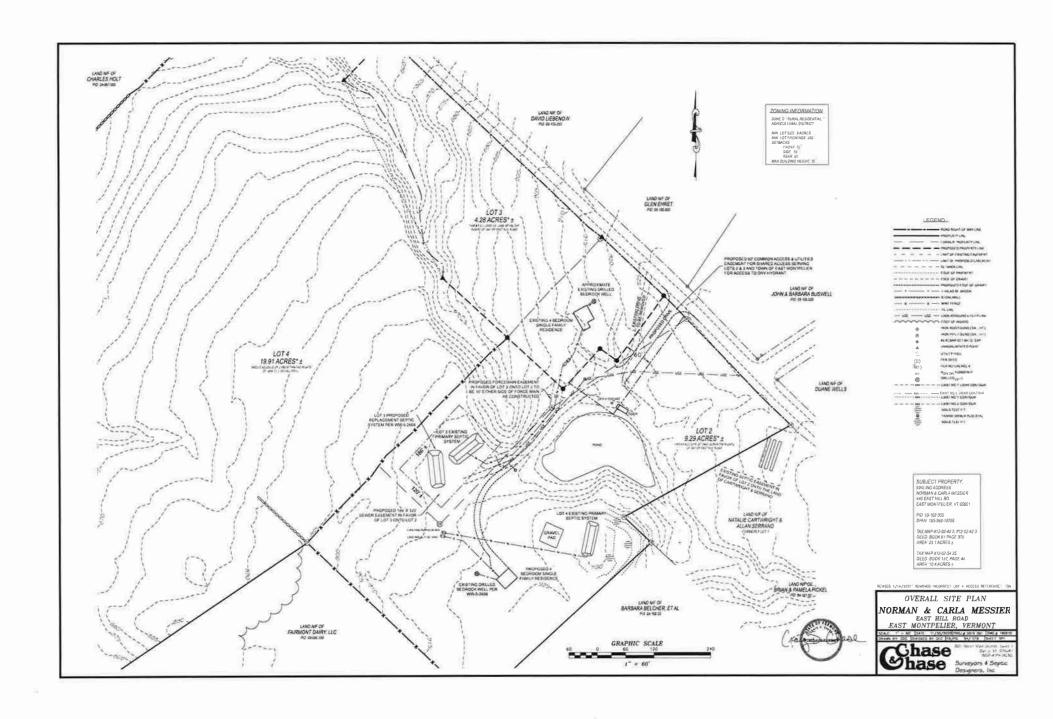
Lot 2 is configured with 385' of frontage on East Hill Road and 9.29 acres. The proposed single-family residence will be served by an existing on-site septic system and drilled well. Application for a curb-cut permit has been submitted to the Selectboard for review of a shared driveway to enter Lot 2 230' northwest of the intersection of East Hill Road and Captain Kidd Road. This shared driveway, serving the proposed residence on Lot 2 and the existing residence on Lot 3 will be within a proposed 60' access and utilities easement on Lot 2. Lot 2 is also subject to a proposed 186' x 120' sewer easement in favor of Lot 3.

Lot 3 is configured with 804' of frontage on East Hill Road and 4.28 acres. The existing single-family 4-bedroom residence is served by an existing onsite drilled well and an existing mound system on Lot 2 within the previously mentioned proposed 186' x 120' sewer easement. Application for a curb-cut permit has been submitted to the Selectboard for review of the shared driveway noted above on Lot 2. The existing driveway serving the residence from East Hill Road will be removed.

Lot 4 is configured with 300' of frontage on East Hill Road and the remaining 19.91 acres. No development is proposed on this parcel.

No rare, threatened, or endangered species were identified per the Agency of Natural Resources Atlas. A printout of that review has been included.





Town of Mantpellet

Messier -- 440 East Hill Road

East Montpelier, VT

1 inch = 483 Feet



483 1449 January 14, 2021

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.