

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued:

May 12, 2021

Effective Date:

May 27, 2021

Location:

964 Bliss Road

Owner:

Patrick McCoy & Margaret Gibson

For:

2-Lot Subdivision:

Lot 1 of 7.55 acres & existing structures

Lot 2 of 7.51 acres

Application #

21-024

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

May 12, 2021

Patrick McCoy
Margaret Gibson
964 Bliss Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #21-024

Dear Mr. McCoy & Ms. Gibson:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #21-024 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 #21-024 for a 2-lot subdivision of your 964 Bliss 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: Patrick McCoy & Margaret Gibson
 964 Bliss Road
 Parcel # 05-083.000 Tax Map # 08-03-52.000

East Montpelier Zoning Application #21-024

INTRODUCTION & PROCEDURAL HISTORY

1. On April 13, 2021, Patrick McCoy and Margaret Gibson filed an application with the Town of East Montpelier to subdivide their property located at 964 Bliss Road. The proposal would split the 15.06-acre parcel into 2 lots: Lot 1 of 7.55 acres and existing residential structures; and, Lot 2 of 7.51 acres. Both lots have frontage on Bliss 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. On April 6, 2021, applicants Patrick McCoy and Margaret Gibson and applicant representative Timothy Morris appeared before the DRB 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 April 17, 2021 for a hearing, which was conducted on May 4, 2021.
5. Applicants Patrick McCoy and Margaret Gibson, applicant representative Timothy Morris and Zoning Administrator Bruce Johnson appeared and participated in the May 4, 2021 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the May 4, 2021 hearing were Cueto, Watson, Hill, Justis, Weyant, Lane, and Oates.

FINDINGS OF FACT

1. Patrick McCoy and Margaret Gibson own a 15.06-acre parcel located at 964 Bliss Road. They proposed to subdivide the property to split off a 7.51-acre parcel building lot from the 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. Lot 1 is comprised of 7.55 acres with 295.15 feet of frontage on Bliss Road. Lot 2 contains 7.51 acres with approximately 816 feet of frontage on Bliss Road.
3. The property is subject to a 2020 state water & wastewater permit (WW-5-8175) authorizing a new 3-bedroom residence with a 1-bedroom apartment in the vicinity of proposed Lot 2. That permit will need to be amended to fit the proposed subdivision.
4. On April 19, 2021 the East Montpelier Selectboard approved a residential curb cut (application #21-025) on Bliss Road to serve proposed Lot 2. The curb cut and drive are existing.
5. During the sketch plan review, the DRB asked that the Class Two wetland on the parcel be shown on the plan sheet along with its buffer. That change was incorporated, and the development area would be outside of the wetland and buffer.

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.

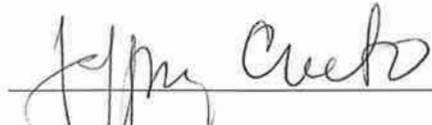
DECISION

By unanimous vote, the DRB approves Zoning Permit #21-024 to allow the subdivision of the McCoy/Gibson property located at 964 Bliss 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 12th day of May, 2021.



Jeffrey Cueto - Vice-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 # 21-024

ZONING PERMIT APPLICATION

Date Received: 04/13/2021Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 05-083.000Overlays WR

PO Box 157, East Montpelier, VT 05651

Tax Map # 08-03-52.000

- A. 1. Name of Landowner Patrick McCoy & Margaret Gibson Phone No. 802-249-3003
 2. Address of Landowner 964 Bliss Road, East Montpelier, VT 05651
 3. Applicant (other than owner) Same as above Phone No.
 4. Address of Applicant.....
 5. Location of Property 964 Bliss Road, East Montpelier

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. To subdivide an existing 15.06 acre parcel into two lots. Lot 1 of 7.55 acres, 295' of frontage, has an existing house and garage with onsite sewer and water. Lot 2 of 7.51 acres, 816' of frontage has a proposed 3 bedroom single-family residence with on-site sewer and water.
 No easements are proposed.

C. Lot description: Lot 1: 7.55 Ac

1. acreage Lot 2: 7.51 Ac
 Lot 1: 295'
 2. road frontage Lot 2: 816' Ft.
 3. depth front yard 231' Ft.
 (Road centerline to building)

4. depth side yards 106' Ft. 287' Ft.
 (building to lot lines)
 5. depth rear yard 277' 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 Patrick W. McCoy Margaret Gibson McCoy Date 4-12-2021Applicant Patrick W. McCoy Margaret Gibson McCoy Date 4-12-2021

Zoning Permit Fee: \$ 250.00 Cash Check Date 4/13/21 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

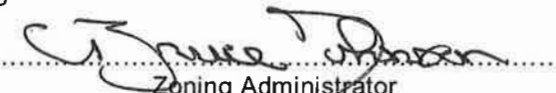
Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 21-024 Date Issued 05/12/21 Effective Date 05/27/21

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 04/17/2021

2. Date(s) of Hearing 05/04/2021

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: May 12, 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.

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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

April 12, 2021

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

RE: Proposed 2-Lot Subdivision, Patrick McCoy & Margaret Gibson, 964 Bliss Road, Parcel ID #05-083.000

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 Patrick McCoy & Margaret Gibson. They own a parcel of 15.06 acres +/- with an existing single-family residence and garage on Bliss Road. The proposal is to subdivide Lot 2 of 7.51 acres +/-, leaving Lot 1 with the existing single-family residence and garage and the remaining 7.55 acres +/-.

The existing home on Lot 1 is served by an on-site mound septic system and a drilled well. Because the existing system is a mound, a replacement system can be built in the same area as the existing system per the State Wastewater & Potable Water Supply Rules. The proposed 3-bedroom single-family residence and 1-bedroom apartment on Lot 2 is to be served by a performance-based mound-type septic system and a new drilled well per WW-5-8175.

As part of the Wastewater & Potable Water permitting process, wetlands were found and delineated on Lot 2. As no development is planned within the delineated wetlands or the 50' buffer, no permit was applied for. No identified protected or endangered natural features were found. 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,

A handwritten signature in cursive script that reads 'Timothy Morris'.

Timothy Morris

Survey / Engineering Technician

SURVEYORS NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE S5 ROBOTIC TOTAL STATION, TOGETHER WITH A STEEL TAPE, WITH A PRECISION WITHIN ACCEPTED STANDARDS.
2. THIS SURVEY IS BASED ON DEEDS AND SURVEYS OF RECORD, PHYSICAL EVIDENCE LOCATED, AND INFORMATION PROVIDED BY OWNERS AND ABUTTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. ONLY EASEMENTS AND/OR RIGHTS-OF-WAY ENCOUNTERED DURING RECORD RESEARCH NECESSARY TO DETERMINE PARCEL BOUNDARIES HAVE BEEN DEPICTED HEREON. THE PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS.
5. BEARINGS SHOWN HEREON ARE BASED ON A MAGNETIC READING TAKEN AT THE TIME OF FIELD PROCEDURES. BEARINGS ARE INCLUDED ONLY TO DEPICT THE ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS WITH PRIOR SURVEYS WILL BE NOTED DUE TO DIFFERING MERIDIANS OR METHODOLOGIES, BUT ARE NOT INDICATIVE OF A CHANGE IN BOUNDARY LOCATION.
6. THE RIGHTS-OF-WAY OF BLISS ROAD ARE BASED ON SURVEYS OF RECORD AND MONUMENTATION FOUND. WHERE UNMONUMENTED, A THREE ROD WIDTH BASED ON THE OBSERVED CENTERLINE IS ASSUMED PURSUANT TO 19-VSA-32.

LAND N/F OF
ENGLAND SANFORD FAMILY TRUST
TAX MAP # 08-03-04-000

LAND N/F OF
YAHM ELINOR FAMILY TRUST
1089 BLISS ROAD

LAND N/F OF
ALICE AGNEY
PID 05-087-000

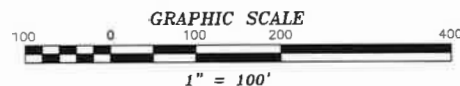
LAND N/F OF
DAVID R. CONTRADA
BOOK 155 PAGE 102
1225 BLISS ROAD

LAND N/F OF
ALICE AGNEY
BOOK 43 PAGE 156
PID 05-087-000

LAND N/F OF
EDITH MILLER
BOOK 32 PAGE 44
1225 MURRAY ROAD

REFERENCES:

1. A PLAN ENTITLED "LANDS OF ALAN SYVERSTEN" BY JOHN H. THETFORD, RLS # 589, JOHN H. THETFORD & ASSOCIATES, DATED JULY 9, 1983 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS HANGER 27, MAP 115.
2. A PLAN ENTITLED "TRACY F. HOWE" BY N. W. HUDSON, DATED MAY 7, 1965 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS HANGER 3, MAP 19.
3. A PLAN ENTITLED "PLAN OF A PORTION OF THE ARTHUR BRAZIER FARM, EAST MONTPELIER, VT. BELONGING TO W. B. ORMSBY" BY GEORGE H. COOK, DATED MARCH 6, 1946 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS HANGER 13, MAP 67.



SUBJECT PROPERTY:
MAILING ADDRESS:
PATRICK MCCOY & MARGARET GIBSON
964 BLISS ROAD
EAST MONTPELIER, VT 05641

PID: 05-083-000
TAX MAP #08-03-52-000
SPAN: 195-062-10681
CURRENT DEED: BOOK 36 PAGE 301
AREA: 15.06 ACRES±

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND CONFORMS WITH THE REQUIREMENTS SET FORTH IN 26 V.S.A. § 2596. THE SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

8/27/2020 *William R. Chase*
DATED: WILLIAM R. CHASE RLS #942 VERMONT
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

ZONING INFORMATION

ZONE D - RURAL RESIDENTIAL - AGRICULTURAL DISTRICT

MIN. LOT SIZE: 3 ACRES
MIN. LOT FRONTAGE: 250'
SETBACKS:
FRONT: 75' FROM CL
SIDE: 50'
REAR: 50'
MAX BUILDING HEIGHT: 35'

LEGEND

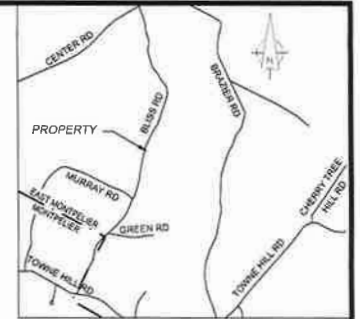
- ROAD RIGHT OF WAY LINE
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- LIMIT OF EXISTING EASEMENT
- SETBACK LINE
- EDGE OF GRAVEL
- THREAD OF BROOK
- STONEWALL
- WIRE FENCE
- OVERHEAD UTILITY LINE
- IRON ROD FOUND (DIA. .HT)
- IRON PIPE FOUND (DIA. .HT)
- REBAR SET W/ I.D. CAP
- UNMONUMENTED POINT
- UTILITY POLE
- PER DEED
- PER REFERENCE #
- NOW OR FORMERLY
- DRILLED WELL

SUBDIVISION SURVEY
PATRICK MCCOY & MARGARET GIBSON
964 BLISS ROAD
EAST MONTPELIER, VERMONT

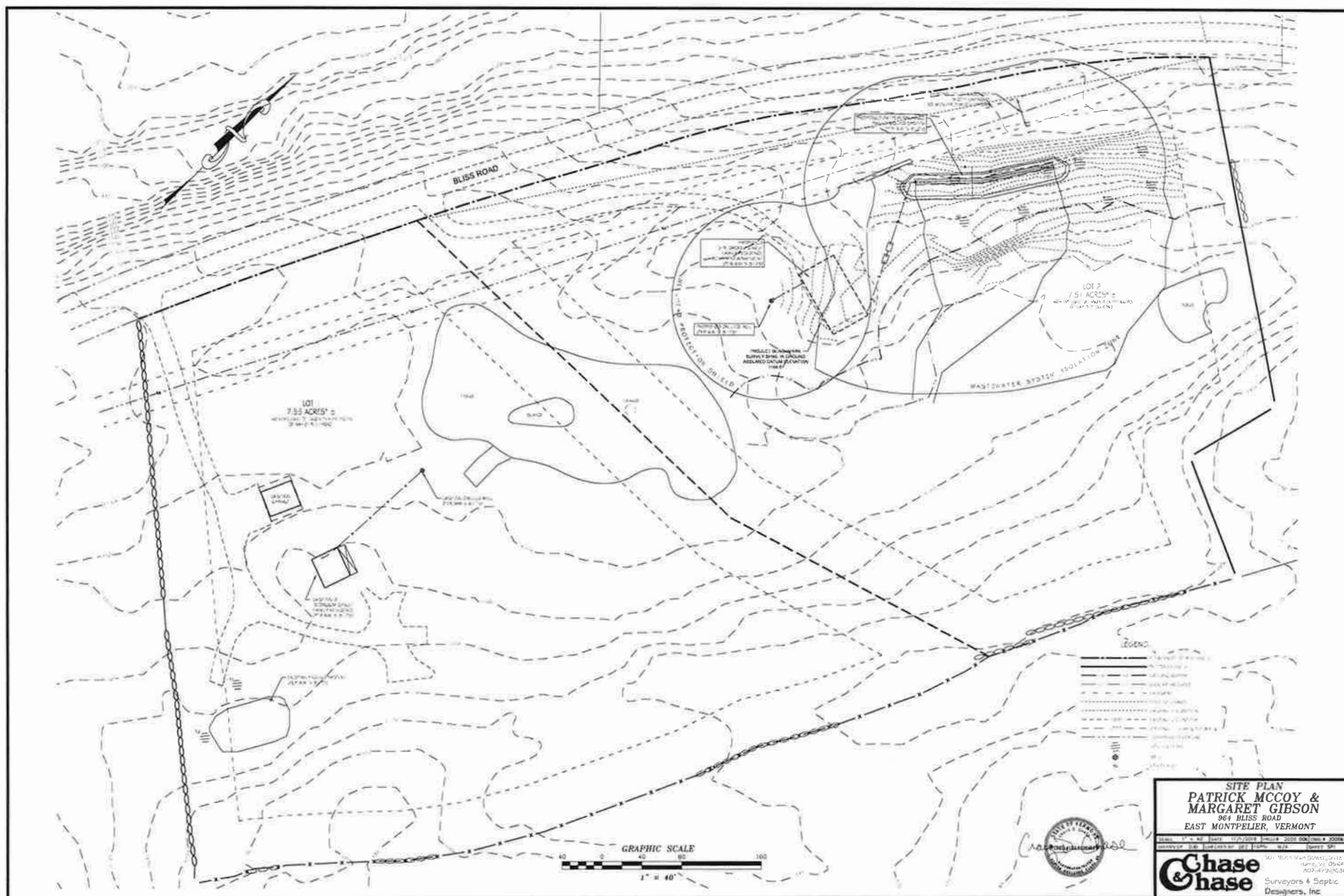
SCALE: 1" = 100' DATE: 8/27/2020 PROJ: 2020-006 DWG: 20006C
DRAWN BY: TDW CHECKED BY: WRC FBPG: 93/ EFB SHEET: SURV1

Chase & Chase

301 North Main Street, Suite
Barre, Vt. 0564
802-479-9636
Surveyors & Septic
Designers, Inc.



LOCATION MAP
NOT TO SCALE





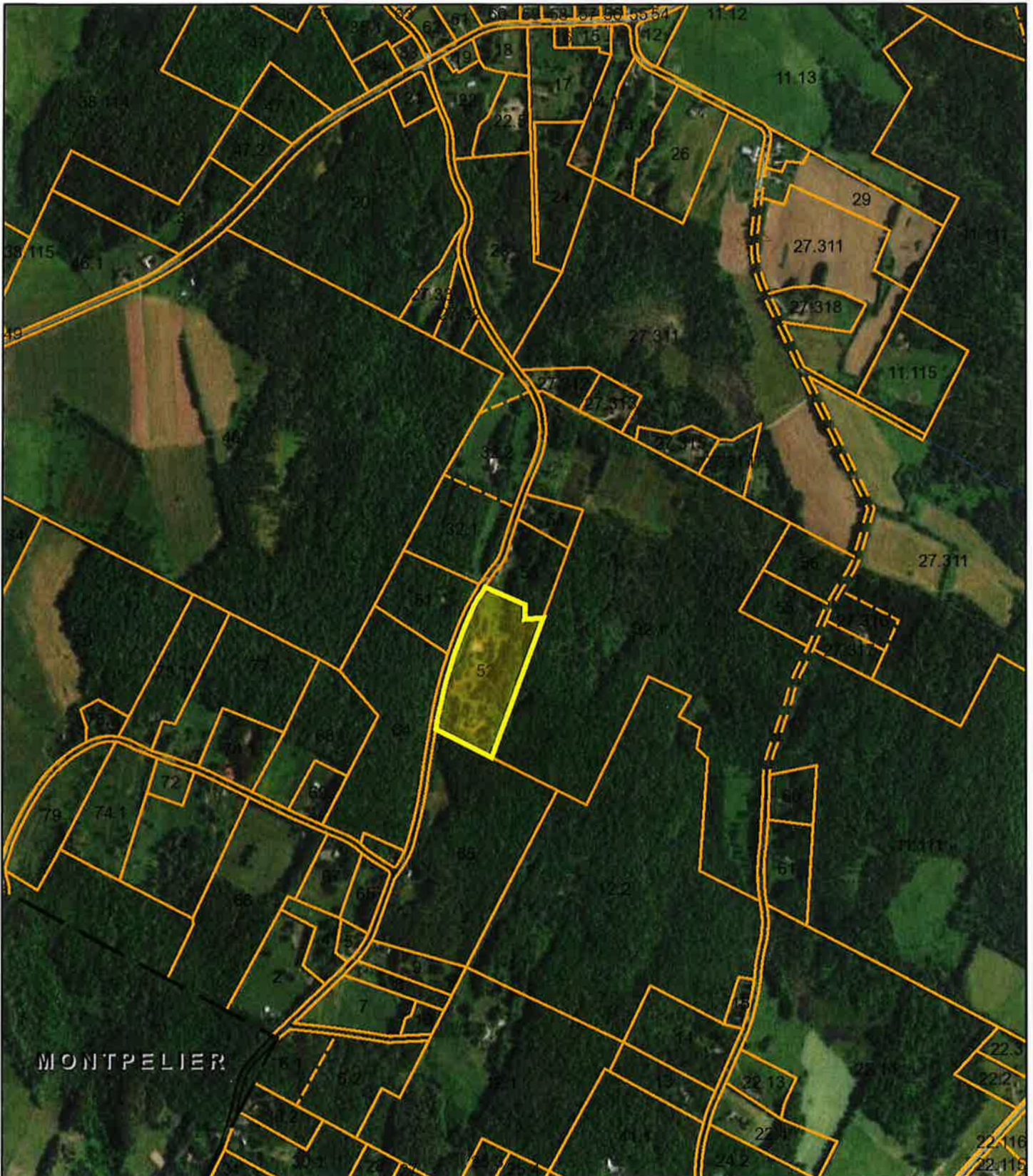
McCoy -- 964 Bliss Road

East Montpelier, VT

1 inch = 1099 Feet



March 17, 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.