Town of East Montpelier

ZONING PERMIT NOTICE

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

Date Issued: December 9, 2021

Effective Date: December 24, 2021

Location: 1970 / Rte. 145

Owner: The Hanger Building LLC

For: Boundary Adjustment: 0.70 acres from

Parcel "09-034.010 to Parcel" 09-022.000

Application # 21-062

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

December 9, 2021

Rubin Bennett & Shaline Kirkpatrick 80 Carleton Blvd East Montpelier, VT 05651

Re: East Montpelier Zoning Application #21-062

Dear Mr. Bennett & Ms. Kirkpatrick:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the boundary adjustment between The Hanger Building LLC parcel and the Bennett Family Trust parcel as requested in your East Montpelier Zoning Application #21-062, subject to the following conditions:

➤ The shed labeled on the approved plat as "to be removed" must be removed prior to the required filing of the mylar with the East Montpelier Town Clerk.

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 #21-062 for the requested boundary adjustment. No new lot has been created by this permit and the only allowable transfer result is the merger of the 0.70 acres cut from The Hanger Building LLC parcel with the 1.10-acre Bennett Family Trust parcel, resulting in a 1.80-acre parcel.

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 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:

The Hanger Building LLC

1970 VT Rte. 14 S

Parcel # 09-034.010 Tax Map # 12-02-03.000

Bennett Family Trust 80 Carleton Blvd

Parcel # 09-022.000 Tax Map # 12-02-04.000

East Montpelier Zoning Application #21-062

INTRODUCTION & PROCEDURAL HISTORY

- 1. On November 11, 2021, Rubin Bennett, on behalf of The Hanger Building LLC and the Bennett Family Trust, filed an application with the Town of East Montpelier for an 0.70-acre boundary adjustment between The Hanger Building LLC's property at 1970 VT Rte. 14 S and the Bennett Family Trust's property at 80 Carleton Blvd. The proposal would decrease The Hanger Building LLC's parcel size to 2.76 acres and increase the Bennett Family Trust's parcel size to 1.80 acres.
- 2. The property in question is located in the Residential/Commercial District Zone C, where the minimum lot size is 1 acre. Normally boundary adjustments are handled by the Zoning Administrator but, due to special circumstances relating to prior development on the Bennett Family Trust's property, the ZA referred the matter for review by the Development Review Board.
- 3. A public notice was duly published in the Times Argus on November 20, 2021 for a hearing, which was conducted remotely utilizing Zoom conferencing on December 7, 2021.
- 4. Applicant representative Craig Chase and Zoning Administrator Bruce Johnson appeared and participated in the December 7, 2021 hearing. There was no additional public comment.
- 5. The Board members who voted on this issue at the December 7, 2021 hearing were Kappel, Cueto, Watson, Hill, Weyant, Justis, and Cutler.

FINDINGS OF FACT

- 1. The parcels located at 1970 VT Rte. 14 S and 80 Carleton Blvd are under affiliated ownership. The intent of this proposal is to take this opportunity while the properties are affiliated to correct issues that have cropped up on the 80 Carleton Blvd property due to development errors resulting from misunderstandings regarding the actual parcel boundaries. The transfer of 0.70 acres from The Hanger Building LLC parcel to the Bennett Family Trust parcel will clear up a number of the issues, including ensuring that the residential development on the 80 Carleton Blvd parcel meets the west side setback requirements and its driveway is actually located on 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. Both parcels currently exceed the standards and will continue to exceed the standards after the boundary adjustment. No new or nonconforming lots are being created by this proposal.
- 3. The East Montpelier Zoning Board of Adjustment approved Permit 04-087, which authorized a side and rear setback variance for the construction of a garage on the 80 Carleton Blvd parcel with an 18-foot west side setback and an 18-foot rear setback. The Zone C minimum side and rear setbacks are 25 feet. The garage was built as authorized. The property lines have now been professionally surveyed. The survey shows the garage and other elements of the house are actually over the west side property line with The Hanger Building LLC and the garage is approximately 5 feet from the rear property line with the neighboring parcel owned by GJGWP Land Inc. at 1776 VT Rte. 14 S. The proposal will correct the west side setback issue but not the rear setback encroachment. Due to regulatory issues there is no possibility of a boundary adjustment with the 1776 VT Rte. 14 S parcel. The garage structure has been in existence longer than 15 years, so is beyond the statute of limitations for enforcement action.
- 4. There is a small, unpermitted shed located to the rear of the garage on the 80 Carleton Blvd parcel. That shed both violates setback and a portion is located on the adjacent GJGWP Land Inc. parcel. The submitted boundary adjustment plat contains a note that the shed will be removed.

CONCLUSIONS

The standards for the issuance of a boundary adjustment permit are set forth in Section 6.1(B) of the East Montpelier Land Use & Development Regulations. It is found that the standards in Section 6.1 have been reviewed, and the proposed boundary adjustment meets all applicable requirements.

DECISION

By unanimous vote, the DRB approves Zoning Permit #21-062 to allow a boundary adjustment between The Hanger Building LLC property at 1970 VT Rte. 14 S and the Bennett Family Trust property at 80 Carleton Blvd as presented subject to the following condition:

➤ The shed labeled on the approved plat as "to be removed" must be removed prior to the required filing of the mylar with the East Montpelier Town Clerk.

This boundary adjustment 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 boundary adjustment plat in the East Montpelier land records within 180 days of the date of boundary adjustment 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 December 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.

 Address of Landowne Applicant (other than 	The Hangar Building, LLC r. 80 Carleton Boulevard, E owner). Bennett Family Tru	ONTPELIER elier, VT 05651 **********************************	Date Received: 11/11/21 Parcel # 09 - 034.010 Tax Map # 12 -02-03, 00 c *********************************	
 Address of Applicant. Location of Property 	***************************************		ett Family Trust = 80 Carleton Blvd.	
☐ Alter ☐ Acce☐ Extend ☐ Com	☐ Two-family dwelling -family dwelling ssory Structure mercial / Business Industrial			
Describe work to be performed. To adjust the boundary between the land of The Hangar Building, LLC and the Bennett Family Trust. 0.70 Acres will transfer from the Hangar Building to the Bennett Trust leaving the Hangar Building with 2.76 Acres and increasing the Bennett parcel to 1.80 Acres. After the adjustment, the Bennett drive and house will be on the Bennett parcel.				
- A.F.	sisting 1.10 / Prop. 1.80 Ac 4	depth side yards .! (building to lot line	ennett - W 86.8' Bennett - E :No Change Hangar49.2Ft Ft.	
 road frontage	o Change Ft. 5.			
The map should indicate the within the property, the district.	e length in feet of each bound	lary, the location and call adjacent property lin	proposed land development is to occur. dimensions in feet of the development nes and the distance to the public road	
applicable municipal land use described above, understandin completed as described. The period of issue. The undersigned here knowledge believes them to be the Landowner Applican Applican Example 2500 Coning Permit Fee: \$250	446, no development or subdivipermits and approvals have be get that the permit will be voided if development will be voided if development by applies on the basis of the rue. The undersigned acknowled the control of the rue. The undersigned acknowled the control of the contr	sion of land may begin seen issued. The under led and penalties impent is not substantially representations contained ges the Section D not the least part of the least part o	in the Town of East Montpelier until all ersigned requests a zoning permit as osed, if the land development is not commenced within one year from date ined herein, and to the best of his/her tices on page 2 of this application. e!/!!/2021. ***********************************	
Make checks payable to the "Town of		ск 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	ction by Zoning Administrator:			
	1.	☑ Granted ☐ Denied Date			
	2.	Appealed to Development Review Board By			
		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 # 21-062. Date Issued 12/09/21 Effective Date 12/21/21			
		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.	Ac	action by Development Review Board:			
	1.	Public Notice Date 11/20/21			
	2.	Date(s) of Hearing 12/07/21			
	3.	☑ Granted ☐ Without conditions ☑ With conditions (See written decision for conditions)			
	4.	☐ Denied (See written decision for reasoning) Chairman, Development Review Board			
Γhe	DF	B's written decision was issued on: ecember 9., 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

September 21, 2021

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

RE: Proposed Boundary Line Adjustment, The Hangar Building, LLC, Parcel ID #09-034.010 and Bennett Family Trust, Parcel ID #09-022.000

Dear Bruce.

Please find attached what we hope to be a complete application for the adjustment of the boundary lines between a parcel owned by The Hangar Building, LLC at 1970 VT RTE 14S and a parcel owned by the Bennett Family Trust at 80 Carleton Boulevard.

The Hangar Building LLC owns a 3.46-acre parcel with an existing office building. This lot has 462' of frontage on VT RTE 14 and 336' of frontage on Carleton Boulevard. It is subject to an easement in favor of Bennett Family Trust. The driveway and part of the house belonging to the Bennett Family Trust are over the line onto the land of the Hangar building, LLC but they do fall within this easement. The office is served by onsite sewer and water.

The Bennett Family Trust owns a 1.10-acre parcel with a single-family residence. This lot has 124' on Carleton Boulevard and 52' on Sandy Pines Road. The driveway and part of the house are over the line onto the land of the Hangar building, LLC but they do fall within the above-mentioned easement. The single-family residence is served by onsite sewer and municipal water.

Both of these lots fall within the Residential – Commercial Zoning District (Zone C) which has a minimum lot size of 1 Acre and a minimum frontage of 150'. After the adjustment, The Hangar Building LLC will be reduced to 2.76 Acres and 228' of frontage on Carleton Boulevard. The frontage on RTE 14 will remain the same. After adjustment, the Bennett Family Trust parcel will increase to 1.80 acres and 232' of frontage on Carleton Boulevard. The frontage on Sandy Pines will also remain the same. After adjustment, the house and drive serving Bennett residence will be fully on the Bennett lot.

A review of the State ANR Natural Resources Atlas reveals no threatened or endangered species or areas of wetlands. A printout of that review is included here. No development is planned for this project.

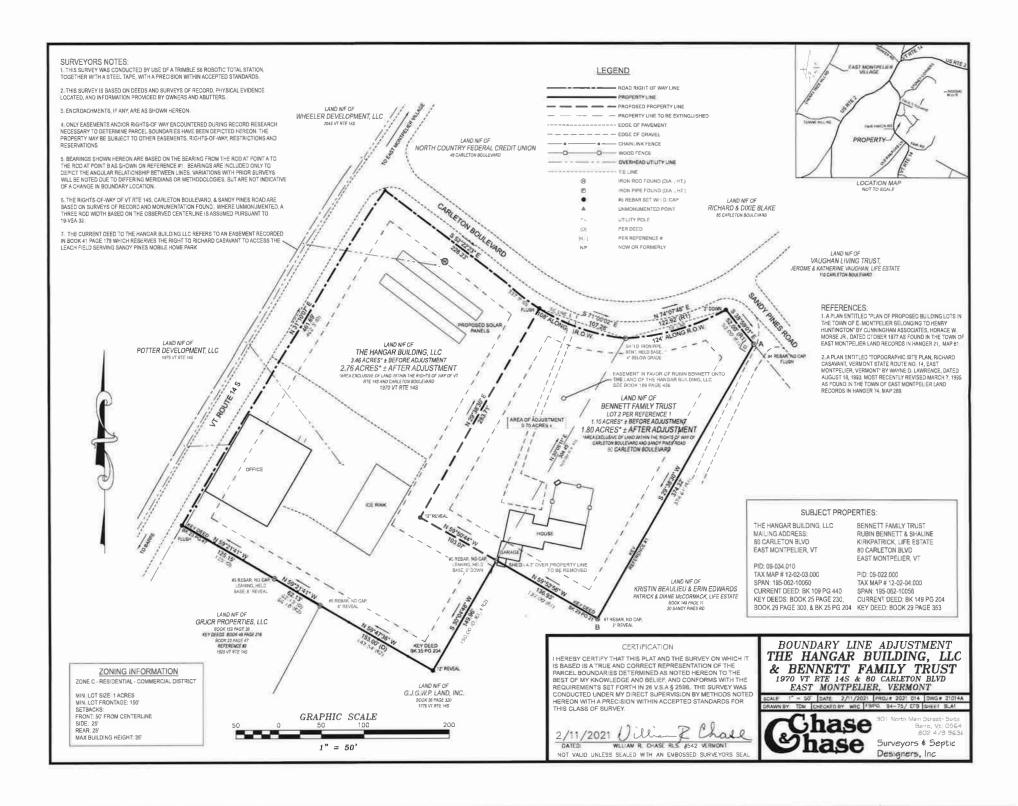
This proposal reflects the owner's wishes as to how to approach this Boundary Line Adjustment. We believe that the boundary line adjustment as presented is in full conformance with the Development Regulations and hope that you agree. As always, if you have any questions or comments about this application, please do not hesitate to call. Thank you.

Sincerely,

Timothy Morris

Timothy Morris

Survey / Engineering Technician



VERMONT



Hangar Building, LLC and Bennett Family Trust

Vermont Agency of Natural Resources

vermont.gov



LEGEND

Contours - LiDAR 1ft.

- Contour Line, Index Major
- Contour Line, Index Minor
- Contour Line, Intermediate Even
- Contour Line, Intermediate Odd

Rare Threatened Endangered

Threatened or Endangered

Rare

Wetland - VSWI

Class 1 Wetland

Class 2 Wetjand

Buffer

Parcels (standardized) Roads

Interstate

US Highway; 1

State Highway

Town Highway (Class 1)

Town Highway (Class 2,3)

Town Highway (Class 4)

State Forest Trail

National Forest Trail

Legal Trail

Private Road/Driveway

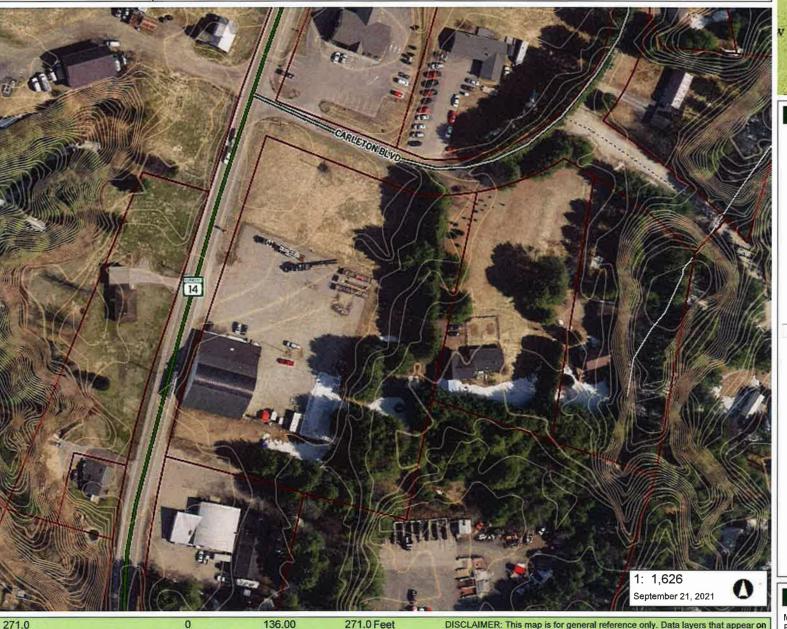
Proposed Roads

Stream/River

Stream

NOTES

Map created using ANR's Natural Resources Atlas



THIS MAP IS NOT TO BE USED FOR NAVIGATION

271.0 136.00 WGS_1984_Web_Mercator_Auxiliary_Sphere 136 Ft

© Vermont Agency of Natural Resources

DISCLAIMER: This map is for general reference only. Data layers that appear on 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.



November 17, 2021



Bennett -- 80 Carleton Blvd & 1970 VT Rte. 14 S

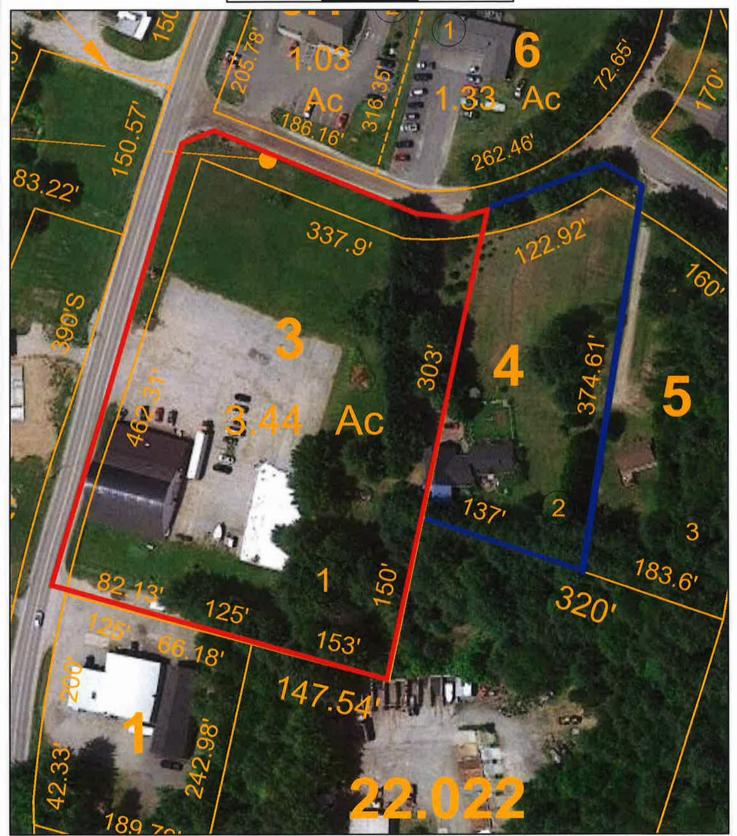
CAI Technologies

East Montpelier, VT

1 inch = 99 Feet

99 198 297

www.cai-tech.com



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November 17, 2021



Bennett -- 80 Carleton Blvd & 1970 VT Rte. 14 S

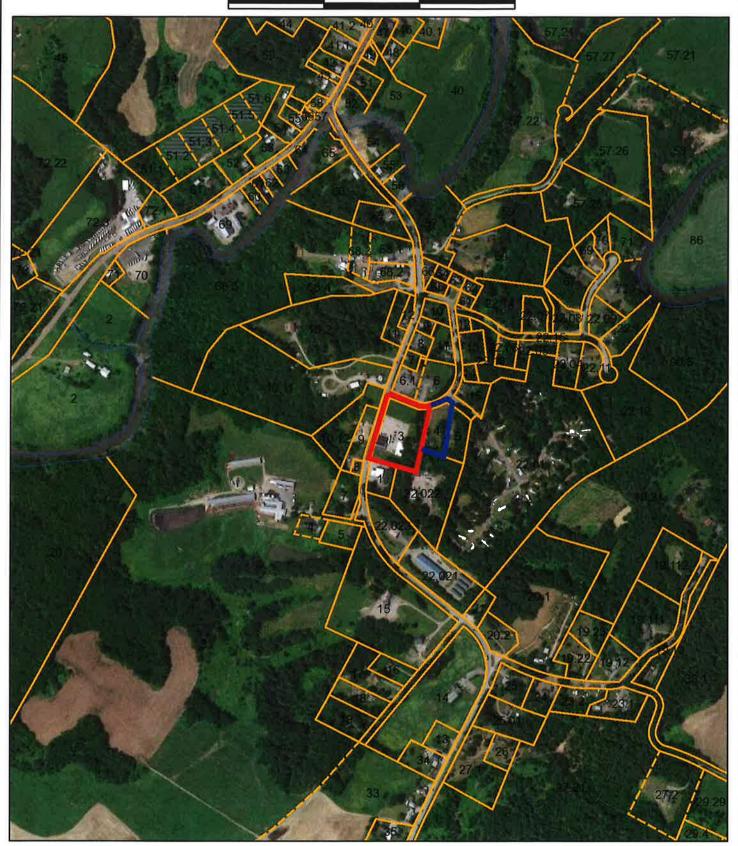
East Montpelier, VT

1 inch = 702 Feet

702 1404 2106



www.cai-tech.com



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