

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 29, 2022

Effective Date: April 13, 2022

Location: 2045 VT Rte. 14 S

Owner: Wheeler Development LLC

For: Boundary Adjustment: 10.62 Acres

from Parcel # 09-020.000 to Parcel # 09-020.100

Application # 22-008

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) 477-2241 or jeff.mcmahon@vermont.gov, 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 29, 2022

Wheeler Development LLC
Brian & Tracy Phillips
2075 VT Rte. 14 S
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #22-008
2045 VT Rte. 14 S

Dear Mr. & Ms. Phillips:

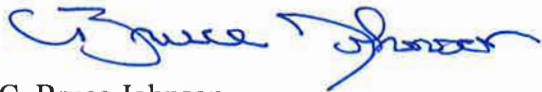
Please find enclosed the permit and supporting documents for the requested 10.62-acre boundary adjustment from 2045 VT Rte. 14 S (Parcel #09-020.000) to 2075 VT Rte. 14 S (Parcel #09-020.100) contained in East Montpelier Zoning Application #22-008.

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 #22-008 is solely for a boundary adjustment between Wheeler Development LLC (2045 VT Rte. 14 S) with abutting landowners Brian & Tracy Phillips (2075 VT Rte. 14 S). No new lot has been created by this permit and the only allowable transfer result is the merger of the 10.62 acres with your 10.6-acre home parcel, resulting in a 21.2-acre parcel.

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

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

Permit # 22-008

ZONING PERMIT APPLICATION

Date Received: 3/17/22Zoning District C

TOWN OF EAST MONTPELIER

Parcel # 09-020000Overlays ---

PO Box 157, East Montpelier, VT 05651

Tax Map # 12-01-10.110

- A. 1. Name of Landowner Wheeler Development, LLC Phone No. 802-793-4013
 2. Address of Landowner 2045 VT RTE 14S, East Montpelier, VT 05651
 3. Applicant (other than owner) Brian & Tracy Phillips Phone No. 802-793-4013
 4. Address of Applicant 2045 VT RTE 14S, East Montpelier, VT 05651
 5. Location of Property Wheeler Dev., LLC = 2045 VT RTE 14S Brian & Tracy Philips = 2075 VT RTE 14S

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 type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input checked="" 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.....

To adjust the boundary between the land of Brian & Tracy Phillips and the land of Wheeler Development, LLC.
 10.62 Acres will transfer from Wheeler Development, LLC to Phillips leaving Wheeler Development, LLC with
 1.99 Acres and increasing the Phillips parcel to 21.2 Acres. The frontage on each parcel will remain the same,
 but after the adjustment, the back sheds will be fully on the Phillips parcel. A sewer easement in favor of Wheeler
 Development onto Phillips is proposed.

C. Lot description: Wheeler: Existing 12.31 / Prop. 1.99 Ac

- | | |
|---|---|
| 1. acreage <u>Phillips: Existing 10.6 / Prop. 21.2 Ac</u> | 4. depth side yards <u>Shed - N: 29.3' Ft. Pavilion - S: 30' Ft.</u>
(building to lot lines) |
| 2. road frontage <u>No change</u> Ft. | |
| 3. depth front yard <u>No Change</u> Ft.
(Road centerline to building) | 5. depth rear yard <u>Pavilion: 31.6' Ft.</u>
(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 Brian Phillips Date 3/10/22Applicant Brian & Tracy Phillips Date 3/16/2022

Zoning Permit Fee: \$ 100.00 Cash --- Check #14733 Date 3/17/22 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
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

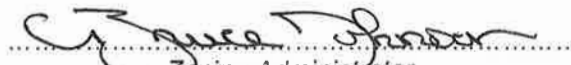
Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 22-008 Date issued 03/22/22 Effective Date 04/13/22

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

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.



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

March 7, 2022

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

RE: Proposed Boundary Line Adjustment, Brian & Tracy Phillips, Parcel ID #09-020.100 and Wheeler Development LLC, Parcel ID #09-020.000

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 Brian & Tracy Phillips at 2075 VT RTE 14S and a parcel owned by Wheeler Development, LLC at 2045 VT RTE 14S.

Brian and Tracy Phillips own a 10.6-acre parcel with a single-family residence and outbuildings. This lot has 150' of frontage on VT RTE 14. There are a couple sheds which are on the shared line with Wheeler Development, LLC. The house is served by onsite sewer and water.

Wheeler Development, LLC owns a 12.61-acre parcel with an office, garage, and outbuildings. This lot has 151' of frontage on VT RTE 14. The office is served by onsite sewer and municipal water as permitted in WW-5-3270.

Both 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 adjustment, the land of Wheeler Development, LLC will be reduced to 1.99 Acres, but the frontage of 151' on VT RTE 14S will remain the same. The parcel owned by Brian & Tracy Phillips will increase to 21.20 acres and the frontage of 150' on VT RTE 14S will remain the same.

A 14' x 80' sewer easement in favor of Wheeler Development onto the lands of Phillips is proposed around the existing leach field.

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.

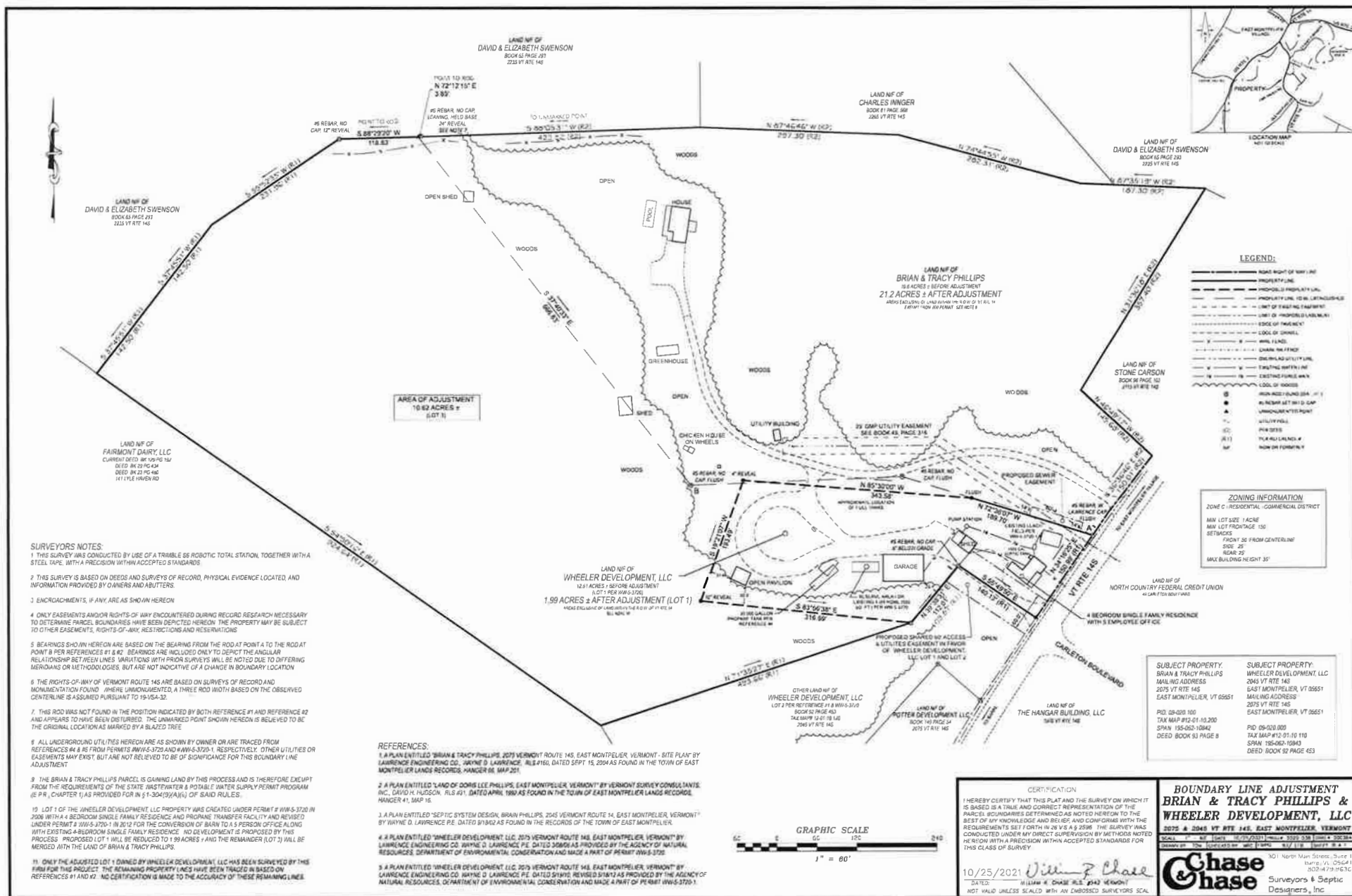
This proposal reflects the owner's wishes as to how to approach this Boundary Line Adjustment. We believe that the boundary line adjustment as presented is in full conformance with the Development Regulations and hope that you agree. As always, if you have any questions or comments about this application,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

Sincerely,

A handwritten signature in blue ink that reads 'Timothy Morris'.

Timothy Morris

Survey / Engineering Technician



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 CONFORM WITH THE REQUIREMENTS SET FORTH IN 26 V.S. & 2596. THE SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION BY METHODS NOTED HEREON WITH A PRECISION WITHIN ACCEPTED STANDARDS FOR THIS CLASS OF SURVEY.

10/25/2021 *William F. Chase*
DATED: (William F. Chase, JR. 2642 NEWPORT)
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL



LEGEND

Rare Threatened Endangered

Threatened or Endangered

Rare

Wetland - VSWI

Class 1 Wetland

Class 2 Wetland

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

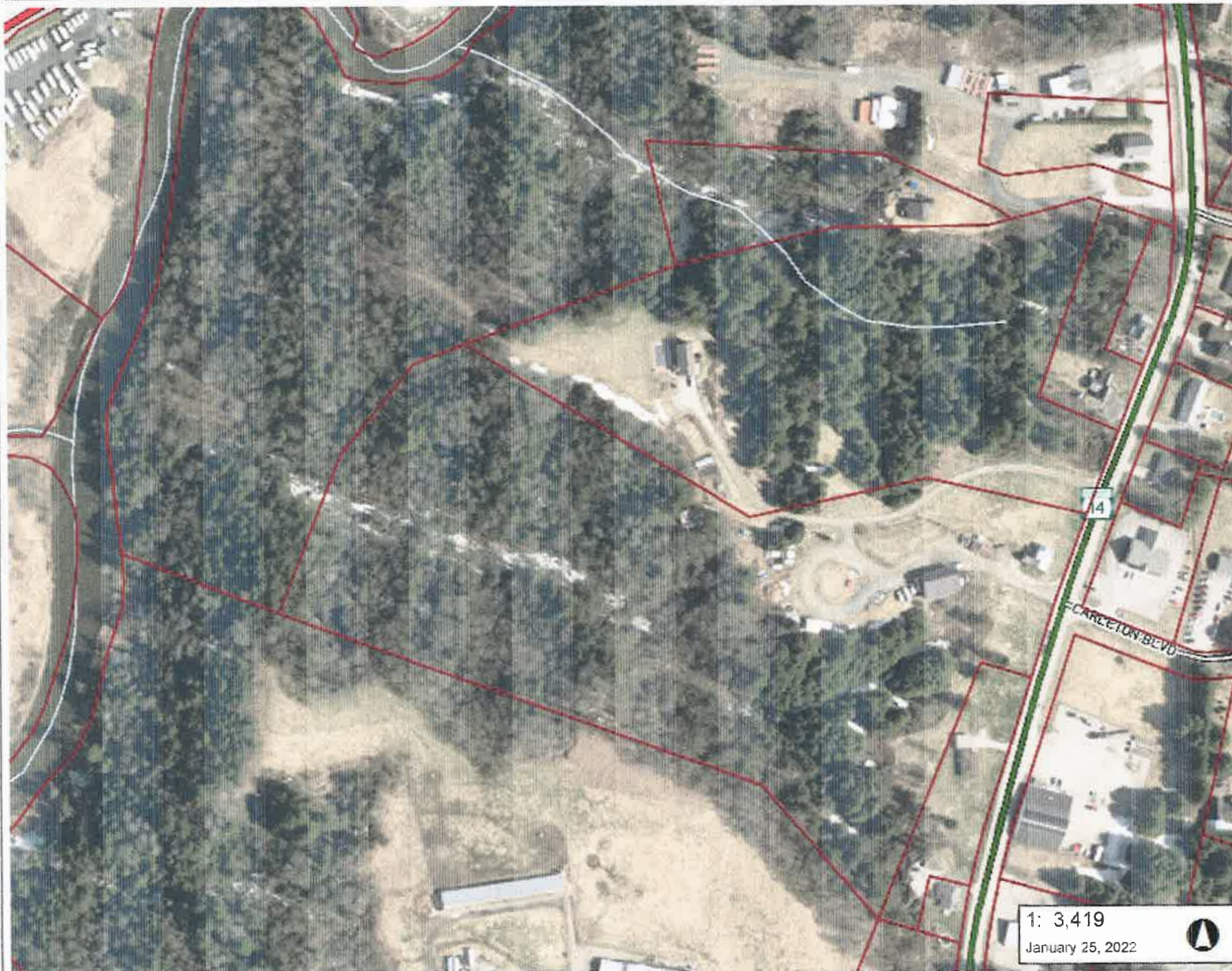
Stream

Intermittent Stream

Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas



570.0 0 285.00 570.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 285 Ft.

1cm = 34 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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.

1: 3,419

January 25, 2022





Wheeler Development, 2045 VT Rte. 14 S (Blue); Phillips, 2075 VT Rte. 14 S (Red)

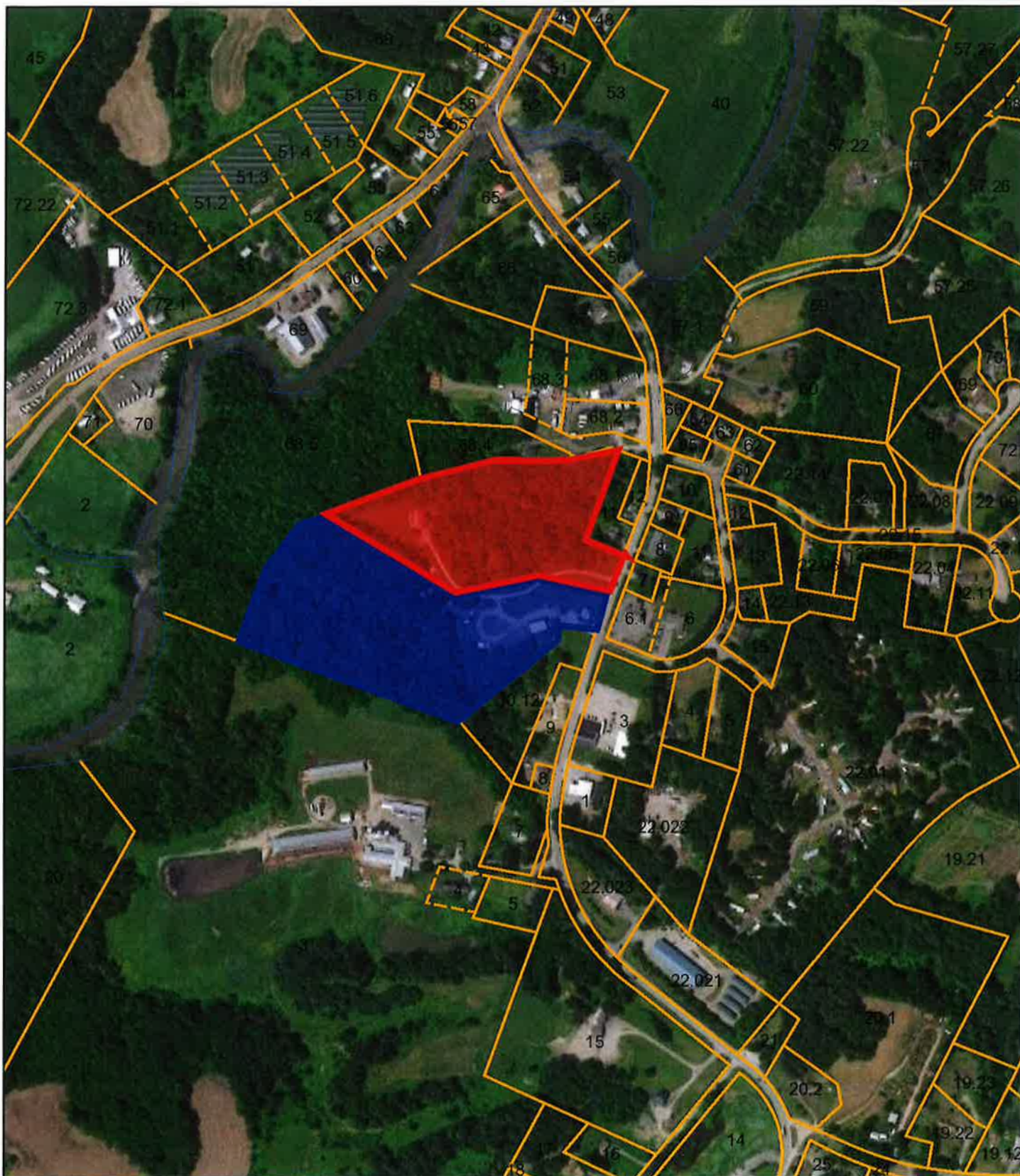


East Montpelier, VT

1 inch = 539 Feet

March 20, 2022

www.cai-tech.com



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