

# **Town of East Montpelier**

# **ZONING PERMIT**

## **NOTICE**

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

Date Issued: **SEPT 13, 2022**

Effective Date: **OCT 13, 2022**

Location: **130 QUAKER RD**

Owner: **JOHN SEWETT, SYLVIA VAILLANCOURT**

For: **2 LOT SUBDIVISION WITH  
SHARED LEACH FIELD**

Application # **22-051**

Approved by: **Tyson Brown, 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](mailto:jeff.mcmahon@vermont.gov), before beginning any construction.

# TOWN of EAST MONTPELIER

P.O. Box 157  
East Montpelier, VT  
05651-0157

Tyson Brown, ZA  
zoning@eastmontpeliervt.org  
(802) 223-3313 ext. 205

August 5, 2022

Jon Jewett & Sylvia Vaillancourt  
P.O. Box 231  
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #22-051

Dear Mr. Jewett and Ms. Vaillancourt:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the Jewett/Vaillancourt zoning application #22-051 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.

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

Sincerely,



Tyson Brown  
East Montpelier Zoning Administrator

**TOWN OF EAST MONTPELIER  
DEVELOPMENT REVIEW BOARD**

**FINDINGS & DECISION**

In the matter of:      Jon Jewett & Sylvia Vaillancourt  
                                 130 Quaker Road  
                                 Parcel # 06-006.000 Tax Map # 21-52-20.000

East Montpelier Zoning Application #22-051

**INTRODUCTION & PROCEDURAL HISTORY**

1. On July 13, 2022, Jon Jewett & Sylvia Vaillancourt filed an application with the Town of East Montpelier to subdivide their property located at 130 Quaker Road. As proposed, the 10.06-acre parcel would consist of a 2-lot, single family residential subdivision, Lot-1 consisting of 6.41 acres & Lot-2 consisting of 3.65 acres.
2. The parcel in question is in the Residential/commercial District – Zone C, where the minimum lot size is 1 acre and subdivisions require approval from the Development Review Board.
3. A public notice was duly published in the Times Argus on July 16, 2022, for a preliminary plan hearing to be conducted on August 02, 2022.
4. On August 02, 2022, Owners Jon Jewett & Sylvia Vaillancourt, and applicant representative Timothy Morris, Chase & Chase (zoom) appeared before the Development Review Board (DRB) for an East Montpelier Land Use & Development Regulations Section 6.4 Preliminary Plan Review of proposed subdivision.
5. The DRB members who voted on this issue at the August 02, 2022, hearing were Steve Kappel, Jeff Cueto, Norman Hill (zoom), Clarice Cutler (zoom), Steve Justis, Mark Lane, Kim Watson, and Glenn Weyant. Unanimous approval of the preliminary plan was granted.
6. A public notice was duly published in the Times Argus on August 20, 2022, for a final plan hearing to be conducted on September 06, 2022.
7. On September 06, 2022, Owner Jon Jewett appeared before the DRB for an East Montpelier Land Use & Development Regulations 6.5 Final Plan & Plat Approval.
8. The Development Review Board members who voted on the final hearing of permit # 20-051 were Steve Kappel, Jeff Cueto (zoom), Kim Watson, Steve Justis, and Clarice Cutler (zoom). The vote was unanimous to grant the subdivision permit.

**FINDINGS OF FACT**

1. The proposed project by landowners Jon Jewett & Sylvia Vaillancourt consists of a 2-lot, single family residential subdivision of the existing 10.06 parcel lying northeast of Quaker Road and southeast of McKnight Road. Their existing residence at 130 Quaker Road will be on Lot-1 of 6.41 acres. Proposed Lot-2 of 3.65 acres is undeveloped with 405 feet of road frontage on McKnight Road.
2. The property is in Zone C, the Residential & Commercial District, where a conforming lot requires 1 acre and with 150 feet of road frontage or access by easement of at least 20 feet in width.
3. Lot-1 only has 16 feet of road frontage on Quaker Road and will not retain frontage on McKnight Road. The existing drive has been in use for the 40 years since the residence was constructed and is the only access to the existing residence. Washington Electric Co-op has also been using this existing shared drive to access their substation at 128 Quaker Road. The applicant proposes retention of the existing drive in lieu of establishing an easement of 20 or more feet across Lot 2 for an alternate drive. Regulations Section 3.3(A) Frontage allow access via drives on easements or rights of way at least 20 feet in width.
4. Applicant has an approved curb cut application #22-052 from the East Montpelier Selectboard. The curb cut on Lot-2 for new access on McKnight Road with conditions recommended by Road Foreman Perry, the brush be cleared to ensure adequate line of sight.
5. An existing Wastewater and Potable Water Supply permit was granted under permit # EC-5-2709. The proposed leach field will be shared between the existing residence on Lot-1 and the proposed residence on Lot-2. The leach field will be located on Lot-1 and therefore a designed easement to access the septic system will favor Lot-2.
6. A review of the State ANR Natural Resources Atlas reveals no threatened or endangered species. A small area of wetlands is shown on the Atlas and been traced onto the subdivision plat. The wetland is located the northwest corner of Lot-1 and the northeast corner of Lot-2. All structures on proposal meet the requirements of Section 3.12 Protection of Surface Waters of the East Montpelier Land Use & Development Regulations.

## 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 6.7-6.10 have been reviewed, and the proposed subdivision meets all applicable requirements. Under Regulations Section 3.3(B) Non-frontage Lots, the DRB may reduce the lot frontage requirements; given the historical use of this drive and the physical circumstances, the DRB concludes the reduction from the 20-foot minimum to the existing 16-foot width is appropriate and reasonable.

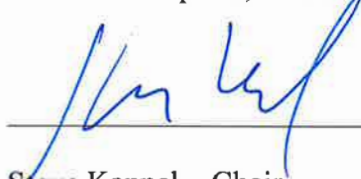
## DECISION

By unanimous vote, the DRB grants final plan approval for the proposed 2-lot subdivision of the Jewett/Vaillancourt property along Quaker Road and McKnight Road as presented in East Montpelier subdivision application #22-051. The DRB also approve the access to Lot-1 under East Montpelier Zoning Regulations Section 3.3(B) Access, Driveway & Frontage Requirement-Non-frontage Lot.

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. For this subdivision, the DRB is adding a mandate to file a mylar copy of the approved subdivision site plan within the same time frame.

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) 477-2241 to speak to the state Permit Specialist before beginning any construction.

Dated this Sept 13, 2022.

A handwritten signature in blue ink, appearing to read 'Steve Kappel', is written over a horizontal line.

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 # 22-051  
Zoning District C  
Overlays \_\_\_\_\_

**ZONING PERMIT APPLICATION**  
**TOWN OF EAST MONTPELIER**  
PO Box 157, East Montpelier, VT 05651

Date Received: 7/14/22  
Parcel # 06-006.000  
Tax Map # 21-52-20.000

- \*\*\*\*\*
- A. 1. Name of Landowner Jon Jewett & Sylvia Vaillancourt Phone No. 802 793-5627  
2. Address of Landowner P.O. Box 231, East Montpelier, VT 05651  
3. Applicant (other than owner) N/A Phone No. \_\_\_\_\_  
4. Address of Applicant \_\_\_\_\_  
5. Location of Property 130 Quaker Road, East Montpelier, VT

**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 checked="" type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair     | <input type="checkbox"/> Multi-family dwelling                            | <input 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 subdivide the 10.06 Acre +/- lot of Jewett & Vaillancourt into 2 parcels.  
The existing house will remain with proposed Lot 1 of 6.41 Acres +/- and will continue to be accessed  
from the shared existing drive from Quaker Road. Lot 2 of 3.65 Acres +/- will have 405' of frontage  
on McKnight Road. Lot 1 & Lot 2 will share a proposed leach field, but will each have their own water source.  
A septic easement in favor of Lot 2 onto Lot 1 is proposed.

**C. Lot description:**

- |  |  |
|--|--|
| 1. acreage <u>1) 6.41 Ac</u> <u>2) 3.65 Ac</u>   | 4. depth side yards <sup>(Shed)</sup> <u>38' (WEC)</u> Ft. <sup>(House)</sup> <u>224' (Lot 2)</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>1) 16'</u> <u>2) 405'</u> Ft.                                      |  |
| 3. depth front yard <sup>(Shed)</sup> <u>520'</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <sup>(House)</sup> <u>187' (Light)</u> Ft.<br>(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 Jon Jewett Date 7-13-2022  
Applicant Sylvia Date \_\_\_\_\_

\*\*\*\*\*

Zoning Permit Fee: \$ 250.00 Cash \_\_\_\_\_ Check #3429 Date 7/14/22 Rec'd by DS  
DRB Hearing Fee: \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check \_\_\_\_\_ Date \_\_\_\_\_ Rec'd by \_\_\_\_\_

Make checks payable to the "Town of East Montpelier"







# MONUMENT DESCRIPTIONS

51	1.5" I.D. IRON PIPE FOUND, BENT, SHOT BASE, 18" REVEAL
53	#5 REBAR, NO CAP, BENT, HELD BASE, 16" REVEAL
54	2" I.D. IRON PIPE FOUND, 4" BELOW GRADE
55	#5 REBAR GREEN PAINTED, NO CAP, 12" REVEAL
56	#5 REBAR, BENT, HELD BASE, 16" REVEAL
70	1" I.D. IRON PIPE FOUND, LEANING, HELD BASE, 12" REVEAL
501	#5 REBAR SET WITH "W.R. CHASE" ID CAP, XX" REVEAL
1216	#5 REBAR, NO CAP, 30" REVEAL

## LEGEND

	ROAD RIGHT OF WAY LINE
	PROPERTY LINE
	PROPOSED PROPERTY LINE
	LIMIT OF EXISTING EASEMENT
	SETBACK LINE
	EDGE OF PAVEMENT
	EDGE OF GRAVEL
	THREAD OF BROOK
	WOOD FENCE
	CHAINLINK FENCE
	OVERHEAD UTILITY LINE
	TIE LINE
	EDGE OF MOWING
	IRON ROD FOUND (DIA. , HT.)
	IRON PIPE FOUND (DIA. , HT.)
	#5 REBAR SET W/ I.D. CAP
	UTILITY POLE
	PER DEED
	PER REFERENCE #
	NOW OR FORMERLY
	MAPLE TREE
	APPLE TREE
	BALSAAM TREE
	CURB STOPWATER SHUT-OFF

## REFERENCES:

1. A PLAN ENTITLED "SURVEY OF LOTS FOR JAMES SILVER, EAST MONTPELIER, VERMONT" BY DWIGHT M. BAKER LS# 317, DATED JULY 1979 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS, MAP HANGING FILE 23-77.
2. A PLAN ENTITLED "JON AND SYLVIA JEWETT, E. MONTPELIER, VERMONT SEPTIC SYSTEM" BY CHENETTE ENGINEERING INC., MICHAEL CHENETTE, DATED NOVEMBER 1981 AS PROVIDED BY THE STATE OF VERMONT AND MADE A PART OF PERMIT NUMBER EC-5-2709.
3. A PLAN ENTITLED "SURVEY FOR JAMES SILVER, EAST MONTPELIER, VERMONT" BY JUSTUS WHEELER LS# 67, DATED APRIL 4, 1978 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS, MAP HANGING FILE 21-63.
4. A PLAN ENTITLED "BOUNDARY SURVEY, HAMEL PROPERTY, KELTON ROAD, EAST MONTPELIER, VERMONT" BY THIS FIRM, WILLIAM R. CHASE, DATED MAY 19, 2005 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS, MAP HANGING FILE 66-202.
5. A PLAN ENTITLED "WASHINGTON ELECTRIC COOPERATIVE INC." BY FREEMAN WALKER, DATED OCTOBER 26, 1961 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS, MAP HANGING FILE 1-7.

## SURVEYORS NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A TRIMBLE S6 ROBOTIC TOTAL STATION, A GEOMAX ZOOM 90 TOTAL STATION, OR A GEOMAX ZENITH35 PRO GNSS RECEIVER 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 STATE PLANE GRID NORTH BASED ON CORS-CORRECTED GPS OBSERVATION (NAD 83, VT ZONE 4400, VCAP CORS STATION, SCALE FACTOR 1). 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 QUAKER ROAD IS 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.
7. THE LIMITS OF MCKNIGHT ROAD ARE BASED ON REFERENCE #1 AND MONUMENTATION FOUND. MCKNIGHT ROAD IS OWNED IN FEE BY THE TOWN OF EAST MONTPELIER AS RECORDED IN BOOK 32 PAGE 260.

## ZONING INFORMATION

ZONE C - RESIDENTIAL-COMMERCIAL DISTRICT

MIN. LOT SIZE: 1 ACRES  
MIN. LOT FRONTAGE: 150'  
SETBACKS:  
FRONT: 50' (CL)  
SIDE: 25'  
REAR: 25'  
MAX BUILDING HEIGHT: 35'

## 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.

5/24/2022 *William R. Chase*  
DATED: WILLIAM R. CHASE RLS. #542 VERMONT  
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

## SUBDIVISION SURVEY

**JON JEWETT &  
SYLVIA VAILLANCOURT**  
130 QUAKER ROAD, EAST MONTPELIER, VT

SCALE: 1" = 100' DATE: 5/24/2022 PROJ.# 2022 055 DWG.# 22055A  
DRAWN BY: TDM CHECKED BY: WRC FB/PG. 94/ EFB SHEET SUB1

**Chase & Chase**

301 North Main Street, Suite 1  
Barre, VT. 05641  
802-479-9636  
Surveyors & Septic  
Designers, Inc

## SUBJECT PROPERTY:

JON V JEWETT & SYLVIA VAILLANCOURT  
PID: 06-006.000  
TAX MAP #21-52-20.000  
SPAN: 195-062-10537  
AREA: 10.06 ACRES ±  
DEED: BOOK 29 PAGE 415  
KEY DEED: BOOK 29 PAGE 248

## TIE LINE TABLE

From	To	Direction	Distance
500	54	N 34°41'45" E	172.11
54	55	N 14°44'02" W	2.16'

## GRAPHIC SCALE

