

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: 29 NOVEMBER 2022

Effective Date: 14 DECEMBER 2022

Location: 230 STONEY CORNERS DR.

Owner: BERNIER \$ MCCALL

For: BOUNDARY LINE ADJUSTMENT

Application # 22-077

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, 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

Nov 29, 2022

Benjamin J. McCall & Birgit D. McCall
84 Tay Con Drive
East Montpelier VT, 05651

Re: East Montpelier Zoning Application #22-077

Dear Mr. & Mrs. McCall.

Please find enclosed the permit and supporting documents for the requested 1.2-acre boundary adjustment from Lot-4 land of Joshua & Marie Bernier to Lot-5 land of Benjamin & Birgit McCall. Parcel #09-009.500 of 5.56-acres will adjust to 4.4 acres and Parcel #09-009.600 of 6.2 acres will adjust to 7.4 acres.

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 #22-077 is solely for a boundary adjustment between Lot 4 & 5. No new lot has been created by this permit and the only allowable transfer is the merger of the 1.2-acres from Parcel #09.009.500 to Parcel #09-009.600

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

Sincerely,



Tyson Brown
East Montpelier Zoning Administrator

ENTERED

Permit # 22-077

ZONING PERMIT APPLICATION

Date Received: 11/16/22

Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 09 009.500

Overlays N/A

PO Box 157, East Montpelier, VT 05651

Tax Map # 21-52-57.250

- *****
- A. 1. Name of Landowner Joshua M. Bernier & Marie Bernier Phone No. 802-522-7393
2. Address of Landowner 230 Stoney Corners Drive, East Montpelier, VT 05651
3. Applicant (other than owner) Benjamin J. McCall & Birgit D. McCall Phone No. 802-498-8235
4. Address of Applicant 84 Tay Con Drive, East Montpelier, VT 05651
5. Location of Property 230 Stoney Corners Drive, East Montpelier, VT 05651

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. Boundary line adjustment to transfer approximately 1.2 acres from Lot 4 of Stoney Corners subdivision (Bernier property, 230 Stoney Corners) to Lot 5 (McCall property, 350 Stoney Corners), as delineated in attached drawing prepared by Chase & Chase. State approvals (wastewater permit revision and Act 250 administrative amendment) are pending.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>see plat</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage Ft. | |
| 3. depth front yard Ft.
(Road centerline to building) | 5. depth rear yard 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 [Signature] Date 11/9/22
Applicant [Signature] Birgit D. McCall Date 11/9/22

Zoning Permit Fee: \$ 100.00 Cash _____ Check 1807 Date 11/16/22 Rec'd by JLA
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. Contact Jeff McMahon, our region's state permit specialist, at (802) 477-2241 or jeff.mcmahon@vermont.gov, before beginning any construction. The VT Agency of Natural Resources has an online "permit navigator" to help answer state environmental permit questions: <https://dec.vermont.gov/permitnavigator>

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 MEETS ALL REQUIREMENTS
OF ZONING DISTRICT D RURAL RES + AG

2. Appealed to Development Review Board: Date 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. Appeal fee is \$150.

3. Final Action: Permit # 22-077 Date Issued 11/29/22 Effective Date 12/14/22

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

[Signature]
Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date(s)

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.

