

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 06, 2022

Effective Date: JANUARY 06, 2023

Location: 580 CUMMINGS RD

Owner: JOHN & CHRISTINE BELING

For: BLA ADDING 0.94 ACRES TO PARCEL 01-004.000 OF
BELING FROM PARCEL 03-009.200 OF MORSE

Application # 22-073

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

Dec 07, 2022

John & Christine Beling
580 Cummings Road
Montpelier VT, 05602

Re: East Montpelier Zoning Application #22-073

Dear Mr. & Mrs. Beling

Please find enclosed the permit and supporting documents for the requested 0.94-acre boundary adjustment from land of Sherwood Morse, Elliott Morse, & Susan Shattuck. Parcel #03-009.200 of 67-acres will adjust to 59.25-acres and Parcel #01-004.000 of 1.09-acres will adjust to 2.03-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 #22-073 is solely for a boundary adjustment from the Morse family to the Beling Family. No new lot has been created by this permit and the only allowable transfer is the merger of the .094-acre from Parcel #03-009.200 to Parcel # 01-004.000.

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

Sincerely,



Tyson Brown
East Montpelier Zoning Administrator

ENTERED

Permit # 22-073

ZONING PERMIT APPLICATION

Date Received: 11/15/22

Zoning District D

TOWN OF EAST MONTPELIER

Parcel # 03-009.200

Overlays N/A

PO Box 157, East Montpelier, VT 05651

Tax Map # 08-01-38.111

A. 1. Name of Landowner Sherwood Morse, Elliott Morse, & Susan Shattuck Phone No. 802-223-7702

2. Address of Landowner 770 Cummings Road, Montpelier, VT 05602

Owner #2: 3. ~~Applicant (other than owner)~~ John & Christine Beling Phone No. 802-522-6690

4. Address of Applicant 580 Cummings Road, Montpelier, VT 05602

5. Location of Property 580 Cummings Road, 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 Boundary Line Adjustment

To adjust the boundary line between the land of Beling at 580 Cummings Road and the land of Morse, Morse, & Shattuck at PID: 03-009.200. The area to be transferred is 0.94 acres behind (Southeast of) the existing house of Beling.

This BLA application is being submitted concurrently with a 3 Lot subdivision of the Morse, Morse & Shattuck parcel.

C. Lot description: Adjustment Area) 0.94 Acres

1. acreage After Adjustment: Beling) 2.03 Acres, Lot 1) 59.25 Acres 4. depth side yards North: 48' Ft. South: 79' Ft. (building to lot lines)

2. road frontage 214' Ft.

3. depth front yard 100' Ft. (Road centerline to building)

5. depth rear yard 110' 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 Elliott G. Morse / Susan M. Shattuck Date 11/14/22 11-14-2022

Owner #2 Applicant John & Christine Beling Date 11/15/22 11/15/2022

Zoning Permit Fee: \$ 100.00 Cash 1924 Date 11/15/22 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.....

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 # Date Issued Effective Date

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

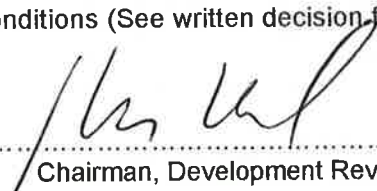
F. Action by Development Review Board:

1. Public Notice Date(s) NOVEMBER 19, 2022

2. Date(s) of Hearing DECEMBER 06, 2022

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: DECEMBER 06, 2022

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.

**Boundary Line Adjustment Application
Sherwood Morse, Elliott Morse, & Susan Shattuck
& John & Christine Beling
580 Cummings Road, East Montpelier**

Project Description

The proposed project consists of a boundary line adjustment between the lands of Sherwood Morse, Elliott Morse, & Susan Shattuck and John & Christine Beling. John & Christine Beling at 580 Cummings Road owns a 1.09-acre parcel with a single-family residence with 214' of frontage on Cummings Road. Morse, Morse, & Shattuck own a 67-acre parcel which lies on both sides of Cumming Road and southeast of North Street. These properties lie in the Rural Residential - Agricultural District (Zone D) having a minimum lot size of 3 acres and minimum road frontage of 250 feet. The Morse lot is currently undeveloped.

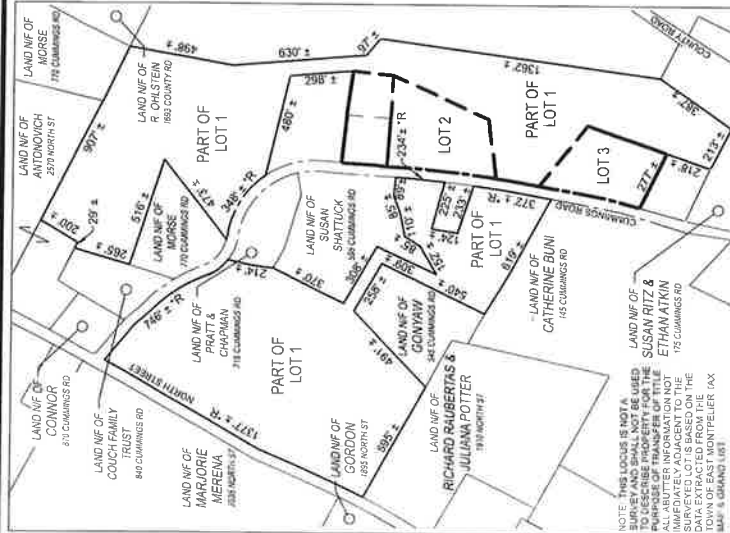
This application is being concurrently submitted with a 3-lot subdivision of the parcel owned by Morse, Morse, & Shattuck.

The proposal for this application is to transfer 0.94 acres from the land of Morse and merge it with the land of Beling. After adjustment (and subdivision), Beling will have 2.03 acres and Morse – Lot 1 will have 59.25 Acres

A review of the State ANR Natural Resources Atlas reveals no rare, threatened, or endangered species or identified wetlands on this lot. A printout of that review is included here.

REFERENCES:

1. A PLAN ENTITLED "PLAN SHOWING A DIVISION LINE OF THE HARRY MORSE FROM EAST MONTPELIER, VERMONT" BY FIELDER ASSOCIATES, MONTPELIER, VT., DATED JANUARY 17, 1981 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS SLIDE 41, MAP 18.
2. A PLAN ENTITLED "DOROTHY A. MORSE ESTATE, COUNTY ROAD, EAST MONTPELIER, VT." BY VERMONT SURVEY AND ENGINEERING, INC., DAVENPORT, VT., DATED AUGUST 17, 2007 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS SLIDE 72, MAP 28.
3. A PLAN ENTITLED "NECKER PLAN, SUSAN RITZ & ETHAN KIRK COUNTY & CUMMINGS ROADS, EAST MONTPELIER, VERMONT" BY THIS FIRM, WILLIAM B. CHASE, DATED MAY 17, 2022 AS FOUND IN THIS FIRM'S RECORDS FILE # 22253A.



ZONING INFORMATION
 ZONE D - RURAL RESIDENTIAL - AGRICULTURAL DISTRICT
 MIN. LOT SIZE: 8 ACRES
 MIN. LOT FRONTAGE: 250' SETBACKS
 FRONT: 40' CL OF ROAD
 SIDE: 25'
 REAR: 25'
 MAX BUILDING HEIGHT: 35'

LEGEND:

- ROAD RIGHT OF WAY LINE
- PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPERTY LINE TO BE EXTINGUISHED
- EDGE OF GRAVEL
- OVERHEAD UTILITY LINE
- TI LINE
- EDGE OF WOODS
- IRON ROD FOUND (D.A., H.T.)
- IRON PIPE FOUND (D.A., H.T.)
- IRON FENCE POST
- IRON FENCE ROD FOUND
- IRON FENCE POST
- UTILITY POLE
- PER DEED
- PER REFERENCE #
- NOW OR FORMERLY



LOT 1

59.25 ACRES ±

*AREA EXCLUDING OF LAND TO BE MERGED WITH BELING AND LOT 2 & 3. REMAINING LANDS NOT SURVEYED BUT TRACED FROM A TAX MAP

SURVEYOR'S NOTES:

1. THIS SURVEY WAS CONDUCTED BY USE OF A DEWAM ZEMITHOS 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 ADJUTERS.
3. ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.
4. ONLY EASEMENTS AND RIGHTS OF WAY ENCOUNTERED DURING RECORD RESEARCH NECESSARY TO DEFINE THE 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 CORRECTED GPS OBSERVATION (NAD 83, VT ZONE 460). VCAP CORRS STATION, SCALE FACTOR 1.1. BEARINGS ARE INCLUDED ONLY TO DEPICT THE ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS WITH PRIOR SURVEYS ARE NOT INDICATED DUE TO DIFFERING METHODS OR METHODOLOGIES, BUT ARE NOT INDICATIVE OF A CHANGE IN BOUNDARY LOCATION.
6. THE RIGHT OF WAY OF CUMMINGS 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 15-VSA-32.
7. PER PAROL EVIDENCE FROM SHERWOOD MORSE, THE ALE ROD FOUND FLUSH AT THE WEST CORNER OF BELINGS LAND IS THE PROPERTY CORNER.
8. ORIGINAL ACRES BEFORE ADJUSTMENT IS BASED ON THE DEED TO SHERWOOD MORSE, SUSAN SHATTUCK AND ELLIOT MORSE BOOK 100 PAGE 268.

SUBJECT PROPERTY

SHERWOOD MORSE, SUSAN SHATTUCK & ELLIOT MORSE
 DEED BOOK 100 PAGE 268
 DEED BOOK 100 PAGE 268
 SEE ARTICLE FOURTH (C)

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF 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.

11/1/2022 *William B. Chase*
 DATED: WILLIAM B. CHASE, S.E. #542 VERMONT
 NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL

SUBDIVISION SURVEY

SHERWOOD MORSE, SUSAN SHATTUCK & ELLIOT MORSE

CUMMINGS ROAD, EAST MONTPELIER, VERMONT

Chase
 Surveyors & Septic Designers, Inc.

SCALE: 1" = 100' DATE: 11/1/2022 PROJ: 22-232 SHEET: 5/11

DRAWN BY: DBC CHECKED BY: WBC/FBC/PC/DC/WT/22253A

301 North Main Street, Suite 11
 Montpelier, VT 05602
 802.479.9636



Sherwood Morse, Elliott Morse, & Susan Shattuck
Vermont Agency of Natural Resources

vermont.gov



WGS 1984 Web Mercator Auxiliary Sphere
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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. AWR 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 the map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGEND

- Rare Threatened and Endangered Species
 - RIE Plant
 - RIE Animal
- Wetland Projects
 - 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)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Overway
 - Proposed Roads
- Stream/River
 - Stream
 - Intermittent Stream
- Town Boundary

1: 5,000
1in = 417 ft.
1cm = 50 meters



NOTES

Map created using ArcGIS National Resources Data