

Town of East Montpelier

ZONING PERMIT

NOTICE

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

Date Issued: FEBRUARY 15, 2023

Effective Date: MARCH 15, 2023

Location: PID 07-027.000 FOSTER ROAD

Owner: FAIRMONT FARM INC., DANA & CLARA AYER

For: CREATING A NEW SINGLE-FAMILY BUILDING LOT

FROM LAND OF FAIRMONT FARM

Application # 22-080

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.



Fairmont Dairy, INC

East Montpelier, VT

1 inch = 600 Feet



CAI Technologies
Design & Mapping Solutions

December 8, 2022

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Permit # 22-080

Zoning District E

Overlays FLOOD/R.C.

ZONING PERMIT APPLICATION

TOWN OF EAST MONTPELIER

PO Box 157, East Montpelier, VT 05651

Date Received: 12/13/22

Parcel # 07-027.000

Tax Map # 05-00-30.00

- A. 1. Name of Landowner... Fairmont Farm, INC, Bonnie Hall - Agent Phone No. 802-223-3868
2. Address of Landowner... 141 Lylehaven Road, East Montpelier, VT 05651
3. Applicant (other than owner) Dana & Clara Ayer Phone No. 802-793-4251
4. Address of Applicant... P.O. Box 25, East Montpelier, VT 05651
5. Location of Property... Foster Road, PID:07-027.000, Tax Map #: 05-00-30.00 & 05-00-47.100

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.....

(To create a new building lot out of the land of Fairmont Farm, INC for Dana & Clara Ayer)

This application proposes to create a new parcel comprised of 7.54 acres from tax map parcel #05-00-30 and 4.36 acres from tax map parcel #05-00-47.1 for a combined acreage of 11.90 acres. This new lot will have 955' of frontage on Foster Road and will be developed with a proposed single family residence with on-site water and sewer for Ayer.

C. Lot description:

1. acreage 11.90 Acres
2. road frontage 955' Ft.
3. depth front yard > 40' Ft.
(Road centerline to building)
4. depth side yards > 25' Ft. > 25' Ft.
(building to lot lines)
5. depth rear yard > 25' 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 Bonnie Hall Date 12/13/22
Bonnie Hall - Agent

Applicant Dana & Clara Ayer Date 12/13/22
Dana & Clara Ayer

Zoning Permit Fee: \$ 200.00 Cash _____ Check 1163 Date 12/13/22 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

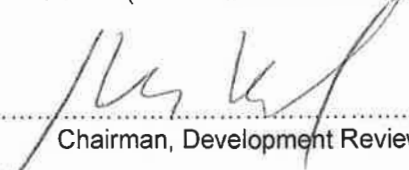
F. Action by Development Review Board:

1. Public Notice Date(s) JANUARY 24, 2023

2. Date(s) of Hearing FEBRUARY 07, 2023

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: FEBRUARY 15, 2023

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.

TOWN of EAST MONTPELIER

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

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

February 14, 2023

Dana & Clara Ayer/Fairmont Farm INC.
PO BOX 25
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #22-080

Dear Dana & Clara:

Please find enclosed the written decision of the East Montpelier Development Review Board approving application #22-080 of proposed subdivision.

You may 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 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,

A handwritten signature in dark ink, appearing to read 'Tyson Brown', written over a horizontal line.

Tyson Brown
East Montpelier Zoning Administrator

**TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Fairmont Farm INC.
 Applicants – Dana & Clara Ayer
 141 Lylehaven Road, East Montpelier

East Montpelier Zoning Application #22-080

INTRODUCTION & PROCEDURAL HISTORY

1. On December 13, 2022, Dana & Clara Ayer filed an application on behalf of Fairmont Farm INC. with the town of East Montpelier for a proposed single lot subdivision. The subdivision consists of Parcels #05-00-30.000 & #05-00-47.100 creating a separate building lot on Foster Road.
2. A public notice was duly published in the Times Argus on January 24, 2023, for a Preliminary & Final Plan Review on February 7, 2023.
3. On February 7, 2023, Dana & Clara Ayer (zoom) and applicant representative Timothy Morris (zoom) appeared before the Development Review Board (DRB) for an East Montpelier Land Use & Development Regulations Section 6.5 Final Plan & Plat Approval
4. The DRB members who voted on this issue at the February 7, 2023, hearing were Steve Kappel, Norman Hill (zoom), Steve Justis (zoom), Kim Watson (zoom), and Glenn Weyant (zoom).

FINDINGS OF FACT

1. The proposed project consists of creating a new building lot between two parcels, Parcel #05-00-30.000 & Parcel #05-00-47.100, taking 7.54-acres from Parcel #30 and 4.36-acres from Parcel #47.1. The two parcels in question lie on both sides of Foster, Sibley and Putnam Roads.
2. The proposed subdivision lies in Zoning District E, the Agricultural & Forest Conservation District having a minimum lot size of 7 acres and a minimum road frontage of 350 feet.
3. The Proposed new single family building lot of 11.90 acres has 955 feet of road frontage on Foster Road and has a submitted curb cut application pending approval by the East Montpelier select Board.
4. Approximately 193 acres will remain with Parcel #30 along with 1526 feet of road frontage on Foster and Sibley Roads and no changes are proposed to the existing single-

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.

Town of East Montpelier

The East Montpelier Development Review Board will hold a Public Hearing on Tuesday, February 7, 2023, at 7:00 p.m. to consider the following:

Preliminary & Final plan review of application #22-080, submitted by Dana & Clara Ayer, for a proposed subdivision creating a building lot from Tax Map Parcel #05-00-30.000 and Tax Map Parcel #05-00-47.100. The Parcels in question lie on both sides of Foster, Sibley, and Putnam Roads. The proposed single family residential building lot of 11.90 acres has 955 feet of road frontage on Foster Road and is comprised of 7.54 acres of Parcel #05-00-30.000 and 4.36 acres of Parcel #05-00-47.100. Approximately 193 acres will remain with Parcel #05-00-30.000 and approximately 148 acres will remain with Parcel #05-00-47.1000. The proposed lot lies in Zone E the Agricultural/Forest District having a minimum lot size of 7 acres and a minimum road frontage of 350 feet.

Applicants must hand deliver or send by certified mail a copy of this notice to all abutting landowners at least 15 days before the Development Review Board's hearing date. Neighbors do not need to attend the hearing unless they would like to make comments to the Development Review Board. **However, participation (in person or via zoom) in the local proceeding is a prerequisite to the right to appeal any resulting decision or action of the Development Review Board, pursuant to 24 VSA §4464(a)(1)(c).**

To Attend the Meeting Remotely:

Weblink: <https://us02web.zoom.us/j/87699135521>

By phone: 1-646-558-8656 (this is not a toll-free number)

Meeting ID: 876 9913 5521

One tap mobile: +16465588656,,85851671468# US

More on this meeting here: <https://eastmontpeliervt.org/february-7-2023-drb-meeting/>

Questions may be directed to the zoning administrator at the East Montpelier Municipal Office Building (802-223-3313x205) or by e-mail at zoning@eastmontpeliervt.org.

Tyson Brown
East Montpelier Zoning Administrator
P.O. Box 157
East Montpelier, VT 05651

Preliminary & Final Subdivision Application

Fairmont Farm, INC

Dana & Clara Ayer - Applicant

PID: 07-027.000, Tax Map #05-00-30.000 & #05-00-47.100

Foster Road, East Montpelier

Project Description

The proposed project consists of a subdivision of the Tax Map Parcels #05-00-30.000 and #05-00-47.100 which lie on both sides of Foster, Sibley and Putnam Roads. The properties lie in the Agricultural – Forest Conservation District (Zone E) having a minimum lot size of 7 acres and minimum road frontage of 350 feet. This application proposes to create one new parcel comprised of 7.54 acres of Parcel 30 and 4.36 acres of Parcel 47.1 for a combined acreage of 11.90 acres.

Proposed Lot 1 of 11.90 acres has 955' of road frontage on Foster Road. The proposed single-family residence will be served by an on-site water supply and sewage disposal system. The proposed curb cut location is shown on the plan, which application has been submitted and is pending approval by the Selectboard.

Approximately 193 acres remain with tax map parcel #30 along with 1526' of road frontage on Foster and Sibley Roads. No changes are proposed to the existing single-family residence on that lot.

Approximately 148 acres remain with tax map parcel #47.1 with about 5,882' of frontage on Foster, Sibley, and Putnam Roads.

A review of the State ANR Natural Resources Atlas reveals no rare, threatened, or endangered species on this lot. A printout of that review is included here. The proposed access for the residence will run through a narrow strip of wetlands and associated buffer as delineated by Gilman & Briggs and mapped by this firm. A wetlands permit will be applied for from the State of Vermont.

This proposal reflects the owner's wishes as to how to approach the subdivision of their land. We believe that the subdivision as presented is in full conformance with the Development Regulations.



LEGEND

Rare Threatened and Endange

- RTE Animal
- RTE Plant

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 GIS mapping technology.

508.0 0 254.00 508.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources

1" = 833 Ft 1cm = 100 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.

Preliminary & Final Subdivision Application
Fairmont Farm, INC
Dana & Clara Ayer - Applicant
PID: 07-027.000, Tax Map #05-00-30.000 & #05-00-47.100
Foster Road, East Montpelier

Project Description

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.....Space above this line for recording data.....

TOWN OF EAST MONTPELIER
MEMORANDUM OF MUNICIPAL ACTION

24 V.S.A. Section 4449(c)

RECORD TITLE OWNER(S) OF PROPERTY (GRANTOR)

FAIRMONT FARM INC

APPLICANTS(S) IF DIFFERENT FROM TITLE OWNER

DANA & CLARA AYER

PROPERTY DESCRIPTION

ADDRESS OF PARCEL

0 FOSTER ROAD

PARCEL ID NO

07-027.000

TAX MAP #

05-00-03.000

TYPE OF MUNICIPAL ACTION(S):

	PERMIT #	ACTION	DATE ISSUED
ZONING PERMIT	<u>22-080</u>	<u>GRANTED</u>	<u>FEBRUARY 15, 2023</u>
DRB HEARING	<u>FEBRUARY 07, 2023</u>	<u>/</u>	
CERT COMPLIANCE			
SIGN PERMIT			
CURB CUT PERMIT			
R-O-W PERMIT			
VIOLATION NOTICE			

All Records of Municipal Actions are located in the Town Clerk's Office. See permit &/or decision for applicable conditions.

General Checklist

Name: DANA & CLARA AYER

Application #: 77-080

Property Address: 0 FOSTER ROAD PID 07-027,000

- ☒ Initial review of application
- ☒ Owner signature on application
- ☒ Copied map
- ☒ Sketch/site plan included
- ☒ Initial fee paid
- ☒ Access permit
- ☒ Notified applicant permit needed
- ☐ Permit issued
- ☒ Notified applicant to seek state permits
- ☒ Septic permit issued
- ☒ Other permits needed _____
- ☒ Checked for:
 - ☐ Floodplain; if yes, contacted state: _____
 - ☐ Conservation Overlay; Area _____
 - ☒ Water Resources Overlay
- ☐ Site visit scheduled for _____
- ☐ Site visit accomplished
- ☐ Setbacks met
- ☐ ZA Referred to DRB on _____
- ☐ ZA Approved
- ☐ ZA Denied
- ☐ ZA Decision appealed to DRB
- ☒ DRB hearing date FEB 07, 2023
- ☒ Times Argus warning for DRB on JAN 24, 2023
- ☒ Warning posted in public places
- ☒ Proof of abutter notice submitted
- ☒ Approved by DRB
- ☐ Denied by DRB
- ☐ Issued; Date: FEB 15, 2023
- ☐ Appealed to Env Court
- ☐ Completed Memo of Municipal Action
- ☐ 911 # needed; # issued _____
- ☐ Entered Decision Into NEMRC

Permit History: