

ENTERED

Permit # 22-074  
Zoning District D  
Overlays N/A

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

Date Received: 11/15/22  
Parcel # 03-009.200  
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  
3. Applicant (other than owner) ..... Phone No. 802-223-7702  
4. Address of Applicant .....  
5. Location of Property Cummings Road, PID:03-009.200, Tax Map #: 08-01-38.111

**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 land of Morse, Morse, & Shattuck into 3 lots: Proposed Lot 3 of 3.00 acres has 483' of frontage on Cummings Road. Lot 2 of 3.81 Acres has 521' of frontage on Cummings Road. Both of these proposed lots will have proposed single family residences with on-site water and sewer. The remaining acreage will remain with Lot 1. (See BLA Application for additional adjustment.) There is a proposed access easement in favor of Lot 1 over Lot 3.

**C. Lot description:**

- |  |  |
|--|--|
| 1. acreage <u>Lot 3) 3.00 Acres, 2) 3.81 Acres, 1) 59.25 Acres</u>       | 4. depth side yards <u>&gt; 25'</u> Ft. <u>&gt; 25'</u> Ft.<br>(building to lot lines) |
| 2. road frontage <u>&gt; 250'</u> Ft.                                    |  |
| 3. depth front yard <u>&gt; 40'</u> Ft.<br>(Road centerline to building) | 5. depth rear yard <u>&gt; 25'</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 ✓ Elliott G. Morse / Susan M. Shattuck Date 11/14/22 11-14-2022  
Applicant Sherwood Morse Date 11/14/2022

\*\*\*\*\*

Zoning Permit Fee: \$ \$300.00 Cash \_\_\_\_\_ Check 3164 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](mailto: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](http://publicservice.vermont.gov/energy_efficiency/rbes)

Commercial Building Energy Standards: [http://publicservice.vermont.gov/energy\\_efficiency/cbes](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 .....

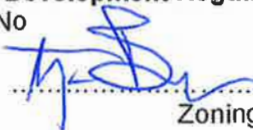
**Notice:** Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. Appeal fee is \$150.

3. Final Action: Permit # 22-074 Date Issued 12/14/22 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



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

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  
DEVELOPMENT REVIEW BOARD**

**FINDINGS & DECISION**

In the matter of:        Sherwood Morse, Elliott Morse, & Susan Shattuck  
                                     770 Cummings Road  
                                     Parcel #03-009.200

East Montpelier Zoning Application #22-074

**INTRODUCTION & PROCEDURAL HISTORY**

1. On November 15, 2022, Morse, Morse, & Shattuck filed an application with the Town of East Montpelier to subdivide their property located on both sides of Cummings Road. As proposed, the 67-acre parcel would consist of a 3-lot subdivision, Lot 3 would consist of 3.00 acres with 483 feet of road frontage, Lot 2 would consist of 3.81 acres with 521 feet of road frontage, & Lot 1 would consist of the remaining acres.
2. A public notice was duly published in the Times Argus on November 19, 2022, for a hearing, which was conducted on December 06, 2022.
3. On December 06, 2022, Morse, & Shattuck, and applicant representative Kris Jurentkuff (Chase & Chase) appeared before the Development Review Board for an East Montpelier Land Use & Development Regulations 6.5 Final Plan & Plat Approval.
4. The Board members who voted on the final hearing of permit #22-074 at the December 06, 2022, meeting, were Kappel, Cueto, Watson, Cutler, Hill, Justis and Weyant.

**FINDINGS OF FACT**

1. The proposed project by landowners Morse, Morse, & Shattuck to subdivide a 67-acre parcel is located on Cummings Road. The Parcel is currently undeveloped. The subdivision consists of a 2 single family residential building lots and Lot 3 remaining undeveloped agricultural land.
2. The property in question is in Zone D, the residential & Agricultural District, where a conforming lot requires 3 acres and 250 feet of road frontage or access by easement of at least 20 feet in width.
3. Lot-1 of 59-acres will remain undeveloped. Lot-1 has a combined approximate 600 feet of road frontage north and east of Cummings Road, and approximately 1,340 feet of road frontage south and west of Cummings Road, and approximately 1,375 feet of road frontage on the south side of North Street. The 59 acres reflects the approved Boundary Line Adjustment between the Morse residence and the Beling residence of 0.94 acres.

4. Proposed lot 2 of 3.81 acres has 521 feet of road frontage on Cummings Road. Lot-2 will consist of a single-family residential building site and will be served by an on-site water supply and wastewater disposal system. The curb cut for the new parcel is pending application approval by the Select Board.
5. Proposed lot 3 of 3.00 acres has 483 feet of road frontage on Cummings Road. Lot-3 will also consist of single-family residential building site that will be served by an on-site water supply and wastewater disposal system. This lot is subject to a 10 foot easement for the continuation of recreational use in favor of the undeveloped Lot-1. This easement runs from the Northeast corner to the Southwest corner of the proposed lot. The curb cut for the new parcel is pending application approval by the Select Board.
6. A review of the State ANR Natural Resources Atlas reveals no rare, threatened, or endangered species or identified wetlands on the proposed subdivision.

## CONCLUSIONS

The standards for the issuance of a subdivision permit are set forth in Sections 6.7-6.10 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.

## DECISION

By unanimous vote, the DRB grants final plan approval for the proposed 3-lot subdivision of application #22-074 submitted by Morse, Morse, and Shattuck. 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.

**Warning:** State permits will 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 14 day of December 2022.



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.

**Preliminary & Final Subdivision Application**  
**Sherwood Morse, Elliott Morse, & Susan Shattuck**  
**3-Lot Subdivision**  
**Cummings Road, East Montpelier**

**Project Description**

The proposed project consists of a 3-lot subdivision of the existing 67-acre parcel which lies on both sides of Cumming Road and southeast of North Street. The property lies in the Rural Residential - Agricultural District (Zone D) having a minimum lot size of 3 acres and minimum road frontage of 250 feet. The lot is currently undeveloped.

Proposed Lot 3 of 3.00 acres has 483' of road frontage. 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 concurrently submitted and is pending approval by the Selectboard. This lot is subject to a proposed 10' access easement for farm and recreational use in favor of Lot 1 (the remaining land).

Proposed Lot 2 of 3.81 acres has 521' of road frontage. 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 concurrently submitted and is pending approval by the Selectboard.

A separate boundary line adjustment is also concurrently being applied for. Though that is a separate application, the reduction of 0.94 acres is reflected in the remaining acreage of Lot 1 of this application. That application is for a boundary line adjustment between Morse, Morse, & Shattuck and John & Christine Beling. The 0.94-acre area of adjustment will be merged with the existing land of John & Christine Beling.

The remaining 59.25 acres will remain with Lot 1 (this acreage is calculated from the original acreage of 67 acres provided in the deed recorded in Book 100 Page 268). No development is planned for this lot. Lot 1 has a combined approximate 600' of frontage north and east of Cummings Road, approximately 1340' of frontage south and west of Cummings Road, and about 1375' of frontage south of North Street.

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.

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.

**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.





### LEGEND

#### Rare Threatened and Endangered Spe

- RTE Animal
- RTE Plant

#### ★ 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 2,3)
- Town Highway (Class 4)
- State Forest Trail
- National Forest Trail
- Legal Trail
- Private Road/Driveway
- Proposed Roads

##### Stream/River

- Stream
- Intermittent Stream

#### □ Town Boundary

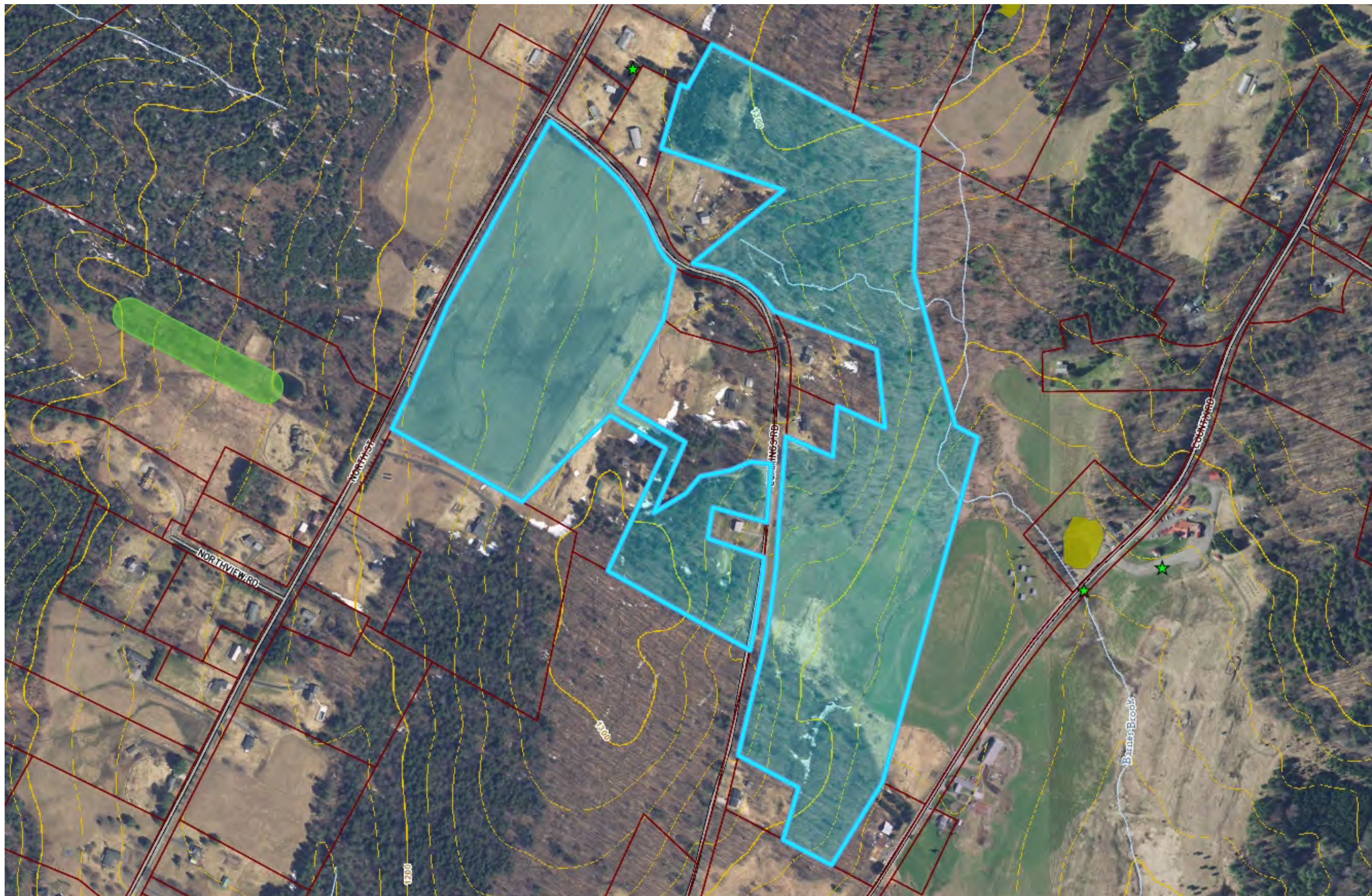
**1: 5,000**

1in = 417 ft.  
1cm = 50 meters



### NOTES

Map created using ANR's Natural Resources Atlas



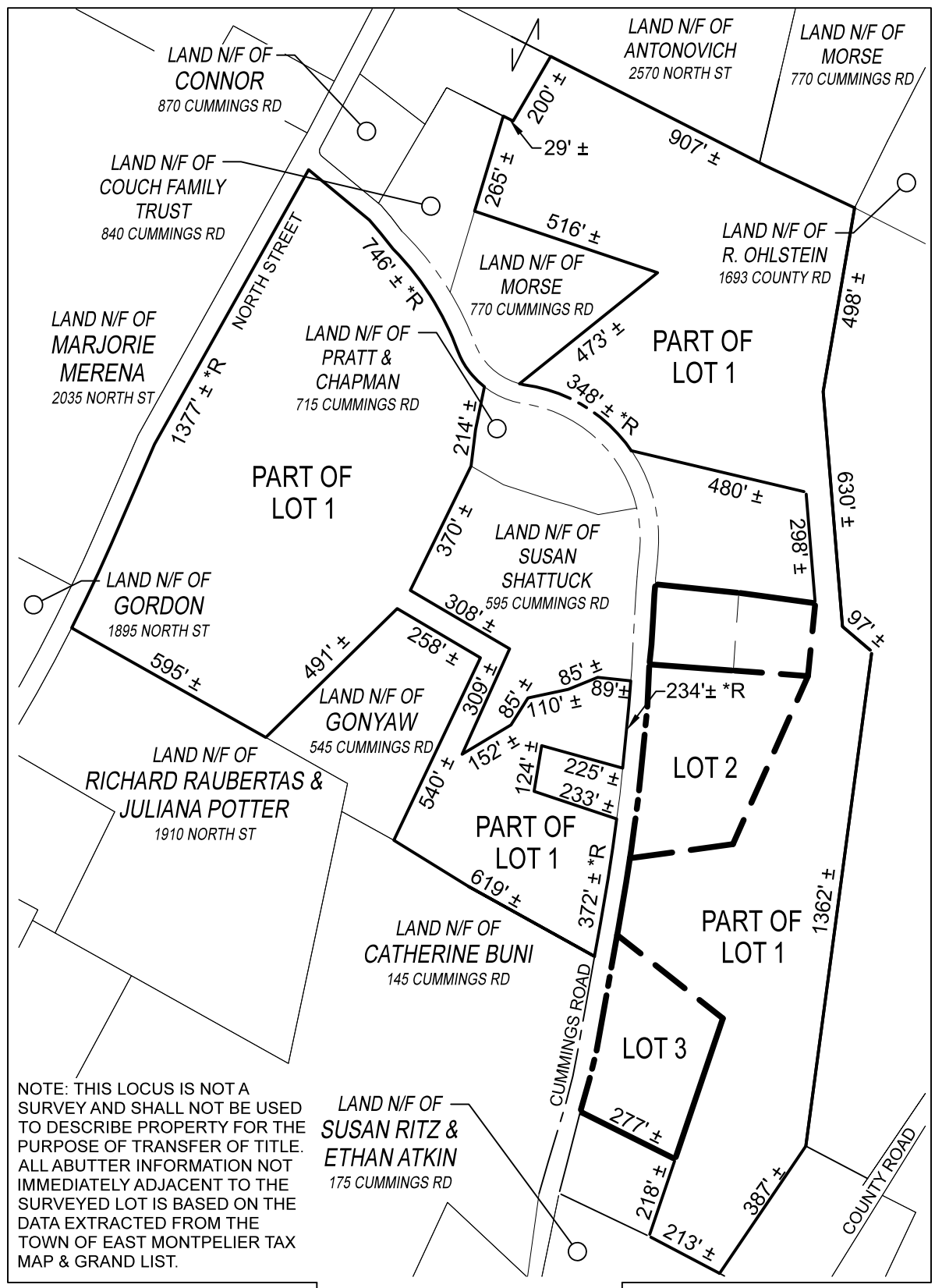
833.0 0 416.00 833.0 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources. November 14, 2022

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.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





NOTE: THIS LOCUS IS NOT A SURVEY AND SHALL NOT BE USED TO DESCRIBE PROPERTY FOR THE PURPOSE OF TRANSFER OF TITLE. ALL ABUTTER INFORMATION NOT IMMEDIATELY ADJACENT TO THE SURVEYED LOT IS BASED ON THE DATA EXTRACTED FROM THE TOWN OF EAST MONTPELIER TAX MAP & GRAND LIST.

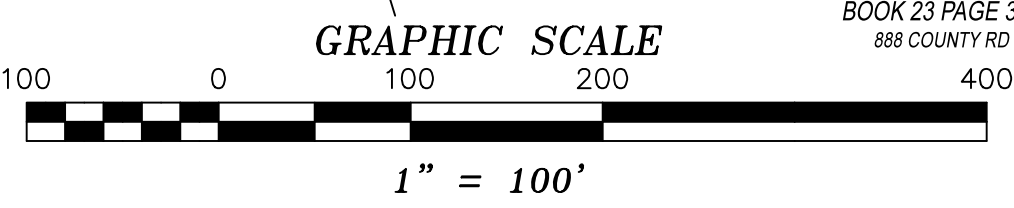
INTERMEDIATE LOCUS  
SCALE - 1" = 400'  
\*R = ALONG RIGHT OF WAY

**ZONING INFORMATION**

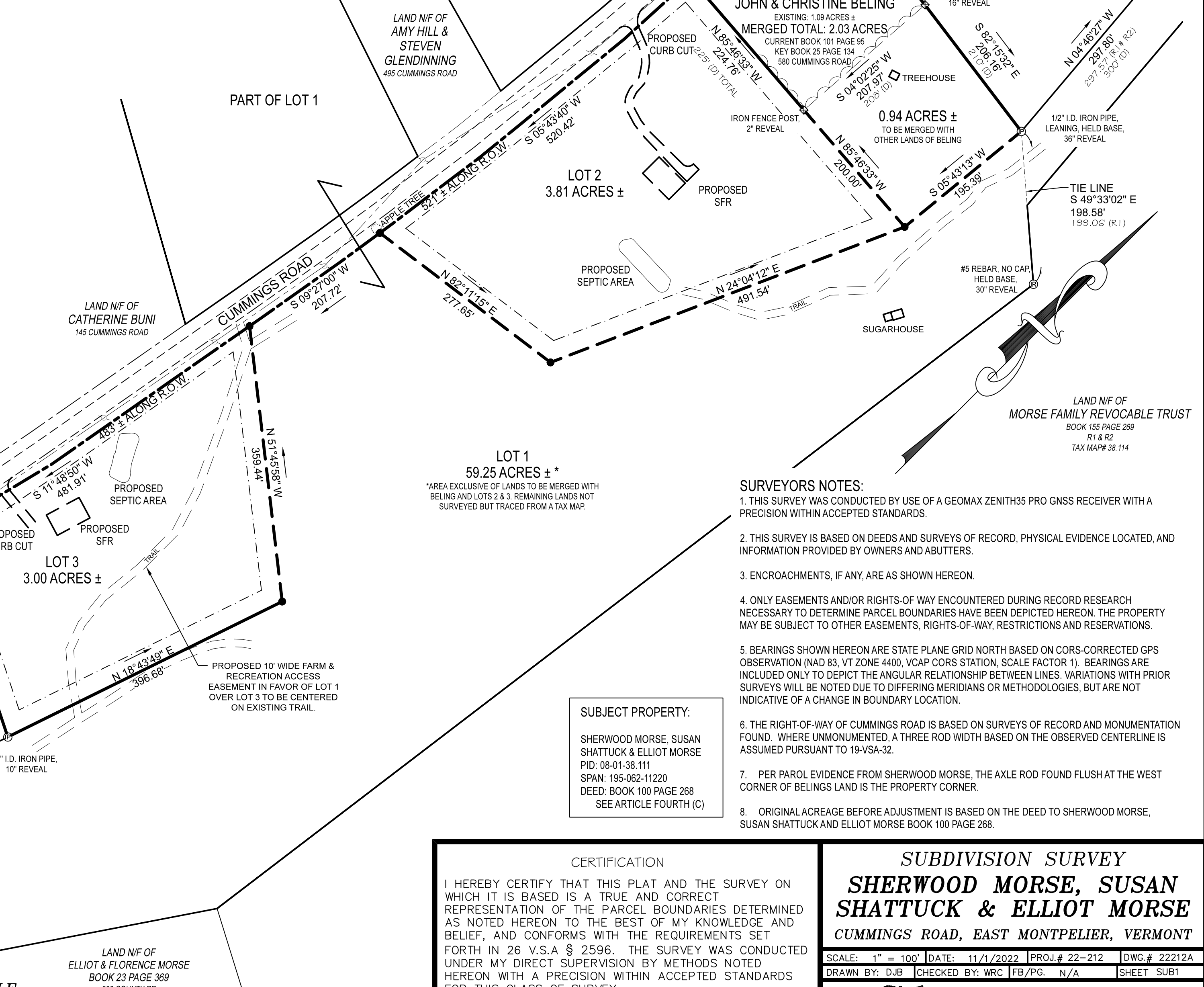
ZONE D - RURAL RESIDENTIAL - AGRICULTURAL DISTRICT

MIN. LOT SIZE: 3 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
  - TIE LINE
  - SETBACK
  - EDGE OF WOODS
  - IRON ROD FOUND (DIA. , HT.)
  - IRON PIPE FOUND (DIA. , HT.)
  - IRON AXLE ROD FOUND
  - IRON FENCE POST
  - #5 REBAR TO BE SET W/I.D. CAP
  - UTILITY POLE
  - PER DEED
  - PER REFERENCE #
  - NOW OR FORMERLY



- REFERENCES:**
1. A PLAN ENTITLED "PLAT SHOWING A DIVISION LINE OF THE HARRY MORSE FARM, EAST MONTPELIER, VERMONT" BY FIELDER ASSOCIATES, RICHARD FIELDER, DATED JANUARY 17, 1991 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS SLIDE 41, MAP 10.
  2. A PLAN ENTITLED "DOROTHY A. MORSE ESTATE, COUNTY ROAD, EAST MONTPELIER, VT" BY VERMONT SURVEY AND ENGINEERING, INC., DAVID HUDSON, DATED AUGUST 17, 2007 AS FOUND IN THE TOWN OF EAST MONTPELIER LAND RECORDS SLIDE 72, MAP 248.
  3. A PLAN ENTITLED "MERGER PLAN, SUSAN RITZ & ETHAN ATKIN, COUNTY & CUMMINGS ROADS, EAST MONTPELIER, VERMONT" BY THIS FIRM, WILLIAM CHASE, DATED MAY 17, 2022 AS FOUND IN THIS FIRMS RECORDS FILE # 22093A



**LOT 1**  
59.25 ACRES ± \*

\*AREA EXCLUSIVE OF LANDS TO BE MERGED WITH BELING AND LOTS 2 & 3. REMAINING LANDS NOT SURVEYED BUT TRACED FROM A TAX MAP.

**SUBJECT PROPERTY:**

SHERWOOD MORSE, SUSAN SHATTUCK & ELLIOT MORSE  
PID: 08-01-38.111  
SPAN: 195-062-11220  
DEED: BOOK 100 PAGE 268  
SEE ARTICLE FOURTH (C)

- SURVEYORS NOTES:**
1. THIS SURVEY WAS CONDUCTED BY USE OF 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 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 19-VSA-32.
  7. PER PAROL EVIDENCE FROM SHERWOOD MORSE, THE AXLE ROD FOUND FLUSH AT THE WEST CORNER OF BELINGS LAND IS THE PROPERTY CORNER.
  8. ORIGINAL ACREAGE BEFORE ADJUSTMENT IS BASED ON THE DEED TO SHERWOOD MORSE, SUSAN SHATTUCK AND ELLIOT MORSE BOOK 100 PAGE 268.

**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.

11/1/2022 *William R. Chase*  
DATED: WILLIAM R. CHASE RLS. #542 VERMONT  
NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYORS SEAL

**SUBDIVISION SURVEY**  
**SHERWOOD MORSE, SUSAN SHATTUCK & ELLIOT MORSE**  
CUMMINGS ROAD, EAST MONTPELIER, VERMONT

SCALE: 1" = 100' DATE: 11/1/2022 PROJ.# 22-212 DWG.# 22212A  
DRAWN BY: DJB CHECKED BY: WRC FB/PG. N/A SHEET SUB1

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