

Marni Leikin
35 Loomis St.
Montpelier VT,
05602

September 23, 2020

To the City of Montpelier
Planning and Community Development

RE: Application for Permit to construct a Fence at 33 Loomis St, Montpelier Vt.

I am writing to ask for a STAY on the permit application by Toby Weisman and David Fried, the permit to build a fence at 33 Loomis St, Montpelier VT submitted 7/16/20. (There does not seem to be a number associated with the issued permit.)

The permit and application lack information I need, as the owner of adjoining property at 35 Loomis Street, to make a full assessment and determination before filing a full appeal. I am asking for this stay based on 3101.c : (orientation) of the City of Montpelier Unified Development Regulations currently in effect.

Per sec 3101 c, the posts must be entirely on the builders property.

According to the proposed plan, the fence is to be installed directly on our shared property line. I do not see drawings or assurance that the posts will be installed on the 33 Loomis st. side. Further, I have been contacted by the home owners requesting variances not included in the permit application. For that reason alone the permit should be paused/stayed until clarity and agreement can be reached. I have included the email and a copy of the handwritten letter received yesterday, Sept. 21, only 2 days prior to the appeal window expiring.

The intention of the fence is not in dispute, nor the rights of the homeowners to install a fence on their property. However:

1. I do not agree to the fence being installed on my property or for the posts to be on our shared border.
2. I do not agree to the removal of any of the trees requested to be removed from my property.
3. I do not agree for the installation of the fence to happen on or via my property.
4. I ask for a full disclosure of fence materials, finish, construction and installation methods.
5. I ask for a clear written agreement for the care of my property IF installation still needs to occur on my property. I do NOT agree to the installation via my property at this time.
6. I ask for a clear written agreement for the care of the fence. Said Agreement to be a mutual document, approved by both parties.
7. As per questions and demands raised via email and letter from the homeowners of 33 Loomis:
 - A) I do not agree to the removal of the Lilac tree. I request that a different design or installation plan be put forth to let this historic blooming tree continue to live.

B) I do not agree to the removal of the trees at the front of my property. The fence should be located on 33 Loomis side of the property line;, thus the trees would remain on the 35 Loomis st. side.

C) The large amount of weeds, especially but not exclusively the Japanese knotweed and the ropy vine weeds coming from 33 Loomis and through the ground into my property, need to be eradicated by the owners of 33 Loomis St (the Permit Applicants) PRIOR to construction, otherwise they will continue to be a nuisance and problematic for maintaining the fence.

The above issues can be resolved via written agreement between myself and the owners of 33 Loomis, the applicants of the building permit.

Until all these issues and questions are resolved, I am requesting that the permit be stayed. I would also appreciate a specific timeline for accomplishing the agreement(s), in accordance with the permitting and appeals process.

Sincerely,



Marni Leikin
35 Loomis St.

Meredith Crandall

From: marni leikin <marni.leikin@gmail.com>
Sent: Wednesday, September 23, 2020 1:44 PM
To: Meredith Crandall; Audra Brown
Subject: Appeal/Stay request, Fence construction, 33 Loomis St.
Attachments: Section 4601 Appeals of Admin Action (2020-09-17).pdf; 3775_001 (1).pdf; fence email from Weisman.pdf; IMG_0415.JPG; Appeal-STAY to permit application _Fence, 33 Loomis St_.docx.pdf

Dear Meredith,

Please find my appeal and request for stay attached, along with the original permit application and subsequent correspondence from the owners of 33 Loomis St.

I hope that we, myself and the owners of 33 Loomis St., can resolve the questions and issues.

Let me know if I should submit to someone else or if there is more you need from me at this time. I am submitting a payment electronically. What should I reference? There didn't seem to be a permit application number to reference.

Thanks for your attention and help with this process.

Best regards,
Marni

--
Marni Leikin

Dear Marni + Lex,

September 18th
2020

Howdy you?

Here is an update to the boundary line issues I had written to you about last month:

We have had an expense + expense survey done, so we would know clearly where the border is between our properties. They have found all the necessary pins in the ground + offered survey in Town Hill so they would like to show us exactly where the property lines are.

We plan on having the Kennaman brothers put up a simple wooden fence on our side of the border line. It will be about six feet tall. This will help both you + us to have a little more privacy in our side + backyards. I also hope it will help soften the situation you explained to me this summer, where it became clear we have different ways of taking care of our yard. You told me you like to see trimmed to the ground + mulched areas. We like a different style yard. So hopefully our wooden fence will allow each of us to garden + live our own way, without being a visual nuisance to each other.

We have received a permit to put up a fence. I will be more comfortable moving the trees I have planted, even though you had agreed they could be where they are. You will have more room now on your side. Thank you for not cutting any more of the shrubs + trees I planted, since my last note asking us all to be pruned until we know exactly where the property lines are. This has now been accomplished. Wishing you + Lex a very good + healthy November with many blessings,
David + Family

Wed, Sep 16, 2:33 PM (6 days ago)

Reply

Tobie Weisman

to me

Hi Marni,

Hope you're doing well.

David and I would like to put up a cedar fence along our mutual border. I hope that will be ok with you.

I would like to know if you would mind if we cut down the lilac tree in the back that is right on the border.

Also, when we put up the fence, the Koenneman team will need to be on your side of the border some of the time. I would let you know when that would be.

Many blessings for a very healthy and joyous New Year.
Shana Tova u'metukah,

Fence

Tobie Weisman <rebtobie@gmail.com>
To: Marni Leikin <marni.leikin@gmail.com>

Wed, Sep 16, 2020 at 2:33 PM

Hi Marni,

Hope you're doing well.

David and I would like to put up a cedar fence along our mutual border. I hope that will be ok with you.

I would like to know if you would mind if we cut down the lilac tree in the back that is right on the border.

Also, when we put up the fence, the Koenneman team will need to be on your side of the border some of the time. I would let you know when that would be.

Many blessings for a very healthy and joyous New Year.

ana Tova u'metukah,

Tobie

7

Dear Mimi + Lex,

September 18th
2020

Howdy you?

Here is an update of the boundary line issues I had written to you about last month:

We have had an extensive & expensive survey done, so we would know clearly where the border is between our properties. They have found all the necessary pins in the ground + other surveys in Town Hall so they were able to show us exactly where the property lines are.

We plan on having the Koenenan brothers put up a simple wooden fence on our side of the border line. It will be five to six feet tall. This will help both you + us to have a little more privacy in our side + backyards. I also hope it will help soften the situation you explained to me this summer, where it became clear we have different ways of taking care of our yard. You told me you like to see trimmed to the ground + mulched areas. We like a different style of yard. So hopefully our wooden fence will allow each of us to garden + live our own way, without being a visual nuisance to each other.

We have received a permit to put up our fence. I will be more comfortable moving the trees I have planted, even though you had agreed they could be where they are. You will have more room now on your side. Thank you for not cutting any more of the shrubs + trees I planted, since my last note asking us all to be patient until we know exactly where the property lines are. This has now been accomplished.

Wishing you + Lex a very good + healthy New Year, with many blessings.

David + family



ZONING PERMIT - ADMINISTRATIVE

City of Montpelier



Doc ID: 000640630002 Type: LAN

BK **700** PG **265-266**

39 Main Street, Montpelier VT 05602
(802) 223-9506
<http://www.montpelier-vt.org>

Z-2020-0072

PROJECT DESCRIPTION: Fence with gate.
SITE ADDRESS: 59 COLLEGE ST

SUBMITTED: 08/19/2020

ISSUED: 09/04/2020

EXPIRES: 09/04/2022

NO WORK SHALL COMMENCE UNTIL THE EFFECTIVE DATE OF THIS PERMIT ON : 09/19/2020

PARCEL: 020-059000

APPLICANT: Grant and Violeta Welsh
59 COLLEGE ST
MONTPELIER, VT 05602
410-733-2427

OWNER: Grant and Violeta Welsh
59 COLLEGE ST
MONTPELIER, VT 05602
410-733-2427



FEES:	Paid	Due
Recording Restoration	\$1.00	\$0.00
Residential building addition	\$50.00	\$0.00
Recording Fee	\$29.00	\$0.00
Totals :	\$80.00	\$0.00

APPROVAL PROCESS

ZONING

APPROVED

09/04/2020

Permission is hereby granted in accordance with the requirements and regulations of the City of Montpelier Zoning Ordinance to proceed with the above project. There is an appeal period during which time no construction or activity related to this approval may occur. See the effective date of this permit. The permit shall expire 2 years from the date issued and all work must be completed. Extensions may be authorized upon written request prior to the permit expiration.

Zoning Administrator:

Date: 9/4/2020

Accompanying documents and plans submitted with the zoning permit application are part of this permit and on file in the Zoning Office.

Warning: your project may also require the following state and other local permits. The applicant is advised to contact a DEC Permit Specialist at 476-0195 to discuss the State permit requirements.

For building permits contact the Building Inspector at 262-6170. For local access permits contact the Department of Public Works at 223-9508

Received for Record at Montpelier, VT
On 09/04/2020 At 2:00:00 pm

Z-2020-0072

PROJECT DESCRIPTION: Fence with gate.

SITE ADDRESS: 59 COLLEGE ST

SUBMITTED: 08/19/2020

ISSUED: 09/04/2020

EXPIRES: 09/04/2022

Please be advised that this permit may be appealed by an interested party or by you during a 15-day period. The appeal period commences on the date of the issuance of this permit.

The enclosed blue zoning permit placard must be posted, in public view, on the premises during the appeal period indicated on the card and during construction. Please note that §205.H of the Zoning and Subdivision Regulations requires all activities authorized by the zoning permit to be completed within two years or the permit becomes null and void and re-application would be necessary to complete any proposed activities.

We understand that changes in plans sometimes occur while the project is under way. If any changes to the approved plans are necessary, please let us know as soon as possible to avoid delays in completing your project. We would be happy to provide assistance upon request prior to the completion of the project to ensure that work is proceeding in conformance with the approved plans.

The Notice of Zoning Permit poster shall be posted in a conspicuous place on the premises and visible from the road during the appeal period and during construction.

CONDITIONS

Development Application



Required for all applications, Zoning, Building and Public Works.

Applicant Information

Project Address: 33 Loomis St **Lot size?** **Detached, Single Family?** (Y) N

Applicant Name: Tobie Weisman and David Fried

Address: 33 Loomis St **City:** Montpelier **State:** VT **ZIP:** 05602

Phone: 802-371-9697 **Email:** rebtobie@gmail.com

Is the Applicant the Owner of the property? (Y) N *If No, fill out below.*

Owner Name: Tobie Weisman and David Fried

Address: **City:** **State:** **Zip:**

Phone: **Email:**

Mail all permit materials to: Owner or Applicant (circle one)

Project Information (See staff for assistance if necessary)

Zoning District:	Neighborhood:
Design Control District:	River Hazard Area:
National Register of Historic	Existing Use of Property:

New Principal Building

Major Renovation* to existing principal building.

New Tenant or Use

Accessory structure > 2000ft²

Accessory structure taller than 24ft

Construction Cost Estimate: _____

Additional impervious surface created?

Parking spaces added. How many? _____

Are new lots being created? _____

Any work within the City Right of Way? Y/N

Additional bedrooms? Y/N

Any change in the water or sewer service? Y/N

Other activity, describe below.

Fill or excavation will affect the property?
How much material will be added/removed?

*Extensive alteration work on exterior shell of the building, and may include additional work on primary structural components, mechanical, electric and plumbing systems, and/or site work. Typically, the extent and nature of the work is such that the building cannot be used for its intended purpose while the work is in progress

Project description

Put up a fence along property lines.

5. Parking (§3011)

Existing spaces: _____

Proposed spaces total: _____

6. Uses (figure 2-15 Use Table)

Current Uses	Gross floor area	Proposed Uses (Include current uses remaining.)	Gross floor area

7. Design Review (§2201)

Include; Elevation drawings or photographs of existing and proposed, cut sheets, colors, and site showing location of proposed changes.

Additional information if helpful

Attach a narrative if necessary:

We would like to put up a fence along the boundaries of our property.

All activities approved by this zoning permit must be completed within 2 years of issuance.

All actions or determinations made by the Administrative Officer regarding this zoning permit application may be appealed by you or an interested person to the Development Review Board during a 15-day appeal period.

If Development Review Board approval is required, actions by the DRB may be appealed by you or an interested person to the Environmental Court during a 30-day appeal period, which begins upon the date their decision, is issued. State law requires that the permit cannot take effect until all appeal periods have concluded without appeal. If appealed, the permit does not take effect until the appeal has been resolved. Any activity subject to this permit commenced before the effective date is solely at the applicant's risk.

For staff use only:

Proposed:

- FAR (gross floor area/total lot area); _____ (For non-residential uses.)
- Residential density subject district; _____ (For residential uses.)
- Major/Minor
- Slope
- Buffer zones

Zoning Permit Attachment

Applicant Information

Project Address 33 Loomis Street **Date** 7/16/20
Applicant Name Tobee Weisman

Purpose of Application	Fill out sections below.
<input checked="" type="checkbox"/> New Structure or addition	Sections 1. And 2.
<input type="checkbox"/> Change of Use	Sections 5. And 6.
<input type="checkbox"/> Design Review	Section 7.
<input type="checkbox"/> Boundary Line Adjustment	Section 3.
<input type="checkbox"/> Home Business	Sections 5. And 6.
<input type="checkbox"/> Demolition	Section 4.
<input type="checkbox"/> Excavation or Fill	Section 2.

1. Dimensions §3002

Dwelling Unit(s) Existing? _____ New? _____ Proposed lot total? _____
 Lot Frontage _____
 Lot Coverage _____ Footprint _____
 Setbacks Front: _____ Side (R): _____ Side (L): _____ Rear: _____
 Height _____

2. Environmental factors (§3005, §3006 & §3007) A site plan will be required.

Does the property contain any mapped Wetlands, Vernal pools or Riparian Areas? *No*
 Does the subject property have any slopes greater than 10%? *No*
 If yes above, what is the area of disturbance?

3. Lot Lines (§3510)

Proposed	Acres	Frontage	Coverage	Setbacks (front/side left/side right/rear)
Lot 1 (applicant)				
Lot 2				

4. Demolition (§3004)

Is the structure a contributing structure on the National Register of Historic Places?
 Attach a demolition and site remediation plan. (§3004.C)

Site plan

Is a site plan attached showing existing and proposed conditions? **Y / N**
 The minimum requirements for a site plan are; property lines, street, existing and proposed structures, setbacks from property lines of proposed structures, applicant's name, date, scale and north arrow. (See "green sheet" for features required if applicable.)

Project information

Does your project involve new construction, addition, alteration, renovation or repair to a structure? **Y / N**
 If yes, you may have to record a Vermont Residential/Commercial Energy Standards (RBES or CBES) Certificate in the Land Records prior to receiving your Certificate of Compliance/Occupancy. Contact Energy Code Assistance Center at (855) 887-0673 or online at http://publicservice.vermont.gov/topics/energy_efficiency/rbes.

Disclaimer and Signature


The undersigned hereby request(s) a permit for land development as described above and certifies that the information presented is true and correct to the best of my knowledge. I understand that the permit runs with the land and that compliance is ultimately the property owner's responsibility. I understand that if more information becomes available to staff additional review and fees may be required. I also understand that this permit, if issued, will be deemed null and void in the event any material information upon which it is based is found to be incorrect or misrepresented.

(Property Owner) printed: **DAVID FRIED**

Signature: 

Date: **7-16-20**

(Applicant) printed: **Tobie Weisman**

Signature: 

Date: **7/16/20**

This application is for Local City of Montpelier Permits. Your project may also require State permits. We recommend that you contact the following State agencies early in your project planning: (brochures available in the Planning Department)

Department of Environmental Conservation (DEC) – (802) 505-5367

Vermont Department of Labor – (802) 828-4000

For Office Use Only

Attachments Required	Fees	Fees received
Building Basic		
Building Major		
Zoning Admin.		
River Hazard		
Waiver/Variance		
Conditional Use		
Site Plan		
Sign		
Public Works		
Design Review		

Check #
 Amount received:
 Date received:
 Received by

Check #
 Amount received:
 Date received:
 Received by

Check #
 Amount received:
 Date received:
 Received by

Development Application

Required for all applications, Zoning, Building and Public Works.



Applicant Information

Project Address 33 Loomis St Lot size? _____ Detached Single Family? Y N
 Applicant Name Tobie Weisman and David Friel
 Address 33 Loomis St City Montpelier State VT ZIP 05602
 Phone 802-371-9697 Email retobie@gmail.com
 Is the Applicant the Owner of the property? Y N If No, fill out below
 Owner Name Tobie Weisman and David Friel
 Address _____ City _____ State _____ Zip _____
 Phone _____ Email _____

Mail all permit materials to: Owner or Applicant (circle one)

Project Information (See staff for assistance if necessary)

Zoning District: _____ Neighborhood: _____
 Design Control District: _____ River Hazard Area: _____
 National Register of Historic: _____ Existing Use of Property: _____

New Principal Building
 Major Renovation* to existing principal building
 New Tenant or Use
 Accessory structure > 2000ft²
 Accessory structure taller than 24ft
 Construction Cost Estimate: _____
 Additional impervious surface created?

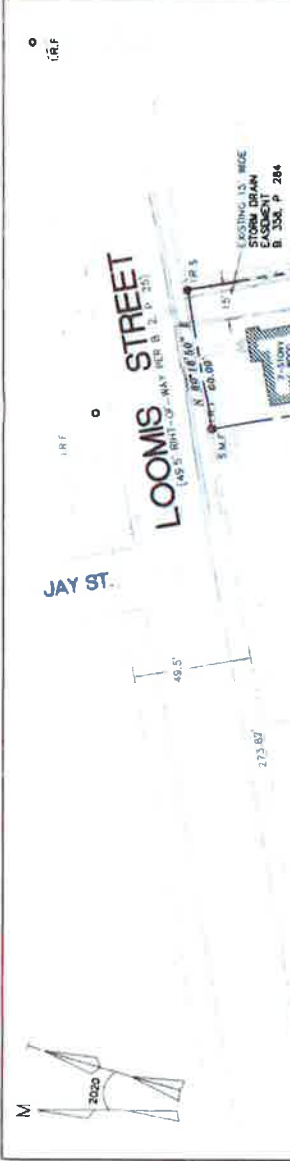
Parking spaces added. How many? _____
 Are new lots being created? _____
 Any work within the City Right of Way? Y/N
 Additional bedrooms? Y/N
 Any change in the water or sewer service? Y/N
 Other activity, describe below.
 Fill or excavation will affect the property?
 How much material will be added/removed? _____

*Involves alterations work on exterior shell of the building, and may include additional work on primary structural components, mechanical, electric and plumbing systems, and/or site work. Typically the extent and nature of the work is such that the building cannot be used for its intended purpose while the work is in progress.

Project description

Put up a fence along property lines in front and back between 35 Loomis and 33 Loomis. Cedar fence 6 ft high.





LOCUS
NOT TO SCALE

LEGEND

---	PROPERTY LINE
- - -	RIGHT OF WAY OR PARCEL LINE
---	WIRE FENCE
- - -	WOOD FENCE
- - -	STORM DRAIN LINE
○ IRF	IRON ROD FOUND
● IR.S	IRON ROD SET
○ I.P.F.	IRON PIPE FOUND
□ S.M.F.	STONE MONUMENT FOUND
	POLE
U	CATCH BASIN
○	SEWER MANHOLE
○	DRAIN MANHOLE

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES AS SHOWN AND DESCRIBED IN THE RECORDED INSTRUMENTS BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY WAS PERFORMED WITH ELECTRONIC TOTAL STATION SURVEY EQUIPMENT, WITH A POSITIONAL TOLERANCE CONFIDENCE LEVEL ABOVE 10SK. I FURTHER CERTIFY THAT THIS SURVEY MEETS ALL THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.

DATED: **SEPTEMBER 2019**
RICHARD W. BELL, L.S., P.S.

FLAT OF LANDS OF TOBE WEISMAN & DAVID FRIED
SECTION 27, TOWNSHIP 21 NORTH, RANGE 20 WEST, MONTEPELIER VERMONT
SHEET 1 OF 1 DWG. 1 5-132C
CHECKED BY: **RMB/MLC**

PROJ. #201320
DATE: JULY 2020
SCALE: 1"=30'
SURVEYED BY: RMB/MLC
CHECKED BY: RMB

RICHARD W. BELL, L.S., P.S.
VERMONT PROFESSIONAL SURVEYOR
NO. 12077
MONTPELIER, VT 05751
1055 N. STATE ST., 3RD FLOOR
MONTPELIER, VT 05751
PH: 802-253-3611 FAX: 802-253-3612
WWW.RWBELL-APPRELL-PAQUOLETTI.COM

PARCEL #020-010000
N/F AMERICA'S PLAYERS PARTY, INC.
B. 872, P. 400
SEE REF #1

PARCEL #023-010000
N/F LEAN L. JASSHAN
831 LOOMIS ST.
B. 134, P. 133

PARCEL #023-033000
DAVID FRIED & TOBE WEISMAN & DAVID FRIED
B. 358, P. 107
SEE B. 35, P. 199
1,3276 SQ. FT.
0.30 ACRES

PARCEL #023-035000
N/F MARY LEIKEN
833 LOOMIS ST.
B. 189, P. 197

EXISTING 10" WIDE
STORM DRAIN
B. 358, P. 284

PARCEL #023-035000
N/F MARY LEIKEN
833 LOOMIS ST.
B. 189, P. 197

PARCEL #023-010000
N/F LEAN L. JASSHAN
831 LOOMIS ST.
B. 134, P. 133

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831 LOOMIS ST.
B. 134, P. 133

PARCEL #023-033000
DAVID FRIED & TOBE WEISMAN & DAVID FRIED
B. 358, P. 107
SEE B. 35, P. 199
1,3276 SQ. FT.
0.30 ACRES

PARCEL #023-035000
N/F MARY LEIKEN
833 LOOMIS ST.
B. 189, P. 197



- NOTES**
- BEARINGS ARE BASED ON MAGNETIC OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
 - OTHER EASEMENTS RECORDED OR UN RECORDED MAY EXIST
 - NO ENCROACHMENTS WERE OBSERVED

- REFERENCES**
- PLAN ENTITLED "SURVEY OF HAETON HOSPITAL PROPERTY, MONTEPELIER, VERMONT," DATED SEPTEMBER 1920, BY FREDERICK AND WANDER ENGINEERS OF MONTEPELIER, AND RECORDED IN AS PLAN D.A.-262 IN THE MONTEPELIER CITY ENGINEERS OFFICE.
 - PLAN ENTITLED "PLAN OF LOOMIS STREET RIGHT OF WAY," DATED MARCH 1978 BY CITY OF MONTEPELIER ENGINEERING DEPARTMENT, AND FILED AS PLAN #DF-117 OF SMAE.
 - WARRANTY DEED OF MARY PITKIN TO LOUIS GOULD, DATED APRIL 28, 1821, AND RECORDED IN BOOK 35, PAGE 189 OF THE CITY OF MONTEPELIER LAND RECORDS.
 - WARRANTY DEED OF FLORA M. GUERNSEY TO FLORENCE W. AND RANSON C. LINSBCK, DATED NOVEMBER 4, 1818, AND RECORDED IN BOOK 30, PAGE 335 OF THE CITY OF MONTEPELIER LAND RECORDS.
 - WARRANTY DEED OF LOUIS GOULD TO FREDERICK L. AND MABEL I. LOWETT, DATED MARCH 31, 1825, AND RECORDED IN BOOK 42, PAGE 67 OF THE CITY OF MONTEPELIER LAND RECORDS.
 - PLAN ENTITLED "CITY OF MONTEPELIER, CSO ELIMINATION PHASE 2, CONTRACT 01-7," DATED FEBRUARY 2001, BY DUPRESNE AND HENRY, OF MONTEPELIER, AND FILED AS PLAN #CSO-01-7 IN THE CITY OF MONTEPELIER ENGINEERS OFFICE.
 - EASEMENT DEED OF TOBE WEISMAN AND DAVID FRIED TO THE CITY OF MONTEPELIER, DATED APRIL 27, 2001, AND RECORDED IN BOOK 358, PAGE 284 OF THE CITY OF MONTEPELIER LAND RECORDS.

CERTIFY THAT THIS PLAT IS AN ORIGINAL, INK ON MYLAR DRAWING, RICHARD W. BELL L.S., P.S.