

# TOWN OF ESSEX CERTIFICATE OF OCCUPANCY APPLICATION

DATE OF REQUEST: 11

MAP/PARCEL/LOT: \_\_\_\_\_

NO. 2001-183

The undersigned herewith requests an inspection of the premises and the issuance of "Certificate of Occupancy" of premises, or portion thereof, for use or habitation.

This request is for use only of existing land or buildings.

This request is for new construction or rehabilitated or altered structure which was done under authority of zoning permit # 2001-183

issued to Shawn + Elizabeth Evans on 11/19/01

Premises are at 253 Brigham Hill Rd Essex VT 05453

Water service installation inspected and approved by Chromatic Well Drilling

Driveway location inspected and approved by Dennis Lutz

Sanitary sewer connection or septic system inspected and approved by:

Name: Bruce Wheeler/Wheeler Date: 11/19/01

Construction was begun 9/10/01, 2001 and completed 11/19, 2001

Approval granted by \_\_\_\_\_ P.C. or Z.B.A. \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

Use of premises intended habitation  
(type of use)

Applicant's Signature: Elizabeth Evans Telephone: 846 2828 ext. 110

By issuance of this Occupancy Permit, the Town of Essex Zoning Administrator hereby acknowledges that the use and/or building construction is in complete conformity with the Zoning Regulations, unless otherwise noted. Field measurements and similar dimensions for setbacks are based in part on evidence supplied by owner. The Town of Essex is not liable for errors or mistakes when it is found that information submitted by the applicant is erroneous or inaccurate.

Certificate of Occupancy has been approved  without \_\_\_\_\_ conditions.  
If with conditions, see attachment outlining same attached letter dated 11/21/01 from Herbert A. Durfee, III, Acting Zoning Administrator.. Conditions also listed on back side  
Certificate of Occupancy denied \_\_\_\_\_. Please see attachment with reasons for denial. of this form.

11/21/01  
Date

Herbert A. Durfee, III  
Zoning Administrator



# TOWN OF ESSEX VERMONT

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452  
Fax: 878-1353 • E-mail: [manager@essex.org](mailto:manager@essex.org) • Website: [www.essex.org](http://www.essex.org)

November 21, 2001

Mr. & Mrs. Shawn Evans  
253 Brigham Hill Road  
Essex, Vermont 05453

RE: Certificate of Occupancy

Dear Mr. & Mrs. Evans:

Based upon a site visit by my staff yesterday, a site visit by the Town Engineer today, phone conversation with Beth Renaud (including a follow up letter) today, and phone conversation with you today, the Town of Essex makes the following findings:

- a. Development activity related to construction of your driveway and related storm water improvements resulted in misalignment of a metal property marker located on the northwestern edge of the Renaud property.
- b. Said improvements partially locate on the Renaud property and, though on your property, partially within the six (6) foot "no build" setback of the Renaud parcel.
- c. Damage to a portion of the Renaud property occurred due to said improvements.

In light of the above findings and based upon previously submitted information, a Certificate of Occupancy is being issued concerning the new, three (3) bedroom single-family home and related site improvements with three conditions. Those conditions are as follows:

- a. A professional surveyor shall be hired to relocate and install a new metal property marker in the appropriate northwestern location of the Renaud property.
- b. Efforts shall occur to relocate your driveway and related improvements off the Renaud property. Said relocation shall be subject to approval of the Town Engineer. The Town of Essex (and the Renaud's) would appreciate your striving to accomplish said relocation withing 60 days from the date of this letter. However, if the relocation cannot be accomplished before the 60 day period then the improvements shall be accomplished no later than June 15, 2002. A plan prepared by a licensed engineer showing the intended relocation needs to be submitted to the Town Engineer for his approval in advance of any construction activity.

TOWN MANAGER	PARKS AND RECREATION	COMMUNITY DEVELOPMENT	PUBLIC WORKS	ASSESSOR	FINANCE	TOWN CLERK	LIBRARY	POLICE
878-1341	878-1342	878-1343	878-1344	878-1345	878-1359	879-0413	879-0313	878-8331

Mr. & Mrs. Shawn Evans  
November 21, 2001  
Page Two

- c. Corrective measures (e.g., regrading and re-seeding) shall be undertaken concerning any damaged portion of the Renaud property due to construction activity as soon as is seasonably possible but not later than June 15, 2002. Said reclamation shall attempt to bring the Renaud's property back to its original condition.

Failure to comply with the above conditions may result in further action by the Town of Essex granted under Vermont law. If you have any questions concerning the above information, please contact the Community Development Department (878-1343).

Sincerely,



Herbert A. Durfee, III  
Community Development Director  
(Acting Zoning Administrator)

cc: Dennis Lutz, PE, Town Engineer  
Jerry Firkey, Zoning Administrator  
Mr. & Mrs. Rick Renaud

encl. - November 20, 2001 letter from the Renaud's to Herb Durfee

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November 20, 2001

262 Brigham Hill Road  
Essex Junction, VT 05452

Herb Durfee  
Community Development Coordinator  
Town of Essex  
81 Main Street  
Essex Junction, VT 05452

Dear Mr. Durfee,

The purpose of this letter is to inform you of a property issue we are experiencing as residents of 262 Brigham Hill Road in Essex.

Our property sits on both sides of Brigham Hill Road. Across the street from the side on which our house sits, there is a new construction that was put up by Liz and Sean Evans. A corner stake of our property line markers sits roughly where the Evan's driveway turns off from Cindy Smith's driveway.

About two weeks ago, we noticed that the corner stake had been removed. We called and asked the Evan's to replace the stake. This was done but appeared not to have been done professionally. A wooden stake was put in place of a metal rebar one, and we weren't told that a surveyor had come out to assess.

On Sunday, November 18, we observed the Evan's clearing an area in order to dig a ditch. In order to dig the ditch, the Evan's were clearing a substantial portion of our property—without our permission—and the ditch appeared to be very close if not on our property.

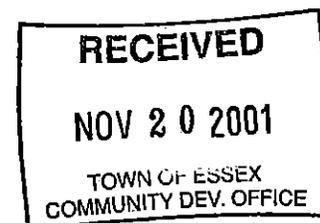
At this point, we called the Evan's and requested that they have our property marker replaced by a professional surveyor so that we could maintain our property line and also assess if any transgressions had taken place with the placement of their driveway and the accompanying ditch.

As property owners, we are trying to maintain our original property line and markers and to keep our neighbors from using or altering our property without our permission.

Anything that the Town of Essex can do to help us preserve our property rights would be much appreciated.

Sincerely,

Beth and Rick Renaud



2001-183

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**From:** Elizabeth Evans <ElizabethE@HomeboundMortgage.com>  
[ElizabethE@HomeboundMortgage.com] on behalf of Elizabeth Evans  
<ElizabethE@HomeboundMortgage.com>  
**Sent:** Monday, December 10, 2001 3:48 PM  
**To:** "'hdurfee@essex.org'" <hdurfee@essex.org>  
**Subject:** From Shawn & Liz Evans

To Herb Durfee,

Regarding the conditions of our completion certification. We have completed the following:

1. A licensed surveyor came out and restaked the pin.
2. The driveway has been moved 6 ft. from the Renaud's property line.

Dennis Lutz of public works is coming out to inspect new driveway site.

Sincerely,

Shawn & Liz Evans