

Arthur Riscen  
PO Box 554  
Ascutney, VT 05030

August 4, 2022

Ryan Gumbart  
Land Use Administrator  
Martin Memorial Hall  
5259 US Route 5 | PO BOX 550  
Ascutney, VT 05030

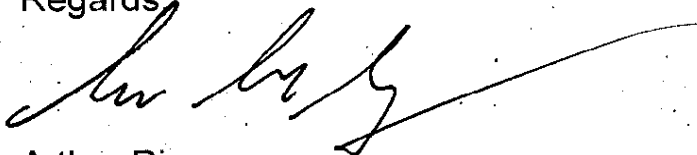
Dear Mr. Gumbart,

I am writing to give my support and approval for a one time exception to Condition #1 as detailed in Zoning Board of Adjustment Notice of Decision(Application 02.1706) dated April 12, 2006 and amended by order of Vermont Environmental Court on March 14, 2007. This exception would allow for an addition to be built on current Taft house at 479 South Mountain Road following specifications detailed in attached scans of drawings labeled "FRONT 1", "FRONT 2", "FRONT 3", and "SIDE".

My support and approval for this exception is contingent upon all 3 conditions of Notice of Decision 02.1706(as amended by VT Environmental Court March 2007) remaining in effect after completion of this single addition. I have attached a copy of page 3 from 02.1706 showing the original three conditions and pages 5-7 of the Vermont Environmental Court order covering all amendments to 02.1706(including change to condition #3) for your convenience.

If you have any questions feel free to contact me at awriscen@gmx.com or 732-713-5610.

Regards



Arthur Riscen

FRONT 1

APPROX 24 FEET TO PEAK

Center Line of Room Center  
Parallel on garage wall Location  
For Cathedral Ceiling



APPROX 20 FT

12' 14'

FRONT 2



Center Line of F Room  
Parallel on garage WC  
For Cathedral Ceiling

FRONT 3

4/12 Roof  
Approx  
24' to Peak



12'6" → | ← 14'  
← 26'1/2 →

Gar 12'6"  
Porch 14'

26'6"

ADD  
AN'

SIDE

4/12 Roof  
Approx  
24' to Peak



ADD New Footing  
AND Pier IF NEEDED

**DECISION OF THE BOARD**

The Board voted unanimously to grant variances as follows, with conditions :

- 15 feet on East side (toward the 174 foot border).
- 25 feet on the West Side (toward the 200 foot border).
- 20 feet on the North Side (toward the 177 foot border).

**CONDITIONS**

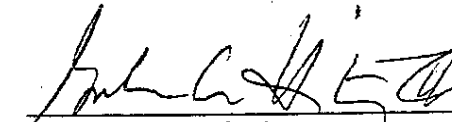
Condition #1: Due to the size of the property, the total footprint of the house shall be limited to 1,344 sq. ft. (792 sq. ft. house, 288 sq. ft. garage, and the porch/deck of 264 sq. ft.), the building limits listed in the Zoning Application #02.1706. No additions to this structure shall be allowed.

Condition #2: No outbuildings may be constructed.

Condition #3: These conditions shall be incorporated into the deed to the property.

*Appeals from decisions of the Zoning Board of Adjustment shall be taken to the Vermont Environmental Court in accordance with the requirements of Title 24, Chapter 117, of the Vermont Statutes Annotated, and The Vermont Rules of Civil Appellate Procedure.*

Dated at Weathersfield, Vermont, this 12<sup>th</sup> day of April, 2006



Graham Hunter, Chair  
Zoning Board of Adjustment

**BOARD MEMBERS PARTICIPATING IN THIS DECISION:**

Elizabeth Deliso, Vice Chair                      Ted Goddard  
Wesley Hazeltine

## Settlement Agreement

Wyman Variance Application, Docket No. 107-5-06 Vtec of the Vermont Environmental Court

**H. Restriction on Future Development by Wyman.** Wyman agrees that for as long as Riscen/Sin, or either of them, own the Riscen/Sin Parcel, she will not directly or indirectly be involved with the development or purchase of any other land from Ronald Jarvis nor the 1 acre lot located adjacent to the Common Right of Way currently for sale, except as stated in this Settlement Agreement. It is understood that her father, Carl Wyman, will execute a similar agreement with Riscen/Sin agreeing to the same restriction.

**I. Power and Telephone Line Easements.** Riscen/Sin agree to allow Wyman to tap into their existing power and telephone lines for the purpose providing power only to the Wyman Parcel including the granting of any necessary easements, provided that all costs of such are paid by Wyman.

**6. Agreements by Wyman, Riscen/Sin and the Town.** Wyman, Riscen/Sin and the Town do agree that for the purposes of this appeal the Notice of Decision of the Zoning Board of Adjustment for Application No.: 02.1706 shall be amended as follows.

A. ADD Exhibit 4 under paragraph 2 under "In rendering this decision, the Board relied upon the following:

"Exhibit 4: Revised Site Plan also showing easements for septic system on land of Ronald Jarvis and new 25 Foot Right of Way entitled 'Property Being Conveyed To Jaime Wyman By Betty Jane Keeley Weathersfield Vermont', prepared by Gary Rapanotti L.S., dated June 20, 2006 and revised 1/17/07"

B. DELETE the following from FINDINGS OF FACT F-6:

"No engineering work has yet been done on the system."

And ADD in its place and stead:

“Engineering work has been completed and the septic system has been approved by the Town.”

C. ADD FINDINGS OF FACT F-9, F-10 and F-11:

“F-9: The septic system easement on adjacent lands of Ronald Jarvis effectively minimizes the effect of increased variances on the southwest boundary (200 feet) and the southeast boundary (174 feet) as no building can take place on the land of Jarvis in the easement area.

“F-10: The proposed moving of the building southerly away from the boundary line in common with Arthur W. Riscen and Susan Sin (formerly owned by David and Sandra Wilson) so that the setbacks on the southwesterly line (200 feet) and the southeasterly line (174 feet) are 15 feet (35 foot variances) allows the setback on the northerly line (177 feet) to be beyond the required 50 feet.

“F-11 Although not depicted on the plans, the applicant plans to construct an adequate turn around from the driveway near the garage approximately 24 feet wide and 20 feet deep.”

D. DELETE CONCLUSION OF LAW C-6 and ADD IN ITS PLACE the following:

“C-6: Because of the irregular shape of the property, the smallness of the lot, the fact that nothing can be built in the septic easement area on lands of Ronald Jarvis on the southwest and southeast, the closeness of the only existing home adjacent to the parcel on the northerly side, the applicant is asking for relief from the setback requirements on the southwest and southeast boundaries and no longer on the northerly boundary. Barring access to significantly more complex mathematical modeling techniques and equipment, the ZBA concludes that the placement of the structure probably represents the minimum encroachment in the setback distances required in the RRR 3-5 Zone and appears to satisfy the neighboring property owners.”



Settlement Agreement  
Wyman Variance Application, Docket No. 107-5-06 Vtec of the Vermont Environmental Court

E. DELETE the DECISION OF THE BOARD portion of the said Notice of Decision in its entirety and ADD IN ITS PLACE the following:

“The Board grants variances as follows, with conditions:

35 feet on the East Side (toward the 174 foot border)

35 feet on the West Side (Toward the 200 foot border)”

F. DELETE Condition #3 under CONDITIONS in its entirety and ADD IN ITS PLACE the following:

“Condition #3: These conditions shall be incorporated in all future deeds to the property.”

For the purposes of this appeal, the Notice of Decision of the Board of Adjustment shall be so amended to read as set forth in the attached Revised Notice of Decision of the Board of Adjustment.

**7. Conditions of this Land Use Permit Application Settlement Agreement:** The parties agree that this Settlement Agreement is **conditioned upon** the Vermont Environmental Court accepting in its entirety without amendment this Settlement Agreement. If the Vermont Environmental Court does not accept in its entirety without amendment this Settlement Agreement, then the parties shall each have the following option:

If a party is not satisfied with the final decision of the Vermont Environmental Court, that party shall have the right within ten (10) days from the issuance of final decision of the Vermont Environmental Court to notify in writing Vermont Environmental Court and the other parties to this Settlement Agreement that they desire to rescind this Settlement Agreement. If a party does so elect to rescind this Settlement Agreement within the said ten (10) days, this Settlement Agreement shall become null and void and of no force or effect and any party may request the Vermont Environmental Court to reconsider its decision and to