

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED March 9, 2022**

APPLICANT

Name: Dean and Kathy Henry
Address: 129 Ferry Rd. (RT 314)

LANDOWNER

Name: same

APPLICATION

Type: 9-Lot Major Subdivision

Number: 21-95-FR129

PROPERTY

Location: 129 Ferry Rd.

Hearing Dates: Sketch Plan – July 28, 2021; Final Plat Reviews – December 8, 2021 (recessed to January 26, 2022); January 26, 2022; and February 23, 2022.

Dean and Kathy Henry submitted an application on June 30, 2021 requesting a Subdivision sketch plan review for a 9-lot subdivision at 129 Ferry Rd. The 15.11-acre parcel is on the southside of Ferry Rd. just east of the Ferry Rd./West Shore Rd. intersection and is in the Rural Residential Zoning District. Because the Applicants propose to create 9 lots from the same parcel, this subdivision was classified a Major Subdivision. Per Article 8 of the South Hero Development Regulations, a warning for the Sketch Plan Review appeared in the July 14, 2021 issue of the Islander; the warning for the combined Preliminary/Final Plan Review appeared in the November 17, 2021 issue of the Islander. Warnings were posted in the Town Office, the Post Office, and the Worthen Library, and abutters to the property were notified. The Sketch Plan hearing was held on July 28, 2021, and the Preliminary/Final Plan hearing began on December 8, 2021, recessed to January 26, 2022, and was completed on February 23, 2022. Applicant Dean Henry and Engineer Gunnar Olsen (Big Woods Design) presented the Sketch Plan. Dean Henry, Mark Day (Surveyor – TDH Surveying and Design), and Stephen Tetreault (TDH Surveying and Design) presented the Preliminary/Final Plan. A list of those present and participating in the hearings is included in the minutes of each meeting.

During the course of the hearing, the following exhibits were submitted:

- Town of South Hero Development Regulations, effective March 3, 2013.
- Application for Major Subdivision Sketch Plan review, dated June 28, 2021; rec'd June 30, 2021.
- Sketch plan by Big Woods Design, LLC, dated June 21, 2021; rec'd June 30, 2021.
- Warning ads, Abutters Notice, and Hearing Letter for June 28, 2021 Sketch Plan review.
- Staff Report for June 28, 2021 DRB Sketch Plan hearing.
- Minutes from July 28, 2021 Sketch Plan hearing.
- Application for Major Subdivision Preliminary and Final Plat Review, dated and rec'd November 11, 2021.
- Email from Dean Pierce, Permit Coordinator with VTrans, dated and rec'd November 3, 2021.
- Preliminary Subdivision Plat Sketch plan by TDH Surveying and Design, LLC, dated September 15, 2021; rec'd November 12, 2021.
- Existing and Proposed Traffic Impact calculations, by TDH Surveying and Design, LLC, dated and rec'd November 10, 2021.
- Table 4.1 – Major Subdivision Plan/Plat Review
- Warning ads, Abutters Notice, and Hearing Letter for December 8, 2021 Combined Prelim/Final Plat review [recessed on Dec. 8, 2021 to Jan. 26, 2022, and continued to February 23, 2022.
- 9-Lot Subdivision Plat, by TDH Surveying and Design, job #21102, Sheet #1, revision date January 13, 2022; rec'd January 18, 2022.
- Staff Report for January 26, 2022 DRB Combined Prelim/Final Plan review hearing.
- Final Plat by TDH Surveying and Design, no revision date, Sheet 1 of 1, rec'd February 20, 2022, accepted into the record at the February 23, 2022 hearing.
- Subdivision Plan projected onto aerial photograph, date Sept. 15, 2021; rec'd February 20, 2022, accepted into the record at the February 23, 2022 hearing.

Based on the applications, supporting documents, and testimony of Dean Henry, Mark Day, and Stephen Tetreault, **the Development Review Board makes the following Findings and enters the following decision:**

1. The subdivision was classified as a Major Subdivision.
2. The 15.57-acre parcel is to be subdivided into 9 lots, ranging in size from 1.19 acres to 2.27 acres. All lots are proposed for development with single-family homes.

3. Lots 1-6 will share a common 50-ft. wide access and utility easement to Ferry Rd. A separate 50-ft. wide access easement to the east will serve Lots 7-9. Both accesses will be named private roads.
4. Each lot will have its own drilled well.
5. Two hammerhead turnarounds are proposed for the long driveway to Lot 2. Both are on Lot 2. A separate hammerhead turnaround is proposed south of the Lot 2 driveway on Lot 5, closer to driveways for Lots 3, 4, and 5.
6. Lots 7, 8, and 9 share a turnaround at their access to Ferry Rd.
7. The Board asked that the 2 accesses onto Ferry Rd. be marked with reflective posts.
8. All wastewater will be handled by on-lot mounds or through shared easements and shared mound systems.
9. Stormwater will be managed on four stormwater management easements by a permit issued by Vermont Department of Environmental Conservation.
10. Building envelopes are shown on each lot.
11. TDH Surveying and Design, LLC estimates a total of 86 daily trips for the 9-lot development.
12. The Applicant stated that all easements will be referenced on the deeds of each lot as they are sold. There will be a road maintenance agreement prior to the sale of any lot.
13. The Applicant stated that all utilities will be underground.
14. The Applicant stated that roads, septic, and utilities will be completed before any lots are sold.
15. The Preliminary Plat and Final Plat reviews, required for a Major Subdivision, were warned as a combined review originally scheduled for December 8, 2021. This review was recessed to January 26, 2022, at the end of which was continued to February 23, 2022.

On February 23, 2022, **T. Maxham** closed the hearing.

Conclusions of Law:

1. The Plan, as presented, meets the requirements of Sec. 404.B (Major Subdivision) and Table 4.1.
2. The proposed lots meet the Dimensional Standards of Table 2.2 (Minimum lot size/minimum frontage).
3. The 50-ft. width of the access rights-of-way, designated to be private roads, meets the requirements of Section 503.A.2(b).
4. Per Sec. 503.B.1, there are no driveway standards for single household dwellings.
5. Hammerhead turnarounds meet the standards of Figure 6.1. and the requirements of Sec. 605.D.3

On March 9, 2022, Nate Hayward moved to approve the Subdivision with the findings of fact listed, and with the following Conditions; Doug Patterson second. Whereas, Final Approval was granted to the application, with the following people voting in the affirmative: T. Maxham, D. Patterson, L. Kilcoyne, W. Rowe, N. Hayward, and J. Brightwell.

Conditions of Approval:

1. Applicants shall comply with all evidence and testimony as presented at the hearing or as amended by this decision.
2. The Final Plat Mylar must be presented to the DRB for approval and signature, and recorded in the Town Land Records, within 180 days of the date of the Board's approval of the Final Plat.
3. Stop signs and reflective posts shall be installed at both accesses to RT 314.
4. The new roads will be named following Town road naming policy.
5. All utility vaults and pull stations shall be marked with elevated reflective markers.
6. Copies of all applicable State permits shall be provided to the zoning administrator.
7. The Town of South Hero's responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

Dated: March 9, 2022


For the Development Review Board

APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a), which is \$262.50 as of January 2011. A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.