

**FINDINGS OF FACT AND ORDER--**  
**Administrative Review of a 2-lot subdivision at 269 US RT 2**  
**Application #24-10-RT269**  
**Applicant: H.S.E. Realty/Michael Gulla**  
**September 27, 2023**

Michael Gulla, representing H.S.E. Realty, submitted an application for a 2-lot Minor Subdivision at 269 US RT 2. The 21.41-acre parcel is on the south side of RT 2 across the road from Community Lane and includes Island Racing Service, Inc. The property is in the South Hero Village Zoning District. It was determined that the proposal met the requirements of Article 4, Section 404.A (Minor Subdivision) of the South Hero Development Regulations, adopted March 31, 2020. The actual review was conducted by the Administrative Officer on August 4, 2023.

During the course of the Administrative Review the Administrative Officer entered the following exhibits without objection:

- Town of South Hero Development Regulations, effective March 31, 2020.
- Application for Minor Subdivision Administrative Review, dated and rec'd August 17, 2023.
- "Subdivision of Lands of H.S.E. Realty, LLC", by Richard W. Bell Surveying, Inc.; dated April, 2023; rec'd August 17, 2023
- Table 4.1 (Minor Subdivision), reviewed by the Zoning Administrator on August 4, 2023.
- Warning Ad, Abutters Notice, and Hearing Letter for the September 27, 2023 Minor Subdivision DRB Administrative Review.
- Staff Report for September 27, 2023 DRB hearing.

A hearing for the Development Review Board to act on the Zoning Administrator's recommendation took place on September 27, 2023. The sign-in sheet and minutes from the hearing will also be added to the file.

Based on the application and supporting documents, the **Administrative Officer** makes the following **Findings**:

1. The existing parcel is 21.41 acres. Proposed Lot 1 is 9.45 acres, with a 354-ft. frontage on RT 2. Proposed Lot 2 is 11.96 acres, with 324.74-ft. of frontage along RT 2. Both lots are in the South Hero Village Zoning District.
2. Two structures that belong to Island Racing Services, Inc. and an existing septic mound will remain on Lot 1. Proposed Lot 2 is undeveloped and has no existing easements.
3. There is no State Wastewater and Potable Water permit for proposed Lot 2. There is no proposed use yet and the Applicant is leaving that to whomever purchases the lot.
4. No wetlands delineations have been updated on the lot.
5. There is an existing curb cut and driveway from RT 2 serving Island Racing. A 50-ft. right-of-way from the existing curb cut is shown straddling the length of the boundary between Lots 1 and 2 from which Lot 2 will be accessed. The exact location of the access to Lot 2 from the ROW is not yet determined.
6. No building envelopes are proposed.

7. The Board granted the request for a waiver from the requirement to show contours on the survey plan.
8. The proposal meets the definition of a Minor Subdivision.
9. The proposal meets the dimensional standards of the South Hero Village Zoning District.


The Administrative Review found that the proposed subdivision met the provisions of Table 2.1 (Dimensional Standards – Minimum Lot Size – South Hero Village Zoning District); Article 4, Sec. 404.A (Minor Subdivision), Table 4.1 – Subdivision Requirements (Minor Subdivision – Plan/Plat Review); and Sec. 408 (Subdivision Development Standards). Minor subdivisions are reviewed by Administrative Review per Figure 4.1 (Subdivision Review Process). Based on this review, **the Administrative Officer recommends that the project be approved with the following Conditions:**

- A. The Applicants shall comply with all evidence and testimony as presented at the review or as amended by this decision.
- B. Per State wastewater and potable water rules, deferral permit language must be included in the deed for Lot 2.
- C. The following notes shall be added to the subdivision Mylar –
  - a. “Wetland delineations have not been completed.”
  - b. “No wastewater or potable water permits have been issued.”
- D. Required signature boxes shall be added to the subdivision Mylar.
- E. Abutting properties across RT 2 shall be identified on the subdivision Mylar.
- F. The Subdivision Mylar shall 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.
- G. 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.

**Recommended for Development Review Board Approval:**

  
Administrative Officer, 9/27/23  
date

**Approved by the Development Review Board:** Tim Maxham; Doug Patterson; Jim Brightwell; Liza Kilcoyne; Mike Welch, Ellie Reid and Nate Hayward.

  
For the Board, 9-27-23  
date

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). 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.