

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED May 31, 2023**

APPLICANT

Name: Jeff Sikora, agent for Martin and Patricia Lavin
Address: PO Box 250, South Hero, VT 05486

LANDOWNER

Name: Martin and Patricia Lavin

APPLICATION

Type: Subdivision Amendment

Number: 23-64-RT275 19-45-RT275

PROPERTY

Location: 275 US RT 2

Hearing Date: May 24, 2023

Jeff Sikora submitted an application on April 27, 2023 requesting an amendment to subdivision 19-45-RT275 at 275 US RT 2, approved by the Development Review Board on August 28, 2019. This amendment affects Lots 4, 5, 6, and 7 only. The east edge of Lot 5 and all of Lots 6 and 7 are in the Rural Residential zoning district. The remaining portion of Lot 5 is in the South Hero Village Zoning District. Per Article 8 of the South Hero Development Regulations, warnings for the Subdivision Amendment Review appeared in the May 3, 2023 issue of the Islander. Both warnings were posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. The review hearing was held on May 24, 2023. Jeff Sikora acted as agent and represented the Applicants, Martin and Patricia Lavin, at the hearing. 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 Final Plan Review -- Revision, dated and rec'd April 27, 2023.

- Narrative by Applicant, titled "Lavin Lane Subdivision Amendment (Boundary Adjustment); rec'd May 2, 2023.
- "Lavin Lots 4-8 Boundary Line Adjustment – Survey Plat" by David Tudhope, dated April 27, 2023; rec'd May 2, 2023.
- Waiver request for traffic impact study.
- Warning ad, Abutters Notice, and Hearing Letter for the May 24, 2023 Subdivision Amendment DRB hearing.
- Staff Report for May 24, 2023 DRB hearing.

Based on the applications, supporting documents, and testimony of Jeff Sikora, **the Development Review Board makes the following Findings and enters the following decision:**

1. The purpose of the amended subdivision is to adjust Lots 4, 5, 6, and 7 for the purpose of a future solar array on Lot 5.
2. Proposed Lot 4 will be reduced from 7.95 acres to 3.79 acres; Lot 5 will be increased from 2.38 acres to 24.57 acres and repositioned directly south of Lots 3 and 4, extending to the woods to the south; Lot 6 will be increased from 8.30 acres to 10.27 acres and moved to along the east boundary of the parcel; and Lot 7 will be reduced from 26.74 acres to 6.67 acres, and will include the vernal pond
3. The previously approved Lavin Lane will be shortened to 800 feet, ending with a hammerhead at Lot 5. The remaining right-of-way to the wastewater on Lot 8 will be repositioned to the east boundary of Lot 5 and the west boundaries of Lots 6 and 7.
4. The location of the Lavin Lane right-of-way access onto RT 2 was not correct on the previous survey. This amendment corrects the discrepancy by moving the access approx. 15 feet to the east. The adjustment slightly changes the lot sizes and road frontage length for Lots 1 and 2. Lot 1 will be enlarged from 2.36 acres to 2.38 acres, decreasing the road frontage from 221 feet to 206 feet. Lot 2 is increased from 2.44 acres to 2.54 acres, increasing the road frontage from 221 feet to 237 feet.
5. The entrance of Lavin Lane will be widened to include one entrance lane and two exit lanes.
6. The 60-ft. wide right-of-way on Lots 1-4 is in favor of Lots 1-8.
7. A 20-ft. wide easement along the north boundary of Lot 5 is in favor of Nedde Burlington (Seb's) for potential installation and maintenance for a sewer force main to the septic on Lot 8.
8. A new delineation of wetlands on Lot 6 has yet to be approved by VT DEC. No wetlands have been identified on Lot 5.
9. There is no timeline for installing the force main.
10. Fire District #4 has identified the Lavin subdivision lots as a priority for future water service since they were part of the application for the 8" line that was installed to Bayview Crossing. Pressure testing is currently underway.
11. The DRB waived the requirement for a traffic study.

On May 24, 2023, **D. Patterson** closed the hearing.

Conclusions of Law:

- A. The Plan, as presented, meets the requirements of Sec. 406 (Subdivision Amendments) and Table 4.1 (Subdivision Requirements – Major Subdivision).

On May 31, 2023, N. Hayward moved to approve the Subdivision Amendment with the findings of fact listed, and with the following Conditions; L. Kilcoyne second. Whereas, Final Approval was granted to the application, with the following people voting in the affirmative: D. Patterson (via email), L. Kilcoyne, M. Welch, and Nate Hayward.

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 survey plat shall have signature blocks for the DRB and the Town Clerk.
3. 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.
4. 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: May 31, 2023


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.