

## FINDINGS OF FACT AND ORDER

### Administrative Review of a 3-lot subdivision at 634 US RT 2

#### Application #23-46-RT634

#### Applicants: Timothy and Deborah McCanna

Timothy and Deborah McCanna submitted an application for a 3-lot subdivision of a 6-acre parcel at 634 US RT 2. The parcel is on the east side of US RT 2, just south of the intersection with Town Line Rd. The landowners are Rebecca Reynolds and Deborah McCanna. The parcel is in the Rural Residential Zoning District.

It was determined that, with a requested waiver approved by the Board, 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 February 21, 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 30, 2020.
- Application for Minor Subdivision Administrative Review, dated and rec'd February 21, 2023.
- "Three Lot Subdivision – Rebecca A. Reynolds" by Gunner McCain of McCain Consulting, dated February 15, 2023, with revisions dated February 22 and March 1, 2023.
- Warning ad, Abutters Notice, and Hearing Letter for the March 22, 2023 Minor Subdivision DRB hearing, dated March 1, 2023.
- Table 4.1 of the South Hero Development Regulations (Minor Subdivision Application Requirements), used for February 2023 Administrative Review.
- Email communications with McCain Consulting, dated March 3, March 14, and March 15, 2023.
- Revised subdivision plat, dated March 21, 2023, with changes to RT 2 access per VTrans, entered as Exhibit A at the March 22, 2023 hearing.
- Staff Report for March 22, 2023 DRB hearing.
- Subdivision Revision, Driveway and House Edits, by Gunner McCain of McCain Consulting, dated April 3, 2023; rec'd April 7, 2023.

A hearing for the Development Review Board to act on the Zoning Administrator's recommendation took place on March 22, 2023, and continued on April 12, 2023. The sign-in sheet and minutes from the hearings 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 6 acres. Proposed Lot 1 is 3.8 acres; proposed Lot 2 is 1.1 acres; proposed Lot 3 is also 1.1 acres.
2. All lots will be in the Rural Residential Zoning District.
3. There is an existing home and accessory structure (barn) on Lot 1. The subdivision plan shows a proposed 2-bedroom home on each new lot, with shared on-site water and wastewater systems located on Lot 3.
4. Both proposed Lots 1 and 2 have frontage on US RT 2. Access to Lot 3 is by a 50-ft. wide right-of-way through Lot 2 via a shared driveway. The ROW straddles the shared boundary with Lot 1 but the driveway itself remains on Lot 2.
5. There are 2 existing accesses from RT 2, forming a horseshoe, that serves the original lot. The two new lots will also be served by the southern access.
6. VTrans notified the Applicants that an 1111 access permit is required for the new shared driveway access from RT 2. The application has already been submitted to VTrans and verbal communication with VTrans approved the March 21, 2023 revision. The south driveway to Lot 1 will diverge from the new right-of-way approximately 50 feet from the access to RT 2.
7. The south end of the original driveway to lot 1, between RT 2 and the new turnoff from the ROW, will be seeded and mulched.
8. The shared well and septic leach field for the new lots are on the east end of Lot 3. A 1000-gal. septic tank and 1000-gal. pump station are on the southwest corner of Lot 3.
9. A 20-ft. wide septic easement from the septic tank and pump station to the shared leach field on Lot 3 will also benefit Lot 2. A water easement from the shared well on Lot 3 benefits Lot 2.
10. A State wastewater and potable water permit application will be submitted once the VTrans 1111 permit is approved.
11. The subdivision plat shows an overhead line from a pole on RT 2 to a utility pole placed on Lot 2, from which overhead lines continue to both homes.
12. The proposal meets the definition of a Minor Subdivision.
13. The proposal meets the density and other dimensional standards of the Rural Residential District.
14. The Board accepted 1-foot contours on the subdivision plan.

The Administrative Review found that the proposed subdivision met the provisions of Table 2.1 (Dimensional Standards – Minimum Lot Size); Article 4, Sec. 404.A (Minor Subdivision) and Table 4.1 – Subdivision Requirements (Minor Subdivision – Plan/Plat Review); Sec. 408 (Subdivision Development Standards), and Article 5, Sec. 503.A.2(c) (Driveways and Access to Lots) of the South Hero Development Regulations. 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:**



