

FINDINGS OF FACT AND ORDER--
Administrative Review of a 2-lot subdivision at 17A Ferry Rd.
Application #24-04-DH029
Applicant: Robert and Kathleen Swanson
August 9, 2023

Robert and Kathleen Swanson submitted an application for a 2-lot Minor Subdivision of an agricultural lot at 17A Ferry Rd. The parcel is on the south side of Ferry Rd. and is accessed by right-of-way. The property is in the Rural Residential and Keeler Bay Village Zoning Districts. 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 July 17, 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 June 29, 2023.
- "Subdivision Sketch Plan for Robert and Kathleen Swanson", by Day Land Surveying, PLLC; dated April 4, 2023.
- Table 4.1 (Minor Subdivision), reviewed by the Zoning Administrator on July 17, 2023.
- Warning Ad, Abutters Notice, and Hearing Letter for the August 9, 2023 Minor Subdivision DRB Administrative Review.
- Staff Report for August 9, 2023 DRB hearing.

A hearing for the Development Review Board to act on the Zoning Administrator's recommendation took place on August 9, 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 41.45 acres. Proposed Lot 1 is 38.20 acres. Proposed Lot 2 is 3.25 acres.
2. Proposed Lot 2 is in the Keeler Bay Village Zoning District. Proposed Lot 1 is in both the Keeler Bay Village Zoning District and the Rural Residential Zoning District.
3. Proposed Lot 1 is agricultural, with no structures. Proposed Lot 2 will include an existing horse barn. There is no dwelling on this lot.

4. Both lots are exempt from Wastewater and Potable Water permit requirements. There is an existing well on the east side of the barn.
5. Proposed Lot 2 will be accessed by a 50-ft. right-of-way from Ferry Rd. This serves as access to a home at 19 Ferry Rd. and ends at that driveway. A 30-ft. wide access and utility easement is proposed to continue south to the barn on Lot 2.
6. An electrical transformer box is at the northwest corner of Proposed Lot 2.
7. An existing 20-ft. wide driveway easement on Lot 1 serving a previously subdivided and yet to be developed lot to the east of Lot 1 will remain.
8. The Board granted the request for a waiver from the requirement to show contours on the survey plan.
9. 29 Davis Hill Rd. also has deeded access from Ferry Rd. via the 17 Ferry Rd. right-of-way.
10. The proposal meets the definition of a Minor Subdivision.
11. The proposal meets the density and other dimensional standards of the Keeler Bay Village Zoning District and the Rural Residential Zoning District.

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); 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. The right-of-way to the barn shall continue south along the west boundary of proposed Lot 2 to the boundary of Lot 1 and be 50 feet wide.
- C. Clarify correct abutters' names on lots between Ferry Rd. and Lot 1.
- D. Add bearing distances along the west boundary of Lot 1, and between Lot 1 and FR017/DH029.
- E. The Mylar shall be signed and stamped by the surveyor.
- F. 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.
- 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:

Nayka Taylor-Jones 8/9/23
Administrative Officer **date**

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

Timothy E. Maxham 8-9-23
For the Board **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.