

FINDINGS OF FACT AND ORDER--
Administrative Review of a 2-lot subdivision at 50 and 60 Ferry Rd.
Application #23-80-FR050
Applicants: Robert and Shane Viens
July 26, 2023

Robert and Shane Viens submitted an application for a 2-lot subdivision review of a 19.92-acre parcel at 50 and 60 Ferry Rd. (VT Rt 314). The parcel is on the north side of Ferry Rd., one-half mile from the intersection of Ferry Rd. and RT 2. The property is in the Keeler Bay 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 June 13, 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 June 6, 2023 and rec'd June 8, 2023.
- Submittal letter from Jacques Larose of Civil Engineering Associates, dated and received June 8, 2023.
- "Two-Lot Subdivision for Robert and Shane Viens", sheets P1 and CC1.0, by Timothy Cowan of Civil Engineering Associates, dated May 22, 2023.
- Wastewater System and Potable Water Supply Permit #WW-6-4242, dated June 14, 2023.
- Warning ad, Abutters Notice, and Hearing Letter for the July 27, 2023 Minor Subdivision DRB hearing.
- Table 4.1 of the South Hero Development Regulations (Minor Subdivision Application Requirements), used for June 2023 Administrative Review.
- Email communications with Jacques Larose of Civil Engineering Associates, dated May 3, and June 6, 7, 8, and 14, 2023.
- Staff Report for July 26, 2023 DRB hearing.

A hearing for the Development Review Board to act on the Zoning Administrator's recommendation took place on July 26, 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 19.92 acres. Proposed Lot 1 is 9.94 acres and was the location of the Grand Isle Nursery. Proposed Lot 2 is 9.98 acres.
2. Both lots will be in the Keeler Bay Village Zoning District.
3. Proposed Lot 1 includes existing greenhouses, a 3-person office, retail space, and a barn with a 1BR apartment. Proposed Lot 2 will include an existing 3BR home, small barn, and a boathouse. Each lot has existing ponds with 50-ft. class II wetlands buffer areas shown.
4. Wastewater and Potable Water permit #WW-6-4242 recognizes existing septic systems and wells on each lot. Proposed replacement systems are shown on Sheet C1.0.
5. Both proposed Lots 1 and 2 will maintain frontage and existing accesses onto Ferry Rd. No changes to these accesses are proposed.
6. The subdivision plat shows an existing overhead power line extending from a pole opposite Lot 1 on Ferry Rd. to the pond area at the rear of Lot 1. The terminus of the line is within the 50-ft. wetland buffer.
7. No easements are shown on either lot. Survey note #6 states that the property *may* be subject to a right-of-way or easement serving New England Telegraph and Telephone, dated 9/23/1958, per South Hero Town Records.
8. The proposal meets the definition of a Minor Subdivision.
9. The proposal meets the density and other dimensional standards of the Keeler Bay Village 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 Mylar shall be signed and stamped by the surveyor.
- C. Prior to recording, the density requirement for the Keeler Bay Village Zoning District – “No minimum lot size”. 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.
- D. 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:

Natasha Taylor-Carney 7/26/23
Administrative Officer *date*

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

Timothy E. Maxham 7-26-23
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.