

FINDINGS OF FACT AND ORDER--
Administrative Review of a 2-lot subdivision 86 Featherbed Lane
Application #24-73-FL086
Applicant: Joseph Danis
May 22, 2024

Joseph Danis submitted an application for a 2-lot subdivision review of a 5.9-acre parcel at 86 Featherbed Lane. The parcel is on the east side of Featherbed Lane, approx. ¾-mile from the intersection of Featherbed Lane and RT 2. 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 in May 2024.

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 April 22, 2024; rec'd April 23, 2024.
- "Danis 2-Lot Subdivision Plat" by David Tudhope, dated May 9, 2024 (revision date May 14, 2024).
- Table 4.1 of the South Hero Development Regulations (Minor Subdivision Application Requirements), used for May 2024 Administrative Review.
- Warning ad, Abutters Notice, and Hearing Letter for the May 22, 2024 Minor Subdivision DRB hearing.
- Staff Report for May 22, 2024 DRB hearing.

A hearing for the Development Review Board to act on the Zoning Administrator's recommendation took place on May 22, 2024. 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. 86 Featherbed Lane is 5.9 acres. Featherbed Lane is a private road maintained by the Featherbed Road association.
2. The Applicant proposes creating a new lot at the south end of the parcel. Proposed Lot 5A is 1.46 acres. The remaining land to the north, Lot 5, will be 4.44 acres.

3. The property is mostly in the Rural Residential Zoning District, with the extreme northeast corner extending into the Shoreland District.
4. Lot 5A will be in the Rural Residential zoning district.
5. Lot 5 includes the Applicant's home and a small accessory structure. A 4BR single household residence is proposed for Lot 5A.
6. The new wastewater system and a well will serve Lot 5A. An application for the State permit has been submitted. Power will be underground from an existing pole across Featherbed Lane from the new lot.
7. Lot 5A will need a new driveway access to Featherbed Lane. Since it is a private road, the Town has no jurisdiction for access permits.
8. The subdivision plat shows a 20-ft. wide easement in favor of the Paradise Bay Association's water system main that extends onto Lot 5A from Lot 5. An aerial power line spans the southwest corner of Lot 5A, outside the 50-ft. Featherbed Lane ROW and utility easement. This line is outside the building envelope for the lot.
9. The proposal meets the definition of a Minor Subdivision.
10. The proposal meets the density and other dimensional standards of 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 Mylar shall be signed and stamped by the surveyor.
- C. 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:

Nanda Taylor-Jones, *5/22/24*
Administrative Officer **date**

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

Timothy E. Maxham, *5-22-24*
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.