

FINDINGS OF FACT AND ORDER--

Administrative Review of a 3-lot subdivision at 117 Station Rd.

Application #24-68-SR117

Applicant: Ronald Gentile

May 22, 2024

Ronald Gentile submitted an application for a 3-lot subdivision review of an 83.09-acre parcel at 117 Station Rd. The parcel is part of the 217-acre Brent Hazen Trust property, which straddles Station Rd. between Lake View and West Shore Rds. It is on the south side of Station Rd., approx. ¼ -mile west of Lake View Rd. 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 16, 2024; rec'd April 17, 2024.
- "Plat of Survey – 2-Lot Subdivision Ronald Gentile/Sarah M. Grattan/Brent Hazen Trust" by Warren Robenstien; dated May 3, 2022.
- Property Plan by Buermann Engineering, date January 31, 2022; rec'd May 14, 2024.
- Water and Wastewater Plan by Buermann Engineering, date January 31, 2022; rec'd May 14, 2024.
- Table 4.1 (Subdivision Application Requirements – Minor Subdivision Plan/Plat Review) from the South Hero Development Regulations. Review date by ZA - May 7, 2024.
- Warning ad, Abutters Notice, and Hearing Letter for the May 22, 2024 Minor Subdivision DRB hearing.
- State Wastewater and Potable Water Supply Permit #WW-6-4412; dated May 6, 2024.
- Staff Report for the 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. 117 Station Rd. is a 217.6-acre parcel owned by the Brent Hazen Trust. The property spans Station Rd between Lake View and West Shore Rds. The proposed subdivision is of the 83.07-acre parcel on the south side of Station Rd.
2. The Applicant proposes to subdivide 2 lots from the east end of the parcel. The survey shows proposed Lot 1 is 1.02 acres; proposed Lot 2 is 1.07 acres. The remaining land, Lot 3, will be 81 acres.
3. The property is in the Rural Residential Zoning District. Lots 1 and 2 are proposed for residential development. Lot 3 includes an existing 2BR and a 3BR home.
4. The Wastewater permit is for a shared wastewater disposal system serving a 4BR home each on Lots 1 and 2. The shared system will be on Lot 2 with an easement benefiting Lot 1. Each new lot will have its own drilled well.
5. Lots 1 and 2 will share driveway access from Station Rd. Lot 2 will have a 30-ft. access right-of-way along the west boundary of Lot 1.
6. Although not shown on the survey, power will be underground from an existing pole on the south side of Station Rd., next to the shared driveway. Power to Lot 2 shall be within the 30-ft. access right-of-way. The survey does not show the location of the UG power lines.
7. Although not identified in the legend, the wells are identified by triangle symbols on the survey.
8. The Applicant requests a waiver from showing contour lines.
9. The Applicant requests a waiver from showing proposed power line location.
10. The proposal meets the definition of a Minor Subdivision.
11. Per Sec. 402.B, the DRB may waive or modify the submission requirements of Table 4.1 if they are deemed not applicable due to special circumstances.

The Administrative Review found that, other than finding #6 above, 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. Prior to conveyance of either parcel, a legal instrument to describe the shared responsibilities for maintenance and repairs to the shared mound disposal field. This document shall be signed and recorded in the Land Records.
- C. Lots 1 and 2 shall have a shared driveway access from Station Rd.

- D. The Mylar shall be signed and stamped by the surveyor.
- E. 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.
- F. 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 Jaywitz Denev, 5/22/24
Administrative Officer *date*

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

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.