

**FINDINGS OF FACT AND ORDER--**  
**Administrative Review of a 3-lot subdivision at 253 US RT 2**  
**Application #24-95-RT253**  
**Applicant: Ralph W. Lawrence, Jr.**  
**August 14, 2024**

Day Land Surveying Inc., representing Ralph W. Lawrence, Jr. submitted an application for a 3-lot subdivision review of a 183.24-acre parcel at 253 US RT 2. The parcel is on both sides of RT 2. The proposed subdivision is of land on the north side of RT 2, accessed from Gifford Lane. It was determined that the proposal met the requirements of Article 4, Section 404.A (Minor Subdivision) of the South Hero Development Regulations, revised January 1, 2024. The actual review was conducted by the Administrative Officer on June 20, 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 and rec'd June 20, 2024.
- "Subdivision Plat – Ralph W. Lawrence, Jr; Ralph and Elinor J. Lawrence", by Day Land Surveying, PLLC; dated June 14, 2024.
- Table 4.1 (Subdivision Application Requirements – Minor Subdivision Plan/Plat Review) from the South Hero Development Regulations. Review date by ZA – June 20, 2024.
- Warning ad, Abutters Notice, and Hearing Letter for the July 24, 2024 Minor Subdivision DRB hearing.
- Staff Report for the July 24, 2024 DRB hearing.

A hearing for the Development Review Board to act on the Zoning Administrator's recommendation took place on July 24, 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. 253 US RT 2 is a 183.24-acre farm owned by Ralph W. Lawrence, Jr. The property is on the north and south sides of US Rt 2. The proposed subdivision is of the lands

north of RT 2, hay fields through which Gifford Lane crosses to access homes on the lake. The parcel is in both the Shoreland and Rural Residential zoning districts.

2. Bittersweet Lane (no ROW width shown) extends southwest from Gifford Lane and serves several lakefront camps, ending before a camp owned by Lawrence. A new 50-ft. ROW running parallel to Bittersweet Lane serves as access to the Lawrence camp (address 14 Bittersweet Lane). The Lawrence camp lot is separate from the farm parcel.
3. The Applicant proposes to subdivide 2 lots for residential development on the west side of Gifford Lane. The survey shows proposed Lot 1 is 1.02 acres; proposed Lot 2 is 1 acre. The remaining 181.22 acres is designated as Lot 3 and is not surveyed beyond the immediate area of proposed Lots 1 and 2.
4. No right-of-way width had been previously designated for Gifford Lane. A new right-of-way width of 50 feet is shown in the survey. The travel portion of the road is in the center of the ROW. The east boundary of Lots 1 and 2 is the edge of the right-of-way.
5. Proposed Lot 1 is in the Shoreland zoning district. Lot 2 is primarily in the Shoreland district, with the southeast corner in the Rural Residential zoning district. Both lots show building envelopes for a primary structure 25 feet from the boundaries of the lots. No proposed house locations are shown.
6. The north border of Lot 1 abuts the new 50-ft. ROW to the Lawrence camp. Lot 2 abuts Lot 1 to the south. Both proposed lots will have direct driveway access onto Gifford Lane only.
7. The State Wastewater and Potable Water permit application has been submitted for a 4BR home each on Lots 1 and 2.
8. A shared 30-ft' pedestrian lake access will connect from Lots 1 and 2 to the Lawrences' 50-ft. right-of-way, that will narrow to 15 feet around the perimeter of the Lawrence camp lot (BS014) to the lake.
9. Lots 1 and 2 have their own wastewater systems and wells. A wastewater mound easement benefiting Lot 1 is shown on Lot 2.
10. A wastewater and forced main easement benefiting the Lawrence camp is shown on Lot 3 between the new lots and the Lawrence camp. The balance of Lot 3 will remain agricultural.
11. Although not shown on the survey, power will be underground from the closest pole, either on Bittersweet Lane or on Lot #3. Power does not come down Gifford Lane from RT 2.
12. The Applicant requested a waiver from showing contour lines. The Board denied the request and asked that contours be shown on the survey Mylar.
13. There are existing culverts under Gifford Lane. The Board asked that those be shown on the survey Mylar.
14. The proposal meets the definition of a Minor Subdivision.
15. 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 showing contours and proposed structures on the survey, 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 recording the subdivision Mylar, locations of power supply and related easements will be added to the survey.
- C. Prior to recording the subdivision, contours and culvert locations within 200 feet of Lots 1 and 2 shall be added to the survey.
- D. 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.
- E. 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:**

\_\_\_\_\_, \_\_\_\_\_  
**Administrative Officer** **date**

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

 \_\_\_\_\_, 8/14/24  
**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. §1434(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.