

Town of Cambridge
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Development Review Board
Subdivision Sketch Plan Review
Findings and Decision

In re: **Katherine Keith**
Permit Application No. **SD-2015-06**

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land submitted by **Katherine Keith** for Sketch plan approval under the Amended Subdivision Regulations for the Town and Village of Cambridge, Lamoille County, Vermont effective March 24, 2015
2. The application was received by **Mark Roberts** on **March 26, 2015**. A copy of the application and supporting documentation are available at the Cambridge Town Clerks Office.
3. On **April 2, 2015** notice of a public hearing for Sketch Plan approval was published in the **Transcript**.
4. On April 1, 2015 notice of a public hearing for Sketch Plan approval was posted at the following places:
 - a. The **Cambridge Town Clerks Office**.
 - b. The **Cambridge Post Office**.
 - c. The **Jeffersonville Post Office**.
5. On **April 1, 2015** a copy of the notice of a public hearing was mailed to the applicant and to the following owners of properties adjoining the property subject to the application [Certificate of Service attached to findings in the Official Record].
6. The application and plat were considered by the Development Review Board at a public hearing on **April 13, 2015**. The Development Review Board reviewed the application under the Subdivision Regulations for the Town and Village of Cambridge, Lamoille County, Vermont as adopted April 17, 2006 (Selectboard) and June 20, 2006 (Trustees) and effective September 1, 2006 and amended March 3, 2015 and effective March 24, 2015.
7. The following members of the Development Review Board were present at the hearing:
 - Kathy Quimby Johnson (Chair)
 - Jonathan Wood
 - Andy Hoak
 - Dave Fay (Recused)
 - Mark Boyden
 - Eli Moore
 - Jeff Coslett
8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. §4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regards to the criteria, and a record of their participation at the hearing is attached hereto.
9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - Property Sketch titled, Katherine Keith 2-Lot Subdivision, by McCain Consulting, Waterbury, VT
 - Map of the project showing elevations by McCain Consulting

FINDINGS

Based on the application, testimony by Gunner McCain representing the applicant, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks Sketch Plan approval for a subdivision of a 40.6+-acre parcel located at 1818 Bartlett Hill Road in the Town of Cambridge. Lot #1 will be 6.4+/- acres with an existing single family residence. Lot #2 will be 34.2 +/- acres for deferred for development until as later date. (Tax map and deed not listed on application).
2. Subdivision Sketch Plan approval is requested for the project pursuant to review under *Section 3.01 Subdivision – Sketch Plan Approval* of the Subdivision Regulations for the Town and Village of Cambridge, Lamoille County, Vermont.
3.
 - a. Section 4.01 A (1) states that no new lot shall be created that does not meet the minimum area requirement (1 acre).
 - b. Section 4.01(A) (2) states that all new lots shall have a minimum of 100 feet of frontage on a public or private road.
 - c. Among other requirements Section 4.01(3) states that all new lots created must have a regular shape as defined in the Section.
 - d. Among other requirements, Section 4.02 states that any proposed parcel must have an approved access onto a private road or town highway or State highway (The DRB has jurisdiction to approve access onto private roads).
 - e. Among other requirements, Section 4.03 states that all new lots must be usable.
 - f. Among other requirements, Section 4.04 requires developments serviced by individual wells to provide evidence of the location of all wells and that these locations shall meet the water supply and well shield isolation distances established by the *Vermont Water Supply Rules*.
 - g. Among other requirements, Section 4.05 requires individual wastewater disposal systems to be designed and installed in accordance with municipal and state regulations and standards.
 - h. Among other requirements, Section 4.06 requires existing and proposed utility rights of way to be shown on plat.
 - i. Among other requirements Section 4.07 describes standards for driveways, shared driveways and private roads.
4. Based upon the application submitted by the applicant, testimony by Gunner McCain (the applicant's representative) and evidence submitted at the public hearing, the following facts were ascertained that are pertinent to the decision:
 - a. Lot 1 will be 6.4+/- acres and Lot 2 will be 34.2 +/- acres. Both Lots meet the minimum area requirement.
 - b. As drawn Lot 2 has frontage on Bartlett Hill Road. The applicant intends to claim frontage for Lot 1 on the existing driveway that goes through Lot 2 to the existing residence.
 - c. Both lots meet the requirements for shape.
 - d. Lot 2 has an existing approved access onto Bartlett Hill Road. As drawn Lot 1 will have access onto the shared driveway through Lot 2 and onto Bartlett Hill Road.
 - e. Both lots meet the requirements for usability.
 - f. Well shields and isolation distances must be shown on the final plat. Existing well shield on Lot 1 meets the requirements of Section 4.04. Lot 2 is deferred for future development and hence has no well.
 - g. Waste water systems meet the requirements of section 4.05.
 - h. Utilities must be shown on the final plat.
 - i. The Private Road standard (4.07 B 3.) will have to be met in order to meet the frontage requirements of section 4.01 A 2.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board hereby **APPROVES the Sketch Plan** for the application and plan for Katherine Keith (Permit Application No. SD-2015-06) with the following conditions and decisions of the DRB.

The proposed subdivision meets or does not meet the following requirements:

- a. Each lot in the proposed subdivision **meets** the area requirements of Section 4.01.
- b. Lot 1 in the proposed subdivision **does not meet** the frontage requirements of Section 4.01 because the proposed shared driveway is not a private road. For final approval the shared driveway will have to meet the

private road requirements of Section 4.07. Alternatively Lot 1 could be redrawn such that it has at least 100' of frontage on Bartlett Hill Road.

- c. If the applicant chooses to improve the shared driveway into a private road Section 3.02 (E) 2 requires the Administrative Officer and the Cambridge Highway Foreman to inspect and approve improvements necessary to ensure compliance with the regulations. Access to the private road for Lot 1 will have to be approved by the DRB.
- d. The shape of both lots was found to be acceptable under these standards; however, if Lot 1 is redrawn at all the DRB will have to approve the new shape of the lots.
- e. The DRB approves the proposed use for both lots. Approval does not imply a vested right to develop either lot. Any future development of Lot 2 will have to be brought to the DRB for approval.
- f. The proposed subdivision will meet the water system requirements of Section 4.04.
- g. Wastewater systems for Lot 1 meet the requirements of Section 4.05. Any future development of Lot 2 may require Wastewater permitting.
- h. Utilities must be shown on the final plat.
- i. As defined in the regulations the current driveway meets the description of a shared driveway (it will have to be improved to the shared driveway standard if another method for frontage for Lot 1 is proposed), however, a shared driveway does not create frontage for Lot 1. The DRB finds that the statement in 4.01 (A) 2 that "All new lots created must have frontage on a public or private road" requires the applicant to improve the driveway to the private road standard as defined in Section 4.07 (B) 3. In addition the DRB will require deed language describing the road maintenance agreement between the two properties.

Additional Notes:

- Any future application for Sketch plan or final approval must be complete including tax map number and volume, page and date of deed, signatures, etc.
- The plat submitted for final approval must show the right of way metes and bounds for the private road (or shared driveway), prime and statewide agricultural soils, wetlands, rights of way for water courses, utility easements and all other details as required in Section 3.01 (B) 1&2 of the regulations.

NOTE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Court Proceedings.