

Town of Cambridge
P. O. Box 127
Jeffersonville, Vermont 05464
802-644-2251 FAX 802-644-83487
Development Review Board
Subdivision Sketch Plan Review
Findings and Decision

In re: Jordan Wyckoff
Permit Application No. SD-2016-03

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for subdivision of land submitted by **Jordan Wyckoff** for Sketch plan approval under the Subdivision Regulations for the Town and Village of Cambridge, Lamoille County, Vermont effective September 1, 2006. Amended March 3, 2015, effective March 24, 2015.
2. The application was received by **Mark Roberts** on **February 26, 2016**. A copy of the application and supporting documentation are available at the Cambridge Town Clerks Office.
3. On **March 1, 2016**, notice of a public hearing for sketch plan review was posted at the following places:
 - a. The Cambridge Town Clerks Office (February 29, 2016).
 - b. The Cambridge Post Office.
 - c. The Jeffersonville Post Office.
4. On **March 1, 2016** notice of a public hearing for Sketch plan approval was published in the **News and Citizen**.
On **March 1, 2016** a copy of the notice of a public hearing was mailed to the applicant. March 1, 2016 a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application [SEE ATTACHED CERTIFICATE OF SERVICE].
5. The application and plan were considered by the Development Review Board at a public hearing on **March 14, 2016**. 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. Amended March 3 2015, effective March 24, 2015.
6. The following members of the Development Review Board were present at the hearing:
 - Jonathan Wood (Chair)
 - Andy Hoak
 - David Fay
 - Jeff Coslett
 - Mark Boyden
 - Greg Johnson

7. 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 copy of the interested persons record is attached to these findings.
8. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - Sanitary Site Plan by Vermont Land Design Dated 8/29/2014
 - Wastewater Permits

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a permit to subdivide land (**2 lot subdivision**). The subject property is a 2.63 acre parcel located at **Cherry Tree Lane** in the Town of Cambridge (tax map 13-1-75.03). [The property is more fully described in a deed dated **October 31, 2011** and recorded at **Volume 372, Page(s) 391**, of the Town of Cambridge Land Records.]
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. Among other requirements Section 3.02 (B) [1] states as a requirement for Final Plat Approval that the plat shall include a map of the property that is prepared by a licensed land surveyor, registered civil engineer or registered architect. The map must also show any easements, deed restrictions, existing features including buildings, wooded areas, roads, water courses, wetlands and prime and statewide agricultural soils. The map shall also show all parcels immediately adjacent to the project with the names and addresses of the adjacent landowners.
- b. Among other requirements Section 3.02 (B) 2 states that the Final Plat shall show sufficient data acceptable to the DRB to determine readily the location, bearing and length of every road line, easement/ROW, lot line, building envelope, boundary line and to reproduce those lines on the ground.
- c. Among other requirements, Section 4.01 states that no new lot shall be created that does not meet the minimum area (1 acre), dimensional requirements (75 feet width), and frontage requirements (100 feet on a public or private road) of the district in which it is located. No dogleg, bowling alley, or lots otherwise contorted to avoid these bylaws are permitted.
- d. Section 4.01(A) (2) states that all new lots shall have frontage on a public or private road.
- e. 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.
- f. Among other requirements, Section 4.03 states that all new lots must have some potential permissible use. Section 4.03 D further states that the DRB may require an applicant to obtain applicable State permits before approving a subdivision.
- g. 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*.
- h. 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.
 - i. Among other requirements, Section 4.06 requires that all utilities be shown on the sketch plan.
 - j. Among other standards, Section 4.07 (3) requires all private roads to be constructed to standards described in that section of the regulations. Section 4.07G requires that road use agreements be established as a condition of final approval.
4. Based upon the application submitted by Jordan Wyckoff and evidence submitted at the public hearing, the following facts were ascertained that are pertinent to the decision:
- a. The map submitted for Final approval must meet the requirements of section 3.02 including overlays of prime and statewide agricultural soils and wetlands.
 - b. The Plat submitted for final approval must show metes and bounds for the private road and driveways and slopes of greater than 10% on the private road.
 - c. Lot #2A will be 1.38+/- acres with an existing 3 bedroom residence. Lot #2B will be 1.25 +/- acres with an existing 1 bedroom apartment and garage. Both lots meet the criteria for lot size and shape, Minimum widths of 75 feet maintained for lot 2a. Lot 2b has an existing 60' width at the road portion of the lot.
 - d. Each lot must have frontage on a public or private road. In order for the project to meet the requirements for frontage the private road servicing lots 2a and 2b must be brought up to the standards of a private road as defined in the regulations under section 4.07 3.
 - e. Lot 2a and 2b will have access from the current private road. The current private road must be brought up to the private road standard. Metes and bounds and grades for the road must be shown on the final plat.
 - f. Both lots in the proposed subdivision have a permissible use, however, the Board finds that the Class 2 wetlands on either side of the project are connected by what the applicant describes as a stream going through the project. The board is concerned that wetland permitting may be required by the State before any road improvements can be made. The state may also need to determine if the culverts on Cherry Tree Lane are adequate to connect the two wetlands. The State may also require permitting to create the two lots. The DRB will require that necessary permits be obtained. If no permits are required the applicant must obtain a letter from the Agency of Natural Resources stating that no permits are required.
 - g. Well and septic shields and isolation distances must be shown on the final plat.
 - h. Wastewater permits have been issued for the proposed residential lots and must be filed with the Town Clerk.
 - i. Utility easements and rights of way must be shown on the final plat.
 - j. For final plat approval evidence must be shown that the current private road has been improved to meet the requirements of Section 4.07 (3) for private roads. Improvements to the private road will have to be made prior to the sale of either lot. If improvements will not be made prior to sale deferral language indicating the need to improve the private road prior to development shall be placed on the final plat and in any transfer deed.

Improvements are subject to inspection and a certificate of completion must be filed by the administrative officer.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board hereby Grants Sketch Plan Approval of the application and plan for Jordan Wyckoff (Permit Application No. SD-2016-03).

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

1. Each lot in the proposed subdivision **meets** the dimensional requirements of Section 4.01 including lot size, width and shape (the existing 60' width at the west end of lot 2b is acceptable under these regulations).
2. The proposed residential lots in the proposed subdivision **MUST meet** the frontage requirements of Section 4.01 by improving the current road to the private road standards of Section 4.07.
3. Both lots meet the requirements of Section 4.02 for access. **A road maintenance agreement will be required.**
4. Lot 2a and 2b in the proposed subdivision **MUST meet** the requirements for permissible use by obtaining all necessary State wetlands permits or providing evidence that permitting is not applicable to the project.
5. Lot 2a and 2b **must meet** the water system requirements of section 4.04.
6. Lots 1&2 in the proposed subdivision **must meet** the wastewater disposal requirements of Section 4.05.
7. **The current private road will have to be brought up to the standards of Section 4.07(3)**

Additional Notes:

- The map submitted for final approval must meet all the requirements of section 3.02(B) 1&2.
- The plat submitted for final approval must show the metes and bounds for the road and driveway.
- Well and septic shields must be shown on the final plat
- Sample deed language for the septic and road easements and any other proposed easements must be presented with the final application.
- **For final approval the applicant shall determine if State wetlands permitting will be required by the State of Vermont. If permitting is not required the applicant must provide evidence from the State that no permits are required.**
- Agency of Natural Resources prime and statewide agricultural soils and wetlands and any watercourses must be shown on the final plat

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.