

FLETCHER
DEVELOPMENT REVIEW BOARD

Decision on Application #A21-02 for Access Approval

Applicants: Charles and Paula Turner

Introduction:

1. This matter came before the Development Review Board in the form of Application #A21-02.
2. A notice of public hearing was posted at the Fletcher Town Office, Fletcher Elementary School, the Fletcher General Store, and in the St. Albans Messenger.
3. A public hearing was conducted by the Development Review Board ("DRB") on October 19, 2021 at the town office. The DRB reviewed the application under the Development Regulations for the Town of Fletcher, adopted March 19, 2018.
 - a. Present at the hearing were DRB members Suzanne Stritzler (Chair), Krystal Jenness, Janet Young and Laura Gorsky. Others in attendance included: Maurice Rathbun (Zoning Administrator) and Charles and Paula Turner.

Findings of Fact:

1. This matter concerns Charles and Paula Turner's property located off Turgante Road, which consists of two adjoining parcels being 17 acres and 10 acres, respectively, in size. The Applicants currently reside on the ten acre lot. The Applicants offered testimony that they'd like to subdivide a 2-acre building lot from the 10 acre lot. The purpose of this hearing was to address access for the future building lot off Turgante Road.
2. A portion of the property is in the Rural Residential/Agricultural District, and a portion of the property is in the Conservation District.
3. Turgante Road currently serves as access off School Road for four lots.
4. According to testimony from the Turners and Mr. Rathbun, Turgante Rd may meet current road standards.

Conclusions:

This application was reviewed under the following provisions of the Development Regulations for the Town of Fletcher, Vermont, adopted March 19, 2018, Section 2.4 District Objections, Uses, and Standards, Section 7.4 Roads, Driveways and Pedestrian Access.

1. Section 7.4(A) requires that, "The [road] standards herein shall apply to all proposed public roads and to private roads serving more than four lots." The DRB concludes that Turgante Road is a private road currently serves four lots.
2. Section 7.4(C) states, "Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76*, as amended."
3. Section 7.4(B)(1) requires that, "Rights-of-Way for all roads shall be a minimum of fifty (50) feet in width."
4. Section 7.4(B)(4) requires that, "Private roads exceeding five hundred (500) feet in length shall include, at a minimum, one ten (10) foot by thirty (30) foot pull-off area." The DRB concludes that a pull off area must be established.
5. Section 2.2 (E) states, "Where a district boundary divides a newly created lot that did not exist on the effective date of these regulations, the requirements of the most restrictive


district shall apply to the entire lot." The requirements of the Conservation District apply to the 10 acre lot that the applicants wish to subdivide.

Decision:

Based on these findings and conclusions, the DRB approves Application #A21-02 subject to the following conditions:

1. Turgante Road must be upgraded to the extent necessary to serve additional traffic resulting from the subdivided building lot and to conform to Vermont Agency of Transportation A-76 standards.
2. When the new driveway for future building lot is constructed, a turn-around (or pull off area) must be included which has sufficient room for an emergency vehicle to turn around.
3. The subdivision of the 2 acre lot to which this access is granted may not create a nonconformance on the remaining property.

Dated at Fletcher, Vermont this 30th day of November, 2021.

By, 
Suzanne Stritzler, Chair
Town of Fletcher Development Review Board

Other DRB members participating in this decision: Krystal Jenness, Janet Young, and Laura Gorsky.

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