

FLETCHER
DEVELOPMENT REVIEW BOARD

Decision on Application #A22-01 for Access Approval

Applicants: Mark and Lorrie Vincelette

Introduction:

1. This matter came before the Development Review Board in the form of Application #A22-01.
2. A notice of public hearing was posted at the Fletcher Town Office, Fletcher Elementary School, and the Fletcher General Store and published in the St. Albans Messenger.
3. A public hearing was conducted by the Development Review Board ("DRB") on May 17, 2022 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, Terrance Keating and Laura Gorsky. Others in attendance included: Maurice Rathbun (Zoning Administrator) and Mark Vincelette, Robert Vincelette (son of Mark) accompanied with surveyor, Mark Day (Applicants), and Sara Villeneuve representing Kingsland Hollow Development homeowner's association.

Findings of Fact:

1. This matter concerns Mark and Lorrie Vincelette's property located off Kingsland Hollow Road, which consists of an existing house on 10 acres± with private driveway off shared access in common with others. The purpose of this hearing was to address access for a proposed subdivision to create a new lot with existing house on Lot 1 which contains 8.31 acres±, and Lot 2 with proposed single-family dwelling which contains 2.12 acres±.
2. The property is in the Rural Residential/Agricultural District.
3. Kingsland Hollow Road is sixty (60) feet in width and serves as access off Buck Hollow Road for seven (7) houses currently; the Vincelette's existing house as well as six (6) houses within the Kingsland Hollow Development homeowner's association. Adjacent property owners, Douglas and Kathy King and Robert King also access their lands which are located northerly of Vincelette's property via Kingsland Hollow Road.
4. Testimony was offered that Kingsland Hollow Road was constructed approximately thirty (30) years ago by Mark Vincelette and a sixty (60) foot wide right-of-way for access and utilities was reserved for the benefit of Vincelette. It was further offered that said road has an existing hammerhead turn around which is adequate for emergency vehicles to turn around efficiently.
5. The distance along Kingsland Hollow Road from the proposed Lot 1 to Buck Hollow Road is approximately six-hundred (600) feet.
6. Testimony was offered that Mark and Robert Vincelette will share road maintenance expenses for their private driveway located off Kingsland Hollow Road that serves only Lot 1 and Lot 2.
7. Members of the Kingsland Hollow homeowner's association offered their concerns about the current road condition as well as the impact future development may have on the shared road.

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 5.1 Access and Frontage Requirements, and 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." For that portion of Kingsland Hollow Road which currently serves seven (7) houses, the DRB concludes that the road standards shall apply, but only as to that portion which is shared in common, in order to provide suitable and safe access, and accommodate future subdivision.

Decision:

Based on these findings and conclusions, the DRB approves Application #A22-01 subject to the following conditions:

1. For that portion of Kingsland Hollow Road which currently serves seven (7) houses, the road shall be upgraded to the extent necessary to serve additional traffic resulting from the subdivided lot and to conform to Vermont Agency of Transportation A-76 standards.
2. Lot 1 and Lot 2 shall have either a written shared road maintenance agreement or suitable language contained in the deed of conveyance for the subdivided lot to ensure long-term and ongoing maintenance of the shared private driveway.
3. Appropriate ditching shall be installed along the shared private driveway and upper portion of Kingsland Hollow Road to direct runoff away from the lower portion of Kingsland Hollow Road.
4. All road and private driveway construction areas shall be protected in accordance with erosion control regulation and standards, specifically considering drainage and runoff.

Dated at Fletcher, Vermont this 9th day of June, 2022.

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

Other DRB members participating in this decision: Krystal Jenness, Terrance Keating, 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.