

FLETCHER
DEVELOPMENT REVIEW BOARD

Decision on Application #S19-01 for Major Subdivision-Preliminary Plan Review

Applicant: Thomas Hannon

Introduction:

1. This matter came before the Development Review Board in the form of Application #S 19-01 for a 4-lot subdivision on Stone Lane.
2. A notice of public hearing was posted at the Fletcher Town Office, Fletcher Elementary School, Fletcher General Store, and published in the St. Albans Messenger.
3. A public hearing was conducted by the Development Review Board ("DRB") on June 30, 2023 at the town office and continued to August 1, 2023. A site visit was conducted prior to the hearing on August 1.
4. The DRB reviewed the application under the Development Regulations for the Town of Fletcher, adopted March 19, 2018.
5. 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), Cory Getty, Jennifer Getty, Applicant Thomas Hannon, Bill Hannon, engineer Peter Mazurak, Nancy Barr, Bea Wright, Don Duffy, Tammy Chambers, Carver Leadbetter, Jennifer Bockus, Matt Lascelle, and Shannon Lenox.
6. Application materials included a Project Narrative dated May 11, 2023 prepared by Peter Mazurak, P.E. and a site plan entitled "Site Plan, Hannon-Stone Lane" dated 5/5/2023 by Apex Engineering LLC.

Findings of Fact:

1. This matter concerns the Hannon's 5.71 acre property on Stone Lane, a private road off Schoolcraft Rd. The applicants propose to subdivide the property into 4 lots, numbered 7, 8, 9, and 10 on the plan. The property is in the Village district.
2. Lots 7 and 8 will have access via a shared driveway on Lot 7 running along the property line abutting the Chambers property. Lots 9 and 10 will share a driveway running along the shared property line.
3. Stone Lane is a private road currently serving 4 properties. According to testimony a road association is in place under which members contribute to shared maintenance and plowing expenses.
4. All lots will have on site drilled wells and wastewater systems. Lot 7 has pre-existing wastewater approval under State Land Use Permit #EC-6-1532. The applicant has not applied for State wastewater permitting for Lots 8-10.
5. According to the project narrative and testimony from Peter Mazurak, no State stormwater permitting is required for the project. The narrative states that "stormwater runoff will be directed over grassed and vegetated areas." No detailed stormwater plan was submitted.
6. Testimony was offered by adjoining property owners expressing concern out potential runoff onto adjacent properties.
7. The project narrative states that erosion and sediment control will adhere to the Vermont "Low Risk Site Handbook" and mentions using silt fence and needed and restoring disturbed areas. No further erosion control plan was submitted.
8. The property is currently wooded with brushy areas. No landscaping plan was submitted.
9. According to testimony and application materials, utility service will be underground throughout the development.

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, Article IV Subdivision Review, Article V General Regulations and Standards, and Article VII Planning and Design Standards.

1. The proposed subdivision meets the density and dimensional standards for the Village District under Table 2.2 and the district objective to provide for residential uses under Section 2.4(A)(1).
2. Section 7.4 (N)(2) requires "documentation and assurance" that all proposed roads will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism.

Documentation must be approved by the DRB and filed in the Fletcher Land Records. The existing road association for Stone Lane will need to be expanded to include the proposed lots.

3. Section 7.4 (C) states, "road construction...shall conform to the Vermont Agency of Transportation's *Standard A-76*, as amended." This is the required standard for Stone Lane.
4. An Erosion and Sediment Control Plan is required under Table 4.1 and Section 7.5(B)
5. A Stormwater Management Plan is required under Table 4.1 and Section 7.6.
6. Section 7.6 (B)(4) states, "Stormwater drainage shall not flow onto adjacent properties." Section 4.4 (2) states, "...the applicant has the responsibility to satisfy the DRB that the land to be developed is physically suitable for the purpose." The DRB finds that additional information from the applicant is required to make this determination for Lot 7.
7. Section 4.4 (B)(6) b. states that landscaping and screening shall be required "to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development. The DRB concludes that screening along the driveway for lot 7 and 8 is appropriate to protect the adjoining property.

Decision:

Based on these findings and conclusions, the DRB approves Application #S19-01 subject to the following conditions:

1. Submit a final and accurate plat of survey showing any changes prior to final major subdivision plat review.
2. Submit a revised Shared Road Maintenance Agreement or other proposed road maintenance arrangement for approval with the final plan application.
3. Submit a draft deed or easement language for each lot.
4. Submit evidence that Stone Lane meets the required standard under Section 7.4(C) or a plan for any required upgrades with final plat application.
5. Submit an Erosion and Sediment Control Plan compliant with Section 7.5.
6. Submit a Stormwater Management Plan compliant with Section 7.6. Evidence should be provided that development on Lot 7 will not cause drainage onto adjoining property.
7. Submit a landscaping plan that specifies privacy screening between the driveway for lots 7 and 8 and the adjoining property.

Dated at Fletcher, Vermont this 6th day of September, 2023.

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.