

Town of Moretown Development Review Board
P.O. Box 666, Moretown, Vermont 05660

Decision on Application No. 15-01 Craig Oshkello/Living Tree Alliance, LLC For
Planned Unit Development Located off Freeman Hill Road, Parcel 11-0.17.001.002

This is the Decision of the Moretown Development Review Board with respect to the Application by Craig Oshkello and Living Tree Alliance, LLC for a planned unit development off Freeman Hill Road. The Board held evidentiary hearings on February 26 and March 12, 2015. The Board also conducted a site visit February 28. As set forth herein, the Board grants planned unit development approval for this multi-unit residential development on the condition that the project be completed consistent with the plans and material submitted and subject to the conditions set forth herein.

The applicant is a Vermont limited liability company which is under contract to purchase property presently owned by members of the Goodyear family. It is an approximately 91 acre parcel which extends from Route 100B (and includes 5 acres between Rt. 100B and the Mad River) and which was subdivided from the previous Goodyear residence which was separately sold. This proposal contemplates an access road from Freeman Hill Road which leads to a 3.06 acre area which will contain seven residential units.

Applicant has also contracted to purchase a separate 2.2 acre parcel with frontage on Freeman Hill Road which provides the driveway access to the development. Although the 91 acre parcel has a portion of frontage on Freeman Hill Road, that area is steep and not conducive to an access road. Other than providing access, no other development is planned on the 2.2 acre parcel, and it is not included as part of the planned unit development.

In support of the application at the March 12 hearing Applicant submitted base maps contained on a single large page. These consisted of maps depicting the location of prime agricultural soils; flood plain areas; and existing and proposed conservation lands. The base maps also included an aerial photograph which contained parcel data depicting adjacent parcels and property owners, and the location of the proposed residential unit building envelope.

The Applicant also submitted a site plan, last updated March 12, which provides additional detail as to the proposed residential unit locations, topographic lines, and the locations of Class 2 and Class 3 wetlands.

As noted above, the total acreage to be acquired for the PUD is 91 acres. Applicant proposes that approximately 15 acres of agricultural land and some 50 acres of forest land

be designated as conservation (67 total acres) with no planned development on this acreage. Although the focus of the residential development will be on the 3.06 acres, Applicant wishes to reserve additional acreage for possible future development, and which is a requirement of their financing for this project.

The entrance drive is approximately 800 feet in length. Applicant has indicated it will be 18 feet wide, with a 16 foot wide travel way. The entrance location on the 2.2 acre parcel from Freeman Hill Road has been chosen to provide optimal site distances. Living Tree Alliance submitted an email communication from Martin Cameron, Moretown road foreman, dated March 11 indicating he did not have issues with the proposed entrance location, while reserving the right to review the actual curb cut permit and noting that the project is anticipated to be phased over time.

No development is proposed in the areas which have been mapped as Class 2 wetlands. The access road does skirt and cross a small Class 3 wetland and Applicant provided an email from Shannon Morrison, District Wetlands Ecologist with the Department of Environmental Conservation, which did not appear to express concerns with these plans.

Seven residential housing units are proposed. Four will be single family residences and one will be a 2 unit duplex, and a fifth single family home attached to a common house. The structures will be set a minimum of 25 feet away from each other. All buildings within the development footprint will conform to all dimensional standards in Table 2.3 of the zoning regulations. Parking is depicted on the plan and the applicant agreed to consider designation of overflow parking locations in the final design of the project.


Based on the evidence submitted, the Board makes the following findings and approves the planned unit development application as follows:

1. The Board finds that the proposed PUD meets all applicable standards set forth in Section 5.2 (conditional use approval) and 5.3 (planned unit development) and is consistent with the Moretown town plan and other applicable municipal regulations. It is a condition of approval, that the Applicant obtain a state wastewater and potable water supply permit for the proposed on site water and wastewater systems. Also, to the extent a state stormwater construction or operating permit is required, that the Applicant obtain such permits.
2. The proposal represents an effective and unified treatment of the development site. As proposed, no development is proposed in flood plain or wetland areas, and the project meets required setbacks from stream banks.
3. The proposed seven residential units represents a lesser number of units than a developer could otherwise develop without proceeding under the PUD regulations

within the requirements of current zoning and other land use provisions applicable to the parcel.

4. The proposal makes adequate provision for the preservation of open space on the condition that as part of the Common Interest Ownership Community Declaration establishing the community that lands which have been designated as conservation are designated as common elements and by the Declaration's terms stipulate that they will remain undeveloped with provision for appropriate long term stewardship. Notwithstanding this condition, no amendment to this approval will be required if the owners' association subsequently grants a conservation easement to the Vermont Land Trust or other similar organization for purposes of conservation and stewardship.
5. In conclusion, the Board finds that Living Tree Alliances' proposed planned unit development meets the criteria for approval under the Moretown zoning ordinance provided the project is completed consistent with the application materials and plans submitted in support of the application.

Dated April 30, 2015

A handwritten signature in black ink, appearing to read "John Riley", written over a horizontal line.

JOHN RILEY for the Moretown
Development Review Board