

Town of Moretown Development Review Board
79 School Street, Moretown, Vermont 05660

Minutes for Hearing Held August 29, 2019

Application of Robert Durand, Elizabeth Durand and Danny Chamberlin to Subdivide 21 Acre Lot into 10.5 Acre Lots on Witham Road

The meeting was called to order at 6:32 PM. Present for the Board were David Russo, John Riley, Greg Nagurney and Jim O'Neill. Present were Applicants Elizabeth Durand and Danny Chamberlain. Also present was Zoning Administrator David Specht.

Elizabeth Durand and Robert Durand are sister and brother and together own a 21 acre parcel located at the end of Witham Road. It was their parent's property and they inherited through the parents' estate many years ago. Elizabeth and Danny Chamberlin live in an existing dwelling close to the northeasterly boundary.

Robert Durand owns a second residence on the parcel which is a mobile home and which has been there since the 1970's. Each residence has its own water supply and wastewater disposal system. Submitted with the Application was the Subdivision Plan dated February 2019 prepared by the Applicants' engineer, Dexter Lefavour as part of obtaining approval of the subdivision from the Wastewater Management Division of the Agency of Natural Resources.

Under interim subdivision regulations adopted by the Town earlier in 2019, the Zoning Administrator would normally have authority to review and approve the two-lot subdivision. However the parcel to be created with the Robert Durand residence (Lot 2) does not have frontage on a Class 1, 2, or 3 road and the same is true for the Elizabeth Durand parcel (Lot 1) and so the Application requires approval by the DRB under Ordinance Section 4.1.

The Lefavour Plan depicts a 20 foot wide right of way crossing Lot 1 to Lot 2 providing access to the existing Robert Durand residence. This is in the location of the existing driveway. John Riley noted that although the ordinance contains a minimum width of 20 feet, it has been the usual practice of the Moretown DRB to require an access way to an otherwise landlocked parcel to be at least 30 feet to be certain there is adequate width for access by emergency vehicles, road ditching, and placement of plowed snow. Danny Chamberlin advised that if the right of way width was 30 feet it would extend into existing trees which provides screening for his and Elizabeth's residence.

The Plan also depicts the driveway serving Danny and Elizabeth's residence as crossing an adjoining parcel to the north. Danny Chamberlin explained that he and Elizabeth acquired the adjoining property consisting of 65 acres some years ago. They receive a separate tax bill for that property.

The Lefavour Subdivision Plan states that a boundary survey was not performed and that the boundary information was provided by the client. It was asked whether the property corners are established by pins or other monuments, including the proposed new common boundary between Lots 1 and 2. Danny Chamberlin stated some of the corners are well established but that given costs already involved with the subdivision they did not want to incur the expense of hiring a surveyor to place monuments and create a recordable subdivision plan.

David Specht stated that when Moretown adopted the interim subdivision regulations it did not require that for minor subdivisions a recordable surveyed subdivision plan be filed within six months of subdivision approval as is common in many towns.

David Russo made a motion to approve the application as submitted. Greg Nagurney seconded. After some discussion, the movants accepted a friendly amendment that with respect to Lot 1 which contains the Elizabeth Durand and Danny Chamberlin residence that if Elizabeth and Danny were ever to sell or transfer the adjoining 65 acre parcel that they reserve a 30 foot right of way for access to Lot 1, if at that time access was still across the adjoining lot. The motion to approve the subdivision with the State condition was unanimously approved.

There being no further business, the meeting adjourned at 7:20 PM.

Respectfully submitted,

Moretown Development Review Board

By:  _____
John Riley, Chair