

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

Minutes of Hearing Held August 25, 2022

Application No. 22-26: Application of Ethan Swain for Two Lot Subdivision on Highland Drive

Present for the Board were John Riley, Paula Woods, and David Russo at the Town office. Also present via Zoom were Greg Nagurney and Craig Oshkello. Applicant Ethan Swain was present for the Hearing at the Town Office, and also present was Zoning Administrator, Karen Sauther.

John Riley called the meeting to order at 6:32 PM.

Zoning Administrator Karen Sauther prepared a Staff Report summarizing the application and her interpretation how the Zoning Ordinance applies, and why the matter was referred for DRB approval.

Prior to the Hearing Board Members received copies of the Staff Report; Subdivision Application; 2020 Survey, and a Mumley Engineering Site Plan showing the proposed subdivision.

Prior to Ethan Swain's ownership, Douglas and Cynthia McIntosh received approval for a two-lot subdivision consisting of Lot 1 with frontage on Stevens Brook Road of 32.88 acres, and a rear Lot 2 consisting of 58.09 acres on which the residence known as 437 Highland Drive is located. Lot 1 has not been developed at this time. Ethan Swain's proposal is to create a new lot consisting of 6.94 acres (shown as Lot 3 on the Mumley Engineering Overall Site Plan) from Lot 1. If approved Lot 1 will consist of 51.15 acres, and Lot 3 6.94 acres.

Under the Town Subdivision Regulations the Zoning Administrator has authority to approve a two-lot subdivision as a "minor" subdivision. But as the newly created Lot does not have frontage on a Class 3 town road, the regulations require deferral to the Development Review Board.* A condition of the prior McIntosh two-lot subdivision approval was that Highland Drive be maintained so as to be accessible by emergency vehicles all seasons of the year. Mr. Swain indicated that is presently the case and it was his hope that in connection with the construction of a new residence on Lot 3 that the

* Following conclusion of the hearing, Karen Sauther mentioned there is some question as to whether vesting authority in the Zoning Administrator to approve small subdivisions is consistent with State Statute.

existing access may be somewhat widened and improved. The Survey depicts Highland Drive as a 50' right-of-way.

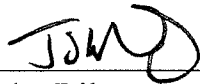
It was also noted that the Ordinance and Statute requires a final mylar survey of an approved subdivision be filed in the Town Land Records within 180 days of the approval.

David Russo made a motion to approve the proposed subdivision on the condition that Highland Drive continue to be maintained so as to be accessible by emergency vehicles all seasons of the year and that the new lot have the benefit of the 50 foot right-of-way. Paula second. All voted in favor.

There being no further business, the meeting adjourned at 7:05 p.m.

Dated this 12th day of September, 2022.

Moretown Development Review Board



By John Riley, Acting Clerk