

**APPLICATION FOR ZONING PERMIT
SUBDIVISION OF LAND**

**TOWN OF BARTON,
BARTON VILLAGE, ORLEANS VILLAGE**

Permit #: 180703-3

THIS FORM MUST BE COMPLETE.

BARTON TOWN CLERK OFFICE	
August 7, 2018	A.D. Received
For Record at 11 o'clock	00 Minutes
A	M and Recorded in Book 180 Page
714-717 of Barton Land	
Attest: Hannah Perkins, Asst.	Town Clerk

Under the zoning regulations now in effect, any person who divides a parcel of land into two or more parcels must obtain a zoning permit. This application form is intended to be used solely for the subdivision of land. If there is to be any construction, structural alteration, relocation or enlargement of any building, a separate application form must be obtained from the Administrative Officer.

Name of Applicant: KEVIN LAWES

Address: 1648 S. BARTON RD. BARTON UT Telephone: 802-274-9875

Name of Landowner: SAME AS ABOVE

Address: 3A District: SL-MD Telephone: ✓

Physical Location of Property: 1648 S. BARTON RD. BARTON, UT 05822

Recording Information: Town ID No.: 105011648 Deed Recorded: Book 73 Page(s) 523

Abutting Landowners: DONALD + M. DAVIS, DONALD & S. LOTA VT. DEPT OF FOREST
+ PARKS, E. PERROW, LAZAR, GOULD et al.

Lot Size (acres/dimensions) Prior to Subdivision: 6.0 ± Number of lots to be created: 2

Size of each lot created: #1 - 4.0 Ac ± #2 - 2.0 Ac ±

Frontage of each lot created: #1 - 1037 ± #2 - 410' ±

Depth of each lot created: * #1 - 161' * #2 - 100.4' (* BY ZONING DEFINITION)

Frontage(s) on public road(s) or public water(s): #1 - 1037 ± #2 - 410' ±

Road Access Construction: ☐ YES ☒ NO IF YES: Has right of way permit been obtained: ☐ YES ☐ NO

A general plot plan showing the location of the property, the proposed new property lines, streets or roadways, easements or right-of-ways, lot areas and dimensions must be attached to the original and each of the three copies of this application.

Signature of Owner: Kevin Lawes Date: 6-23-18

Signature of Applicant: Kevin Lawes Date: 6-23-18

Zoning Board of Adjustment David Fredeker Date Approved: 8/2/18
Planning Commission Chairman

Date Received 6/26/2018 Fee Paid \$ 125 check # 7747 Initials HMP

Town of Barton
Planning Commission / Zoning Board of Adjustment
34 Main Street
Barton VT 05822

Kevin Lawes
1648 S. Barton Rd.
Barton, VT 05822

August 2, 2018

NOTICE OF DECISION

The Barton Planning Commission / Zoning Board of Adjustment met pursuant to notice at 6:00 pm on Wednesday, August 1, 2018 at the Barton Town Office in the Village of Barton to hear an application (#180703-3) for a two-lot subdivision submitted by Kevin Lawes. Under the Joint Zoning Bylaw for the Town of Barton, subdivisions require site plan review and approval by the Planning Commission.

In attendance for the hearing were Kevin Lawes (applicant), David Lawes (representing the applicant); David Snedeker, Nathan Sicard, Allison Lyon, and Sylvain Gagnon for the Barton Planning Commission / Zoning Board of Adjustment; and, Joyce Croteau, Zoning Administrator. No other persons were present. Abutting landowners Davis, Lota, VT Dept. of Forests & Parks, Perron, Lazar, and Gould et al were notified of the proposed subdivision. No other abutters attended. No written comments received for the hearing.

David Lawes presented the applicant's subdivision application and site plan (entitled *Kevin Lawes - Site Plan*, scale 1" = 150") and explained to the Planning Commission that the applicant would like to subdivide a 6.0+/- acre property located at 1648 South Barton Road (U.S. Route 5) in Barton, VT into two (2) lots:

Lot 1 – 4.0+/- acre lot that includes Kevin Lawes' existing residential dwelling and garage.

Lot 2 – 2.04+/- acre lot where a new residential dwelling will be constructed.

Kevin Lawes (applicant) intends to retain Lot 1 and plans to sell Lot 2. Lot 1 is served by an on-site drilled well and an on-site septic system. There are also replacement areas on Lot 1 for both the well and septic system. Lot 2 will be served by an on-site drilled well. The wastewater disposal area for Lot 2 will be located on Lot 1. Both lots will share a driveway/road access from Lot 1.

Under the Joint Zoning Bylaw for Barton:

1. The applicant's parcel is located in the Medium Density district (Table 205.3). Subdivisions are listed as a Permitted Use, but site plan review and approval by the Planning Commission is required. The minimum lot area for this district is 2.0 acres for Lot 1 (on-lot water and sewer) and 1.0 acres for Lot 2 (on-lot water and off-lot sewer).

Minimum lot width and depth are 150 ft and 150 ft, respectively, for Lot 1. Minimum lot width and depth for Lot 2 are 100 ft and 100 ft, respectively.

Lot 1, at 4.0+/- acres and with a width of 1,037+/- ft and depth of 161+/- ft, and Lot 2, at 2.04+/- acres and with a width of 410+/- ft and depth of 100.4+/- ft of the proposed subdivision meet all of the area requirements of the Medium Density district.

2. Under Section 300 of the Bylaw, no subdivisions of land may be created without first receiving a subdivision permit.

3. Section 303 of the Bylaw addresses frontage on, or access to public roads. The Planning Commission may require and approve access by means of a permanent easement or right-of-way, but the width of right-of-way shall not be less than 20ft.

For Lots 1 and 2, the primary access will be onto South Barton Road (U.S. Route 5) via an existing shared access located on Lot 1. A permanent easement or right-of-way from Lot 1 to Lot 2 will need to be conveyed with the sale of Lot 2.

4. Section 324.02 of the Bylaw pertains to Site Plan Review. The Planning Commission may apply conditions with respect to traffic access, parking, and the utilization of renewable energy resources. There are six objectives (1 - 6) that the Commission must consider:

1. The relationship between proposed uses and existing adjacent uses. *This is a subdivision in a medium density residential neighborhood. There are no changes in use.*
2. The safety of vehicular circulation between the site and road network. *There is an existing access for Lots 1 and 2 (via Lot 1) on South Barton Road (U.S. Route 5).*
3. The adequacy of circulation, parking, and loading facilities. *Existing off-street parking is adequate for Lots 1 and 2.*
4. The adequacy of screening and setbacks with regard to the compatibility and protection of adjacent properties. *Adjacent properties will not be negatively impacted by this subdivision.*
5. The protection of the utilization of renewable energy resources. *Not applicable.*
6. The character of the area in the district affected, and traffic on the roads in the vicinity. *The Planning Commission was in agreement that no additional conditions need to be applied at this time based upon character of the area or traffic on roads.*

DECISION - The Barton Planning Commission, by a vote of 4-0 with 1 seat vacant, hereby grants site plan approval for the subdivision of land as proposed by Kevin Lawes in accordance with the site plan provided by the applicant. (Kevin Lawes – Site Plan, scale 1"=150').

Lot 1 – 4.0+/- acre lot that includes Lawes' residential dwelling and garage

Lot 2 – 2.04+/- acre lot

Lots 1 and 2 shall be accessed by the existing driveway located on Lot 1 from South Barton Road (U.S. Route 5).

Any future development shall require a permit in accordance with the *Joint Zoning Bylaw for the Town of Barton, Barton Village, and Orleans Village*. No development will be permitted on Lot 3 until a means of permanent access is demonstrated.

In accordance with 24 V.S.A. § 4463(b), approval of the appropriate municipal panel shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

Dated August 2, 2018. The effective date is September 1, 2018 following the required 30-day period for appeal under 24 VSA, Ch. 117, Section 4471 and Section 603.09 of this bylaw.


David Snedeker, Chair
Barton Planning Commission / Zoning Board of Adjustment

Cc: PC/ZBA Members
David Lawes