

TOWN OF PEACHAM
Development Review Board
Hearing Results for

Mulligan Zoning Application 2-22, 1537 Old County Road

INTRODUCTION AND PROCEDURAL HISTORY

1. The hearing was to review an application for subdivision of land submitted by Jason and Alissa Mulligan. The zoning application was received at Town Office on January 27, 2022 and transmitted to the Zoning Administrator on February 5, 2022. The application was referred to Development Review Board on February 12, 2022.
2. The warning for this hearing was posted in three places in town, and on the town website on March 7, 2022, and it appeared in the *Caledonia Record* on March 8, 2022. A copy of the application and site information was available at Peacham Town Offices. On March 8, 2022, a copy of the notice of a public hearing and the zoning application were mailed to the applicant and to the owners of abutting properties.
3. The subdivision application was considered at a public hearing on March 29, 2022. The application was reviewed under the *Town of Peacham, Vermont Zoning and Flood Hazard Regulations* adopted February 28, 2017.
4. Present at the hearing were members of the Peacham Development Review Board, Matt Kempton, Marilyn Magnus, Morris McCain, Rick Scholes, and Rusty Barber.
5. Those wishing to achieve status as an interested person were given the opportunity, under 24 V.S.A. § 4465(b), to demonstrate that they met the criteria set forth in the statute. Interested person was Jason Mulligan.
6. During the hearing, the following exhibits were considered:
 - The application including a list of abutters.
 - A site survey prepared by Chase & Chase Surveyors & Septic Designers, dated 6/19/2021 showing both parcels of the subdivision.

FINDINGS

Subdivision of property is considered a conditional use and is evaluated in accordance with *ARTICLE 8: SPECIAL PROVISIONS*. Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

- The property is in a Rural District.
- The undeveloped parcel, indicated on the survey as *Lot 1*, will have approximately 32.21 acres with frontage of 1,129.5' on Old County Road.
- The parcel with the house, indicated on the survey as *Lot 2*, will have 10.07 acres with frontage of 790' on Old County Road.
- A portion of *Lot 2* is in an agricultural overlay district.

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- Both *Lots 1 & 2* comply with the Minimum Lot Area and Dimensional Requirements of Rural and Agricultural Overlay districts.
- The new property line is more than 500' from the residence, so the subdivision is exempt from the requirements of the state wastewater & potable water supply program.

CONCLUSIONS

802.1: General Standards of Review

(A) The Capacity of Existing or Planned Development.

- 1) The project will not result in undue impacts on the municipal water supply.
- 2) The project will not cause other undue impacts on the municipality including but not limited to education, fire protection, emergency services, health services, recreation, waste disposal, and recycling.

(B) The Character of the Area Affected.

- 1) The proposed project, by its nature, scale, appearance, or operation, will not adversely change the character of the potentially affected area as it exists or as the area is projected to exist in the municipal land use plan and the zoning by-law in effect.

(C) Traffic on Roads and Highways in the Vicinity.

- 1) The project will not significantly reduce the safety of existing pedestrian, vehicular, or recreational uses of the highways affected.
- 2) The proposed use will not exhaust or exceed the physical capacity of the affected highway. In general, the project shall not substantially overburden the municipality in providing adequate highway construction and maintenance services.

(E) Utilization of Renewable Energy Resources.

- 1) No renewable energy resources are proposed.

DECISION AND CONDITIONS

At the conclusion of the hearing the Development Review Board conducted public deliberations to consider the application.

Based upon the Findings, and Conclusions the Development Review Board, by unanimous vote, grants the application.

The approval of the subdivision will expire 180 days from the date of this decision unless the approved site survey is recorded in the office of the town clerk.

March 30, 2022

Development Review Board
James (Rusty) Barber, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s). Such appeal must be taken within 30 days of the date of this decision pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.