



## STAFF REPORT

Application: PZC-20-002  
Application Type: Subdivision  
Location: 11 Cone Road  
Map 06/ Block 37/ Lot 6A  
Date: March 4, 2020

### Property Details:

- R-2 Zone
- 14.770 Acres
- “Free-Split” Administratively approved in 2017.
- Not in a sewer service area.
- Permits have been issued for construction of single family home on a portion of the lot.

### Application Details:

- Four lots proposed: Two front lots (more than 100 feet of road frontage) and Two Interior lots
- A waiver request has been submitted in accordance with Section 4.6.C to allow for three lots to be served by a single shared driveway.
- A conservation area has been proposed which equals a total of 2.02 acres.

### Staff Comments

#### *Lot Size*

The subdivision proposes two front lots (those with more than 100 feet of road frontage), and two interior lots. According to Section 8.3.B of the Zoning Regulations, interior lots are required to be twice the minimum lots size for the Zone. The proposed lot sizes and dimensions are compliant with the regulation.

#### *Lot Access*

As noted above, the applicant has submitted a waiver request in accordance with Section 4.6 of the Zoning Regulations. Such a waiver can be granted by the Commission by a  $\frac{3}{4}$  vote. The regulation states that:

The Commission shall not grant a waiver unless it finds, based upon evidence presented to it in each specific case that:

- a. The granting of the waiver will not have an adverse effect on adjacent property or on the public health or safety;
- b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other land in the area;  
Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out; and  
The waiver will not in any manner vary the provisions of the Zoning Regulations or the intent of the Plan of Conservation and Development.

The Commission shall state upon its records the reason for which a waiver is granted in each case. In approving a waiver the Commission may require such conditions that will, in its judgment, substantially conform to the objectives of the standards or requirements of these Regulations.

The proposed access is a shared driveway, lying wholly on lot 3. As proposed, the driveway is not shown in a right-of-way and cannot be transitioned to a Town road. Maintenance will lie wholly with the three property owners who use it. As proposed, the shared driveway meets the requirements of the regulation.

An easement area should be shown (as noted in the Anchor report).

#### *Open Space*

Section VI of the Subdivision regulations state that the Commission can require of any subdivision resulting in five or more lots that open space be dedicated within the subdivision area. If open space is deemed appropriate, it shall be at the rate of 1 acre per lot, or no less than 15 percent of the overall subdivision. If the Commission determines that open space is not required, or desires to accept less than the required amount of open space, it shall be decided upon by at least a  $\frac{3}{4}$  vote of the Commission. Based upon the lot size, at least 2.22 acres should be set aside as open space.

An open space conservation easement area is shown on the proposed plans encompassing 2.02 acres.

#### *Drainage*

Anchor Engineering has conducted a review of the proposed subdivision which is included in your packet. New documentation has been submitted to the Land Use Office, but has not yet been reviewed by Anchor Engineering or Town Staff.

#### *Other*

The Inland Wetlands and Watercourses Agency has not yet approved this subdivision.