

**NOTICE OF ACTION OF THE PLANNING COMMISSION  
TOWN OF ROCKINGHAM, VERMONT**

**INTRODUCTION:**

Application #MS-143-16 is for a two lot subdivision that requires minor subdivision approval. The property is owned by Samuel A. Neill and Dolapo Adeniji-Neill. The property is located on Pleasant Valley Road in the Saxtons River Zoning District. This Notice of Action is produced by the Rockingham Planning Commission. The Notice of Action is presented in separate sections called; Introduction, Findings, Conclusions, and Decision.

In making its decision, the Planning Commission held public hearings to collect testimony from the Town of Rockingham staff, the Project Representative, and to review the zoning application and plan sheet. The Notice of Action, along with the application and plan sheet, is filed with the Town Clerk's office and Planning & Zoning's digital records.

**FINDINGS:**

- F1. The applicant submitted an application to subdivide 6.86 acres into two lots: Parcel #1 is 5.3 acres and Parcel #2 is 1.56 acres.
- F2. Subdividing land requires approval by the Planning Commission. The Planning Commission reviewed the sketch plan application at its meeting on September 28, 2016 and reviewed the amended plan at its meeting on October 19, 2016.
- F3. The minimum lot size in this District is approximately 1 acre (40,000 square feet). The minimum road frontage is 100 feet.
- F4. Lot #1 has a single family residence and accessory structures. Lot #2 is undeveloped.
- F5. Access to the two lots is from Pleasant Valley Road, a class II paved town highway.
- F6. On April 22, 2014, the Vermont Department of Environmental Conservation issued the State waste water permit and approved septic designs for the 2-lot subdivision.

**CONCLUSIONS:**

Under Subdivision Review, the Planning Commission considers whether the project is in compliance with the Town Plan, the Zoning Bylaws, and Subdivision Regulations. The Planning Commission finds that:

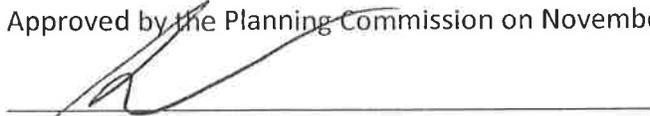
- C1. The proposed lots meet the dimensional regulations for this district.
- C2. The lots are of sufficient size that reasonable development or re-development can be done that meets all dimensional regulations. Variances would be unnecessary.
- C3. The property access is sufficient.
- C4. The two-lot subdivision qualifies as a minor subdivision.

**DECISION:**

Based upon the Findings and Conclusions, this Planning Commission approves the two-lot minor subdivision. This approval is granted subject to the conditions below.

- a. The Applicant shall record a final mylar copy of the approved plat in the Rockingham Land Records per the requirements of the Town of Rockingham Subdivision Regulations within 180 days of the date of approval.
- b. The mylar copy of the approved plat shall be recorded prior to the transfer of any land from the Applicant to another party.
- c. The conditions of this approval shall run with the land and shall be binding upon and enforceable against the owner(s) of record, assigns, heirs, and successors in interest.

Approved by the Planning Commission on November 15, 2016.



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Alan LaCombe, Chair  
Planning Commission

**Planning Commission members approving decision:**

Alan LaCombe, Patrick Moyna, Vincent Cherico, Renee Vondle

**Copies to:**

Applicant/Co applicant (Certified Mail) \_\_\_\_\_, Town Clerk \_\_\_\_\_, Posted \_\_\_\_\_

**Appeals:**

Interested persons have the right to appeal this decision to the Vermont Environmental Court within 30 days of the date this decision is issued (24 V.S.A. §4471). The decision becomes final after the appeal period has passed (24 V.S.A. §4472).

TOWN OF ROCKINGHAM  
APPLICATION FOR SUBDIVISION PERMIT  
SKETCH PLAN & MNOR

(OFFICE USE ONLY)	
Date filed: <u>20 September 2016</u>	Applicant: <u>Neill / DiBernardo</u>
Fee Paid: <u>YES</u>	Owner: <u>Neill</u>
Zoning District: <u>Saxtons River</u>	Parcel Map#: <u>16-0020001</u>
Referred to:	Win 100 yr. floodplain? <u>YES</u>
<input checked="" type="checkbox"/> Planning Commission <u>28 September 2016</u>	Win Regulated Wetland? <u>NO</u>
<input type="checkbox"/> Board of Adjustment <u>sketch &amp; prelim</u>	
Date: <u>FINAL - October 19, 2016</u>	PLOT PLAN ATTACHED & APPLICATION COMPLETE ( )

COMPLETE ALL ITEMS OR APPLICATION WILL BE RETURNED. COMPLETE IN INK. DO NOT USE PENCIL  
NO SUBDIVISION MAY OCCUR WITHOUT AN APPROVED PERMIT. IF SUBDIVISION IS DONE AFTER-THE-FACT, A LATE FEE  
(See Fee Schedule Information) IS ASSESSED.

PART I  
(ALL APPLICANTS MUST COMPLETE Part I)

Owner & Applicant Information

- PROPERTY OWNER(s) Names Samuel A. Neill / Dolapo Adeniji Neill  
(List Names of all Property Owners as shown on deed.)  
Mailing Address: PO Box 513 SAXTONS RIVER, VT Zip Code 05154  
Tel. No.: (Daytime) 808-497-4025 (FAX) \_\_\_\_\_ Email: Samuel.neill01@gmail.com
- APPLICANT(s) Names: Aurelius DiBernardo  
(If different than Landowners)  
Mailing Address: PO Box 52 Bellows Falls, VT Zip Code 05101  
Tel. No.: (Daytime) 802-376-9182 (FAX) \_\_\_\_\_ Email: dibo@comcast.net
- Contact Person: Aurelius DiBernardo (Daytime Tel.) same

Property Information

- PROPERTY LOCATION: Street Number 1 Street Name Pleasant Valley Road
- Property Owner's Deed is recorded in Book 352 Page 8 Date of Sale 11/23/2015  
(Information available in Town Clerk's Office)
- DIMENSIONS of LAND:  
Total Amount of Land in Proposed Subdivision: 6.86 Acres (Square Feet or Acres)  
Amount of Land Retained for Future Subdivision or other uses, if any. None  
Show any retained land on the plat plan.
- Number of Lots in Proposed Subdivision: Lot 1 - 5.3 Ac Lot 2 1.56 Ac

8. Is a State permit required for the subdivision?  yes  no  
 If yes, name the particular permit: \_\_\_\_\_

Access Information

9. Do all Lots have frontage on a public road or public waters?  
 Yes WW-2-4634 No \_\_\_\_\_

Name of public road or public waters Pleasant Valley Road  
 Is the public road a class 4 town highway? NO

10. Private Right-of-way: Are you requesting approval for a private right-of-way (R.O.W.)? Show location and width of R.O.W. on survey.  yes  no

Note: Lots which do not have frontage on a public road or public waters must have access to such road or waters by a permanent easement or right-of-way as approved by the Planning Commission. See the Subdivision Regulations for information on the required width.

11. What improvements or changes would be made to roads or rights-of-way as a result of the subdivision? None
12.  Provide a street plan including information as to State and Town Highways, and private roads. Indicate on the plan both proposed and existing roads within and adjacent to the subdivision.

Use of Property Information

13. Current Use: Describe what the property is used for now. If there is more than one use, describe them all.  
Residential

14. Proposed Use: What type of development is proposed? (single family, commercial, etc.)

15. What, if any, current uses will continue (List): \_\_\_\_\_

16. Prior Zoning Permits. Has this parcel of land been the subject of any prior Town Zoning Permits or Subdivision Permits? If yes, indicate for what: \_\_\_\_\_

17. Adjacent Property. How is adjacent property used? (single family residential, commercial, etc.)  
Commercial + School

Plat/Survey Plan

18. PLAN: All applications must provide a survey plan of the property, drawn to scale.

PLAN ATTACHED

19. Required of All Applications: Show the following information on the survey plan.  
Please check to indicate that the following information is shown on the plan:

- a.  Lot sizes after subdivision
- b.  Lot frontages after subdivision
- c.  Lot depths after subdivision.
- d.  Adjacent roads or streets and names, and sidewalks
- e.  Location, size and shape of any existing structures, including porches, decks, pools, fences, and accessory structures
- f.  Measurements from existing structures to lot lines and road center
- g.  Existing Driveways - Location and Width, and whether paved or unpaved.
- h.  Proposed Driveways - Location and Width. Include copy of Access Permit
- i.  All rights-of-way and/or easements
- j. N/A Contour lines (At no more than 10 ft. intervals)  
Exception - A two lot subdivision with one lot retained and one new lot resulting is not required to show contour lines on the survey plan.
- k.  Indication of the plan's scale (example 1" = 20 ft.)
- l.  Arrow showing North.
- m.  Vicinity Map

PART II

Request for Waiver & for Classification as Minor Subdivision

20. Are you requesting a waiver of full subdivision review? See section 220.3 of the Town of Rockingham Subdivision Regulations.

Request for Waiver:  yes  no

a. Is this land on an existing public highway requiring no public improvements?  yes  no

b. Is this land being divided up into less than five lots (as counted out of the original parcel?)  yes  no

c.  Copy of approved Access Permit attached. (An Access Permit for a driveway off a Town or State Highway must be issued prior to submission of the subdivision application in order to qualify for a waiver.)

d.  Copy of State or Town Permit for wastewater disposal. (A State or Town Permit for wastewater disposal must be issued prior to submission of the subdivision application in order to qualify for a waiver.)

To be Completed by Applicants Seeking Classification as a Minor Subdivision

21. DRAINAGE

a.  Show streams, ponds, and other wet areas on the survey plan.

b.  Show drainage patterns and natural features on site (e.g. steep banks, swales, waterways etc.).

c. N/A Show existing drainage structures and flow.

d. N/A Show plans for drainage control Land is Flat

e.  Show all proposed changes to the physical features of the site. Include soil removal or filling areas.

22. WASTEWATER DISPOSAL

a. Public sewage. Will the lots be connected to public sewage? ~~yes~~  no.

If yes, provide a written statement from the municipality indicating that the public sewer can be connected to all lots in the subdivision.

The statement must be attached and submitted with the subdivision application.

b. Private On-site sewage disposal. If the lots will be connected to private on-site sewage systems, provide the following information.

Required information must be prepared by a consultant qualified to design on-site wastewater disposal systems under the Town of Rockingham Sewage Ordinance of December, 1997.

() Test pit logs See Consultant Plan ATTACHED

() Letter from consultant stating that sufficient area has been found on each lot for an on-site wastewater disposal system meeting the requirements of the Town of Rockingham On-site Sewage Ordinance or the current State of Vermont standards.

( ) Show location of test pits on survey plan.

23. WATER SUPPLY

a. Public water. Will the lots be connected to public water? \_\_\_\_\_ yes  no.

If yes, provide a written statement from the municipality indicating that the public water can be connected to all lots in the subdivision.

The statement must be attached and submitted with the subdivision application.

PART III

FLOODPLAIN PROPERTIES

All properties located within the Regulated 100 year floodplain must complete Part III, and submit the information required.

24. () Show elevation of each lot. The elevation data must be based on the Geodetic Vertical Datum as used on the Rockingham floodplain maps, and certified to by a licensed surveyor or engineer.

25. H/A ) Show on the plan the area of each lot which is within the 100 year regulated flood plain.

26. Will any watercourse be altered or relocated as a result of the project? If so, provide information as to the extent.

No  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Information

27. Additional information provided by applicant/owner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signatures

Signatures: All Landowner(s) and Applicant(s) must sign the application.

By signing below, I certify that all information on this application and all supporting forms, plans, and documents are true and accurate and agree that, if any such information is found to be false or misleading, any permit or other approval granted on the basis of such information shall be deemed null and void.

Property Owner(s) Signature(s)	<u>Dolapo Ademijunyeill</u>	Date: <u>8/24/16</u>
	<u>Samuel Neill</u>	Date: <u>8/24/16</u>
Applicant(s) Signature(s)	<u>Quincy D Demaris</u>	Date: _____
	_____	Date: _____
	_____	Date: _____

(Office Use Only)

RETURNED FOR DEFICIENCIES (Must resubmit)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

