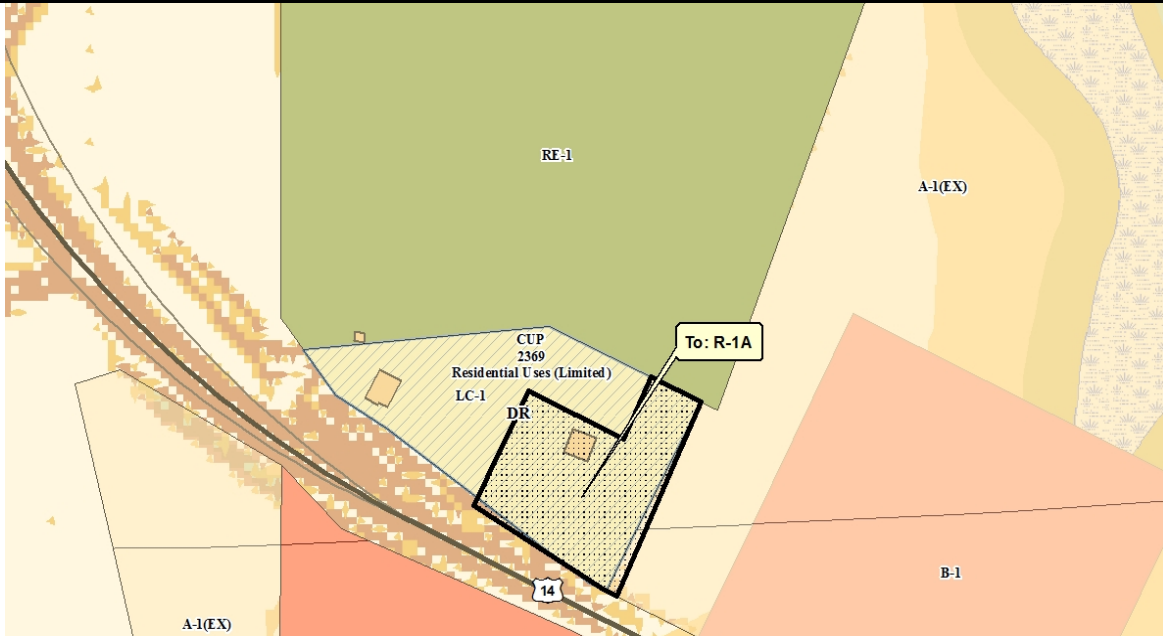




# Staff Report

<b>Zoning and Land Regulation Committee</b>	<b>Public Hearing: February 27, 2018</b>	<b>Petition: Petition 11247</b>
	<b>Zoning Amendment: LC-1 Limited Commercial Dist TO R-1A Residence District</b>	<b>Town/sect: RUTLAND, Section 7</b>
	<b>Acres: 1 Survey Req. Yes</b>	<b>Applicant JOHN P ZIEGLER</b>
	<b>Reason: Transferring housing density right to create one residential lot</b>	<b>Location: 1256 US HIGHWAY 14</b>



**DESCRIPTION:** Applicant proposes to divide existing LC-1 zoned parcel to create a new 1 acre lot for residential development. A development right would be transferred from a ~120 acre farm located in Section 10 of the Town of Rutland.

**OBSERVATIONS:** Surrounding land uses include limited commercial, rural residential, and agriculture. No sensitive environmental features observed.

**TOWN PLAN:** The property is located in the town’s agricultural preservation area.

**RESOURCE PROTECTION:** No areas of resource protection corridor located on the property.

**STATE HIGHWAY DEPT:** A State Highway Access permit will be needed for any change of use or increase of traffic to the property.

**STAFF:** The Town of Rutland plan includes a policy allowing for possible transfers of development rights on a “case-by-case” basis where the proposal will further the town’s goals of preserving large tracts of farmland. The applicant has negotiated a transfer with the owner of a 120 acre farm (Nelson farm) in section 10 off of State Highway 138. Proposal appears consistent with town plan policies. Appropriate documentation should be recorded with the Register of Deeds Office to document the transfer.

Staff recommends the following conditions of approval:

- 1) A deed restriction be recorded on parcel #0510-104-8500-3 (part of sending property) prohibiting residential development.
- 2) A notice document be recorded on the “sending property - parcels 0510-104-8500-3, 0510-101-9000-9, and 0510-101-8501-5 - indicating that one split was transferred from the property leaving only 2 possible splits remaining.
- 3) A notice document be recorded on the subject “receiving” property indicating that the property was established as a new residential lot pursuant to a transfer of development rights.

**TOWN:** Approved.