



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **April 29, 2014**

Petition: **Rezone 10668**

Zoning Amendment:
A-1EX Exclusive Agriculture District to A-2(4) Agriculture District

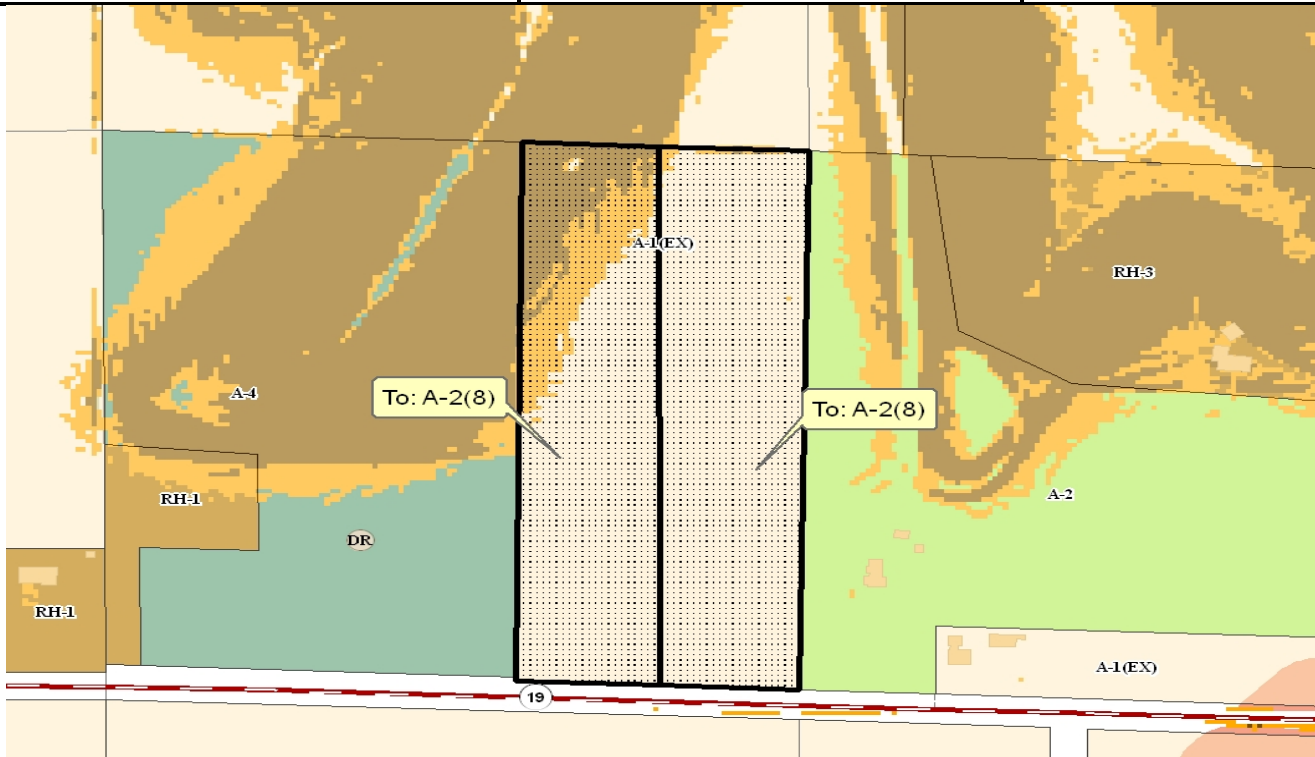
Town/sect:
Berry Section 07

Acres: *15.39*
Survey Req. *Yes*

Applicant
Duaine A Niendorf

Reason:
Creating two residential lots with intended agricultural uses

Location:
West of 9436 State Highway 19



DESCRIPTION: The applicant would like to divide a 15-acre parcel into two residential lots. This portion of land is part of a 107-acre farm which is bisected by Hwy 19.

OBSERVATIONS: The property is currently used as an agricultural field. The northwest corner of the property is wooded and has slopes exceeding 12% grade. Driveway access permit will be needed from State Highway Department.

TOWN PLAN: In the Agricultural and Rural Lands Preservation Area: "Within the Agricultural and Rural Lands Preservation Area, limit development to a maximum density of one new residential dwelling unit per 35 acres held in single ownership as of April 13, 1981..."

RESOURCE PROTECTION: There are no Resource Protection Corridors on this site. The Town of Berry has exemptions to slope limitations in its comprehensive plan.

STATE HIGHWAY DEPARTMENT: Highway access permit will be needed from the State Highway Department.

STAFF: The proposal meets the dimensional standards of the zoning district. If approved, Staff suggests deed restricting the remaining A-1 Exclusive lands on the original farm (lands lying south of Hwy 19) to prohibit further residential housing due to the housing density rights being exhausted by this petition.

TOWN: Approved with no conditions.

STAFF UPDATE: The petitioner would like to amend the petition by having the easterly lot changed to the A-4 Agriculture Zoning District. This change would prohibit housing on the property and negate the need to place a deed restriction on the property regarding the density rights being exhausted.