

Gary Goeschel

From: Mark S. Zamarka <mszamarka@wallersmithpalmer.com>
Sent: Tuesday, December 26, 2023 12:55 PM
To: Gary Goeschel
Subject: RE: 220 Pennsylvania Avenue -Petrit Marku 4-Lot Resubdivision

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Gary –

I have reviewed the site plan and your email below re the subdivision road regulations. You are correct that an access road serving 3+ lots must meet the requirements of a private road per 6-2-5. The Commission however has discretion about those requirements, if the proposed road will impact natural resources. Under 6-10-11 the Commission may decide that a section of road need not be constructed if it meets one of the 4 listed criteria. Section 6-10-15 gives the Commission somewhat broader discretion to reduce any of the requirements found in 6-10 if doing so will , protect wetlands, groundwater, aquifer, etc. If such environmental concerns are present, the access road could be altered per the above, although under 6-10-11 one of four specific criteria must be present, as opposed to 6-10-15.

If you would like to discuss this further please let me know.

Mark



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From: Gary Goeschel <ggoeschel@eltownhall.com>
Sent: Tuesday, December 19, 2023 11:06 AM
To: Mark S. Zamarka <mszamarka@wallersmithpalmer.com>

Cc: richgordon@frontier.com; Kirk Scott (kirkscott@hotmail.com) <kirkscott@hotmail.com>

Subject: 220 Pennsylvania Avenue -Petrit Marku 4-Lot Resubdivision

Mark,

As we discussed, pursuant to the Planning Commission's request, I correspond to discuss the interpretation of the Subdivision Regulations. More specifically, the Commission is questioning how they could approve the proposed driveway when Section 6-2-5 Lot Access, requires any access serving more than three (3) lots conform to the requirements of a private street. I believe Section 6-10-11 which indicates where the Commission finds that a road layout meeting the conservation development design standards will result in unnecessary disturbance of natural features with no benefit to the overall circulation and serviceability of housing sites, the Commission may determine that a section of road need not be constructed under certain conditions (which I believe the applicant meets) and Section 6-10-15 of the regulations which states the "Commission may reduce any of the requirements of Section 6-10 for public supply watershed protection, groundwater protection, aquifer protection, wetlands, and other environmental, natural, cultural, agricultural, or historic protection purposes" provide the Commission the ability to exercise such discretion and reduce the private road requirements to a driveway standard. I also included a copy of the latest revised plan. As I indicated on our brief discussion over the phone, the Public Hearing for this application was continued to January 9, 2024.

Please let me know when you are available to discuss.

Thanks,
Gary

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