

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Don Sheldon
Application No.: 2011-1

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINAL SUBDIVISION REVIEW HEARING FOR:
Don Sheldon, Lower Village

Based upon the application of Don Sheldon (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the January 10, 2011 hearing pursuant to the Final Subdivision Amendment Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its January 24, 2011 meeting, the Huntington Planning Commission (hereinafter the "Commission") makes the following Findings of Fact, Conclusions, and Decision of Approval and Conditions in accordance with the Town of Huntington Subdivision Regulations, effective March 3, 2009 (hereinafter the "Regulations") which are applicable to this matter:

FINDINGS OF FACT:

1. On December 13, 2010, the Applicant appeared before the Huntington Planning Commission for Sketch Plan Review.
2. On January 10, 2011, Don Sheldon and his representative Dori Barton, appeared before the Commission for Final Subdivision Review; also in attendance were Debbie Worthley, David Worthley, Dean Grover, Dorothy Little and Nancy Grover.
3. On January 24, 2011, the Commission approved the Don Sheldon two-lot subdivision, unanimously, 5-0. Present at the meeting were Everett Marshall, Tom Bailey, Gordon Miller, Brett Lindemuth and Heidi Weston; Heather Pembroke (recused).
4. The application for Final Subdivision Amendment Review that includes the following:
 - a. The completed required subdivision Information form. (Exhibit A)
 - b. Summary of compliance of project with the Huntington Town Plan (adopted June 18, 2007). (Exhibit B)

- c. Survey entitled "Survey Plat showing a proposed subdivision of lands of Donald B. Sheldon, Main Road, Chittenden County, Huntington, Vermont" dated December 8, 2010 and prepared by Ronald L. LaRose, Licensed Land Surveyor. (Exhibit C)
 - d. Site Plan showing lands of Don Sheldon, 246 Blackbird Swale, Chittenden County, Huntington, Vermont, dated October December 20, 2010 and prepared by Dean Grover, Licensed Professional Engineer. (Exhibit D)
 - e. Proposed deed samples, outlining the easements for wastewater. (Exhibit E1- and E-2)
 - f. Email correspondence from Alan Quackenbush, State Wetland Coordinator, Vermont Agency of Natural Resources, dated December 1, 2010 discussing exemption from a Wetland Permit for a drainage and utilities ditch across the wetland buffer as a Preexisting, Allowed Use. (Exhibit F)
 - g. Prime Agricultural Soil Map (Exhibit G).
5. In accordance with the Regulations and state law, notice of this hearing was published and posted in the community per state statute. Notices were sent to the adjacent property owners. Newspaper legal notice and copy of notification are in the project file.
 6. The project is located on Blackbird Swale off the Main Road in the Lower Village and is located in the Village zoning district, which is zoned for one acre. The project is located on Town Tax Map # 5.
 7. The Applicant's parcel contains 7.4 acres +/- (See the survey referenced as Exhibit C above).
 8. The Applicant seeks approval for a two-lot subdivision that includes a 1.49-acre parcel (Lot 5D) to be sold as a residential building lot; a 3.73 - acre parcel (Lot 5C) to be retained by the applicant and a 2.18-acre parcel (Lot 5E) to be sold to an adjacent property and maintained as conserved land. (See the Survey, referenced as Exhibit C above.)
 9. The Applicant's representative pointed out that the following details are represented on the survey or site map:
 - a. a wastewater easement across Lot 5C to benefit Lot 5D;
 - b. wetlands boundary delineation;
 - c. 50' wetlands buffer delineation;
 - d. water line easement on Lot 5D that benefits Lot 5C;

- e. 60' setback from center of 50' easement benefiting Lot 5D;
- f. 15' side property line setback

10. The Planning Commission members present during the hearing on January 10, 2011 referred to above were Tom Bailey (Chair), Everett Marshall, Charlotte Barrowman and Brett Lindemuth (constituting a quorum), and Heather Pembroke, who had recused herself; and the members present during deliberations on January 24, 2011 were Tom Bailey (Chair), Everett Marshall, Gordon Miller, Heidi Weston and Brett Lindemuth (constituting a quorum) and Heather Pembroke, who had recused herself.

CONCLUSIONS:

After deliberations on January 24, 2011, the Commission has concluded the Applicant has provided materials in his application and up to and during the hearing on January 24, 2011 (referred to as Exhibits A-G above) that satisfies the requirements of Section 3.2 of the Regulations (subject to the conditions set forth below). In addition, the Commission has considered the materials referred to above in the light of the requirements of Articles 5 & 6 of the Regulations and conclude that the requirements of Articles 5 & 6 are satisfied subject to the conditions set forth below. The Commission's conclusions with regard to each subparagraph of Article 5 are set forth (by subparagraph number) as follows:

5.1.1 The project is suitable as proposed and will not be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

5.1.2 Subject to the conditions set forth below, the proposed project shows due regard for the preservation and protection of existing natural features, trees, brooks, rock outcroppings, water bodies, or other natural and/or historical resources.

5.1.3 - 5.1.6 The project satisfied the requirements of the subparagraph adequately.

5.1.7 Subject to the conditions set forth below, the potential for erosion and runoff into nearby surface waters during construction is adequately remedied.

5.1.8 - 5.1.12 The project satisfied the requirements of the subparagraph adequately.

5.1.13. The project complies with the Huntington Town Plan, the Huntington Zoning Regulations amended March 3, 2009 and other applicable Town regulations, subject to the conditions set forth below.

In addition, the Commission concluded that:

- A. The project is not in a floodplain.
- B. This area has single-family residences and wooded areas. The subdivision meets the minimum lot size of one acre for the Zoning District. The Commission concludes the project complies with the provision of compatibility with surrounding properties.
- C. The project is suitable for the proposed site density.
- D. The Applicant has provided a well location. Applicant will apply for a potable water permit.
- E. This subdivision as proposed will not cause highway congestion or unsafe conditions, subject to the conditions set forth below.
- F. There are no deeryards impacted by the proposed project.
- G. Prime Agricultural Soil as depicted on Soil Map (Exhibit G) is not a consideration due to the current use and the size of Lot 5D.

DECISION OF APPROVAL AND CONDITIONS

Following deliberation on January 24, 2011, Final Subdivision Approval was granted on January 24, 2011 by a unanimous vote of the Huntington Planning Commission with the following conditions:

1. The Applicants shall allow representatives of the Town access to the lot, at reasonable times and with prior notice, for the purpose of ascertaining compliance with the Regulations and the conditions of this permit.
2. All conditions specified in this "Decision of Approval and Conditions" shall be satisfied prior to the issuance of a Certificate of Occupancy pertaining to the project (See Section 4.1.3 of the Zoning Regulations last amended March 3, 2009), and no structure may be used or occupied until all of the conditions specified in this "Decision of Approval and Conditions" shall be satisfied.
3. The project shall be completed, operated and maintained in accordance with: (a) these Findings of Fact, Conclusions, and Decision of Approval and Conditions; and (b) the plans and exhibits on file with the Commission.
4. Within 180 days of the issuance of this decision, the Applicant shall submit for signature by the Chair of the Planning Commission and file for

recording in the Town Clerk's Office an 18" x 24" mylar (otherwise in compliance with state statutes) of the survey referenced as Exhibit C above.

5. Within 180 days of the issuance of this decision, the Applicant shall submit for signature by the Chair of the Planning Commission and file in the project file an 24" x36" paper map (otherwise in compliance with state statutes) of the Survey Map (Exhibit C) and Site Plan referenced as Exhibit D above.
6. Applicants shall obtain all necessary local, state and federal permits, including state wastewater disposal and potable water permit.
7. Applicant shall obtain letter from Huntington Fire Chief Tate Jeffrey addressing fire protection and letter from CESU Superintendent of Schools John Alberghini addressing the school district's capacity at all levels will be a condition of approval.
8. The address of the applicant needs to be on the mylar.
9. All easements shall be shown, including areas of overlapping septic easements.
10. Permanent reference monuments and lot corner markers are installed on property.
11. In accordance with Vermont Agency of Natural Resources erosion control standards (6.5.1), measures shall be implemented during construction.
12. These conditions are placed to ensure no undue adverse impacts.
13. The applicant shall pay the recording fees associated with the filing of the survey (referred to in Condition # 4 above) and permit decision with the Town of Huntington.
14. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on March 3, 2009.



Thomas B. Bailey, Chair
Huntington Planning Commission

Dated this 25th day of January, 2011.