

January 18 A.D. 2012
at 2 o'clock 10 minutes P M.
Recorded in Book 103 Page 147-149
Attest Nancy A. Groves Town Clerk
Asst

HUNTINGTON ZONING BOARD OF ADJUSTMENT

**IN Re Conditional Use Permit Application of Mark and Marijke Smith,
Appeal No. 2011-06-CU (Map No. 06-018.000)**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. INTRODUCTION

These findings concern a request for a conditional use permit for an expansion of the current "Inn" complex at Windekind Farm. This application would amend two prior conditional use permits obtained in 2001 and 2004. The project mission for Windekind Farm is to sustain the property by "meeting high standards of community contribution, environmental stewardship, historic preservation and financial business integrity and performance." Specifically, the Smiths propose building six additional cottages over an eight year period for short-term vacation rentals or rentals related to functions, such as weddings, that may be held at Windekind Farm.

In short, the ZBA concludes that with the imposition of mitigating conditions, the application meets the conditional use criteria for a "Inn" as defined in the Huntington Ordinance.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The property in question is located at 1425 Bert White Road and is in the "Rural Residential District" under the Huntington Zoning Ordinance. See Article 3.2. Within this District an "Inn" is a conditional use and is thus permitted so long as it is approved as such by the ZBA in accordance with the standards set forth in the Ordinance. See Article 3.2(C)(10) and Article 4.2. In determining whether to grant a conditional use permit application, the ZBA may impose additional mitigating conditions on the project that "are necessary to protect the best interests of the surrounding property, the neighborhood, or the town as a whole."

An "Inn" is defined by the Ordinance is a "building or group of buildings on a single parcel which contain guest rooms which are rented out to provide overnight accommodations to transient travelers on a short-term basis of less than one month average, which may offer dining facilities for guests, and for hosting special events such as weddings." Article 8.1. Windekind Farm is operated as an "Inn" within the confines of this definition and thus a conditional use application is appropriate here.

The project proposed here is the construction of six cabins that are clustered in an environmentally sensitive manner to lesson the overall impact on the 88-acre property. The ZBA finds that the project, with the following conditions, meets the conditional use criteria in Article 4.2.2 and the site plan review standards in Article 4.3.3.

The conditions imposed on this conditional use approval are as follows:

(1) obtain approval by the Huntington Fire Department that there is suitable access to the cottages by emergency vehicles;

(2) obtain all appropriate State of Vermont water supply and septic permits be obtained prior to construction;

(3) ensure that exterior lighting comply with the standards enunciated in Article 5.11 to reduce light pollution;

(4) ensure that signs comply with Article 5.4;

(5) each of the six cottage units shall not be more than 1,600 square feet of interior habitable space;

(6) all other applicable zoning ordinances be met;

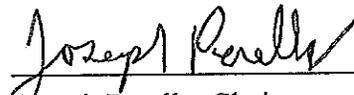
(7) the cottage units be built in the approximate area circumscribed by the site plan maps, incorporated into this decision as Exhibit A and Exhibit B; and,

(8) an amended conditional use permit must be obtained for any of the six cottages not constructed before January 1, 2020.

III. CONCLUSION

With the implementation of the above described conditions, the ZBA finds that the conditional use criteria in Article 4.2.2 are met because: (1) the proposed use does not adversely affect the capacity of existing or planned community facilities; (2) the proposed use does not adversely affect the essential character of the neighborhood; (3) the proposed use does not adversely affect the traffic on the roads and highways; (4) the proposed use does not adversely affect the Town Plan and regulations in effect; (5) the proposed use does not adversely affect the utilization of renewable energy resources; (6) the proposed use does not adversely affect the appropriate use or development of adjacent property; and, (7) the proposed use does not adversely affect the public welfare in any other manner. With the implementation of these conditions, the ZBA also finds that the proposed conditional use also satisfies the site plan review standards in Article 4.3.3. Accordingly, the ZBA approves this conditional use request subject to the terms delineated in this decision.

Dated at Huntington, Vermont this 6th day of January, 2012.



Joseph Perella, Chair

John Altermatt

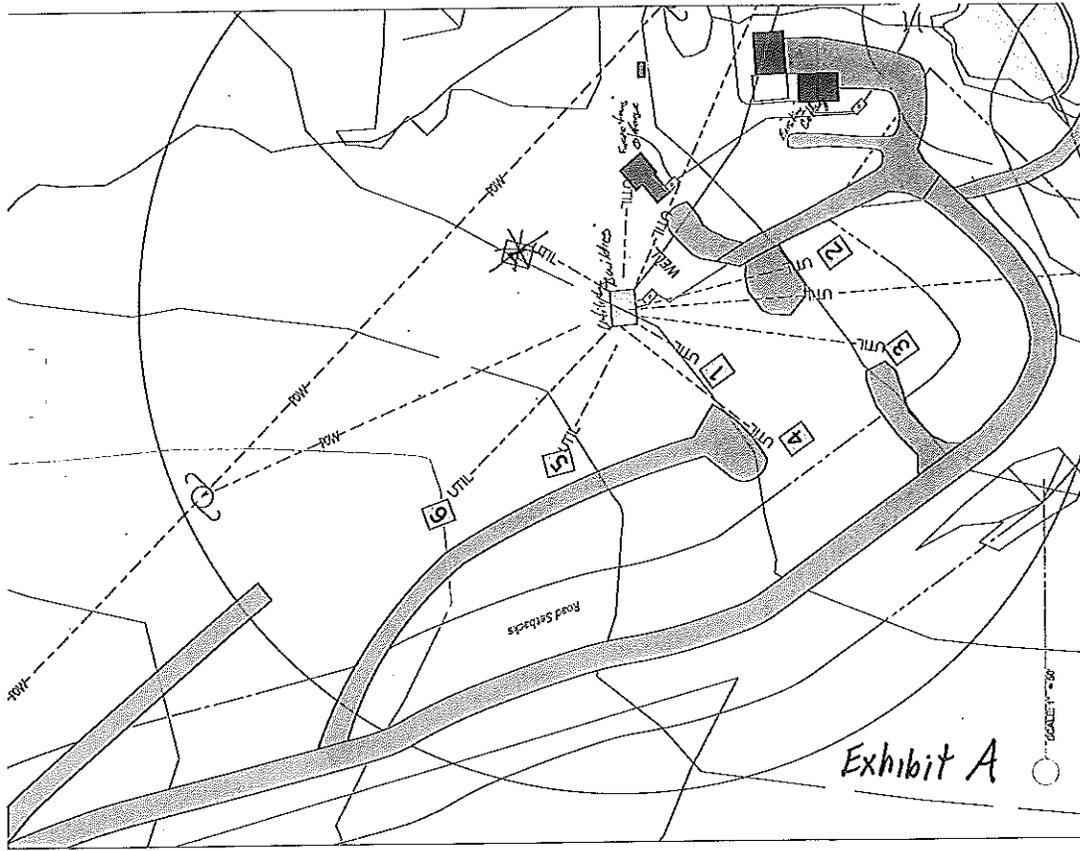
Joe Spence

Gordon Miller

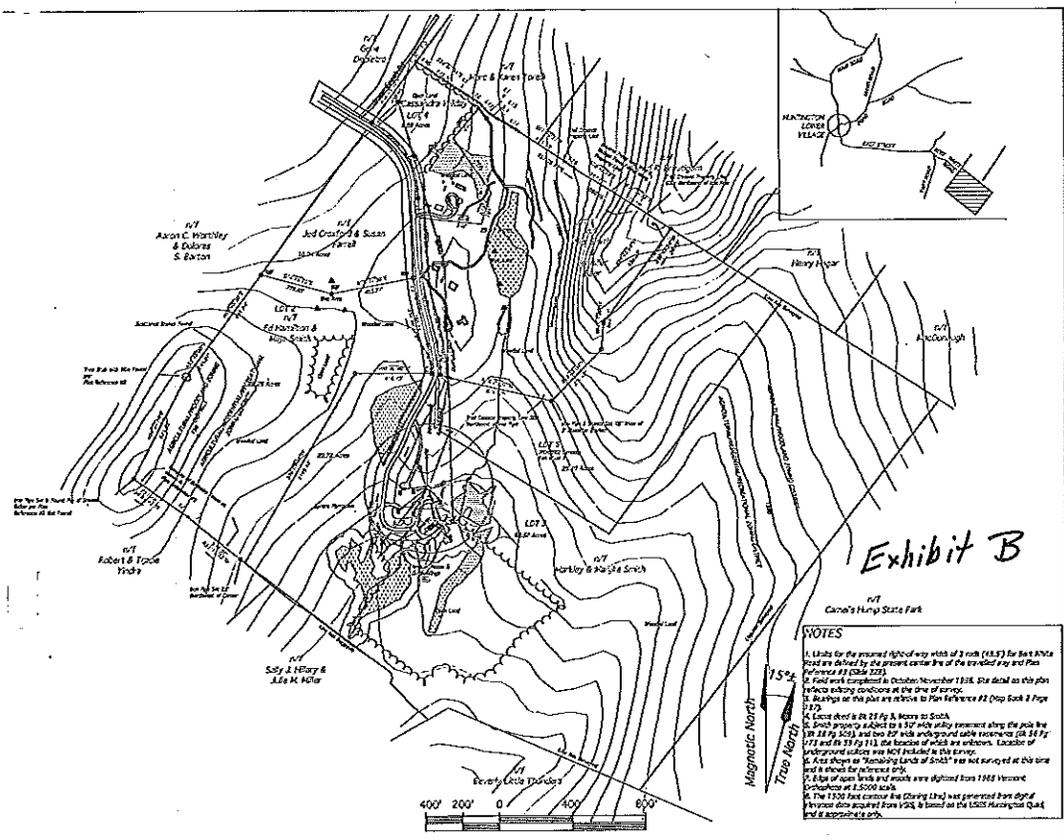
Zoning Board of Adjustment¹

Huntington, Vermont

¹ ZBA member Mark Smith, the applicant in this matter, of course, recused himself from this decision..



PROJECT:	Windekind Farm 1425 Bert White Rd Huntington, VT 05462
ISSUE DATE:	DRAFT
PRINT DATE:	10/13/11
DRAWING TITLE:	Island Site Plan
DRAWING #	01



PROJECT:	Windekind Farm 1425 Bert White Rd Huntington, VT 05462
ISSUE DATE:	DRAFT
PRINT DATE:	10/13/11
DRAWING TITLE:	Full Site Plan
DRAWING #	02

NOTES

1. Limits for the proposed right-of-way which is 200' (198.5') for the 100' wide road are defined by the proposed center line of the proposed way and Plan Reference #1 (Sheet 122).
2. Field work completed in October/November 2011. See detail on this plan for field survey conditions at the time of survey.
3. Bearings on this plan are relative to Plan Reference #2 (Top Sheet 2 Page 127).
4. Easement shown in R-22 by A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.
5. 10' wide utility easement along the pole line (R-22 by S, T, U, V, W, X, Y, Z) and two 10' wide underground utility easements (R-22 by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12) are shown. Location of underground utilities was NOT included in this survey.
6. Area shown as "Remaining Lands of Smith" was not surveyed at the time and is shown for reference only.
7. Edge of open lands and woods were digitized from 1988 Vermont Contour Map at 2,000' scale.
8. The 1500' base contour (the Shading Line) was generated from digital elevation data acquired from VDOT, based on the USGS Hexagonal Quad and is approximate only.