

TOWN OF HUNTINGTON

Huntington Town Clerk's Office  
Received for Record

APPLICATION TO ZONING BOARD OF ADJUSTMENT

A.D. \_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ minutes \_\_\_\_\_ M.  
Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_  
Attest \_\_\_\_\_ Town Clerk

Map # 01-002-000 ~~055170~~ Appeal # 2012-05-CU Date 8/22/12

Landowner Sleepy Hollow Inn Ski + Bike center Phone # \_\_\_\_\_

Mailing Address 427 Ski Lodge Drive

Appellant (if different) Eli Enman Eli@skisleepyhollow.com Phone # 434-2283

Mailing Address 427 Ski Lodge Drive

Location of Property Huntington, VT District Rural

Type of Application:  Conditional Use Permit  Variance

Proposed Project 1.5 km Snowmaking loop / change in lighted loop  
Pond expansion

Appeal of Action by Zoning Administrator

Reason for Appeal \_\_\_\_\_

The owner or applicant should submit with the application: plans, maps, elevations, landscaping diagrams, traffic circulation diagrams, names/addresses of abutting property owners (including across waterways and roads), and any other relevant information and data required to advise the Board fully with reference to the application or appeal. \* Additional fees may apply for recording.

Signature of Applicant(s) [Signature] Date 8/26/12

FOR USE BY ZONING BOARD OF ADJUSTMENT

Appeal # 2012-05-CU Zoning Permit # \_\_\_\_\_  
\$175\* Fee Paid Check # 1520 Date 8.28.12 Rec'd by [Signature]

Notice of Hearing Posted  Warned  Date of Hearing Oct 9 2012, Oct 16 2012 Notices mailed to:  
Kelley Willett, Douglas, Pluss, Cote, French, Marcotte  
Christiansen, Enman, Peters, Dutilleul, Grace, Tourville

Approved  Denied  on the basis of the following determination or conditions:

See "Findings of Fact + Conclusions of Law"

Jan 15, 2013 Restrictions Removed from Permit.  
see "Findings of Fact + Conclusions of Law"

Date of Decision Nov 8, 2012

# HUNTINGTON ZONING BOARD OF ADJUSTMENT

**In Re: Conditional Use Permit Application of Sleepy Hollow Inn; Ski, and Bike Center, Appeal No. 2012-05-CU (Map # 01-002.000)**

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

### I. INTRODUCTION

These findings concern a request for a conditional use permit for installing snow making on a 1.5 kilometer loop, including approximately a one acre meadow area that would be used for teaching. Sleepy Hollow proposes using up to three snow guns to blow snow in these areas. In addition, Sleepy Hollow is proposing changing its lighted ski loop to overlap the 1.5 kilometer loop where snow making would be used. This lighted loop would involve no more than 22 lights of 100 watts or less. The area for the proposed snow making and lighting is depicted in the attached map. *See* Exhibit A. While Sleepy Hollow's application originally also proposed an enlargement of the pond, that plan has been modified to dig the pond deeper, which would increase its capacity for water used for snow making.

The ZBA held hearings on October 9 and 16, 2012 to consider this application. In short, the ZBA approves this application with the mitigating conditions contained herein.

### II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The ZBA members all agree that this is an admirable project, consistent with the Town Plan, and in the best interest of our community. However, the primary area of concern is the potential adverse impact of noise from the snow guns on nearby landowners. Specifically, the running of the snow guns through the night, which operationally might be necessary to take advantage of weather and/or to minimize interfering with day skier usage.

The potential adverse impact of noise is a legitimate concern under the Zoning Regulations (*See* Art. 4.2 (condition use criteria) and Art. 5.16 (noise performance standards)). The obstacle the ZBA confronted at the hearing is that despite the commendable efforts of the applicant to provide information, it is difficult to discern the actual noise impact without conducting on-site testing.

After much discussion between all in attendance, the ZBA determined that a suitable approach to gather more information was either to conduct on-site testing prior to issuing a permit, or to issue a permit that restricted the hours of operation for the snow guns to between 6:00 A.M. and 10 P.M., unless there is consent by affected nearby residents who have raised concerns about noise.<sup>1</sup>

The ZBA also determined that it would be fair to reconsider this hours-of-operation restriction after there is more information to make a better informed decision. Accordingly, the ZBA determined an

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<sup>1</sup> The term "affected nearby residents who have raised concerns about noise" does not preclude nearby affected residents who have not previously voiced concern at the ZBA hearings about night-time noise to do so once the snow making system is operating. It is expected that Sleepy Hollow, if it wishes to make snow during the nighttime hours, will first obtain consent from any nearby resident who has expressed concern about the noise. Sleepy Hollow obviously should at least have reasonable notice that a resident is concerned before it is required to obtain such consent. At the time of this decision, only one adjacent landowner has expressed reasonable concerns, but this number could conceivably change.

additional public hearing in early January 2012 would be appropriate. In light of the business necessity of going forward with snow making, the applicant agreed to this general condition.

As to the lighting, the ZBA concludes that the proposal for moving the lights complies with the conditional use criteria. Therefore, Sleeping Hollow may install up to 22 lights, of 100 watts or less, as depicted in their proposal map. See Exhibit A.

**III. CONCLUSION**

With the implementation of the conditions described herein, 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. Accordingly, the ZBA grants a conditional use permit subject to the terms delineated in this decision. An additional hearing will be held in early January 2013 to reconsider whether the mitigating conditions are appropriate. The ZBA could, at that time, relax the mitigating conditions delineated herein and/or impose additional conditions.

Dated at Huntington, Vermont this 8<sup>th</sup> day of November, 2012.

Huntington Town Clerk's Office

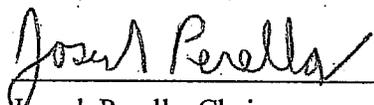
Received for Record

November 12 A.D. 2012

at 8 o'clock - minutes A.M.

Recorded in Book 104 Page 592-593

Attest  Town Clerk



Joseph Perella, Chair

Joseph Spence

John Altermatt

Mark Smith

Gordon Miller

Zoning Board of Adjustment

Huntington, Vermont

Huntington Town Clerk's Office

Received for Record

January 17 A.D. 2013

at 8 o'clock - minutes A.M.

Recorded in Book 104 Page 840

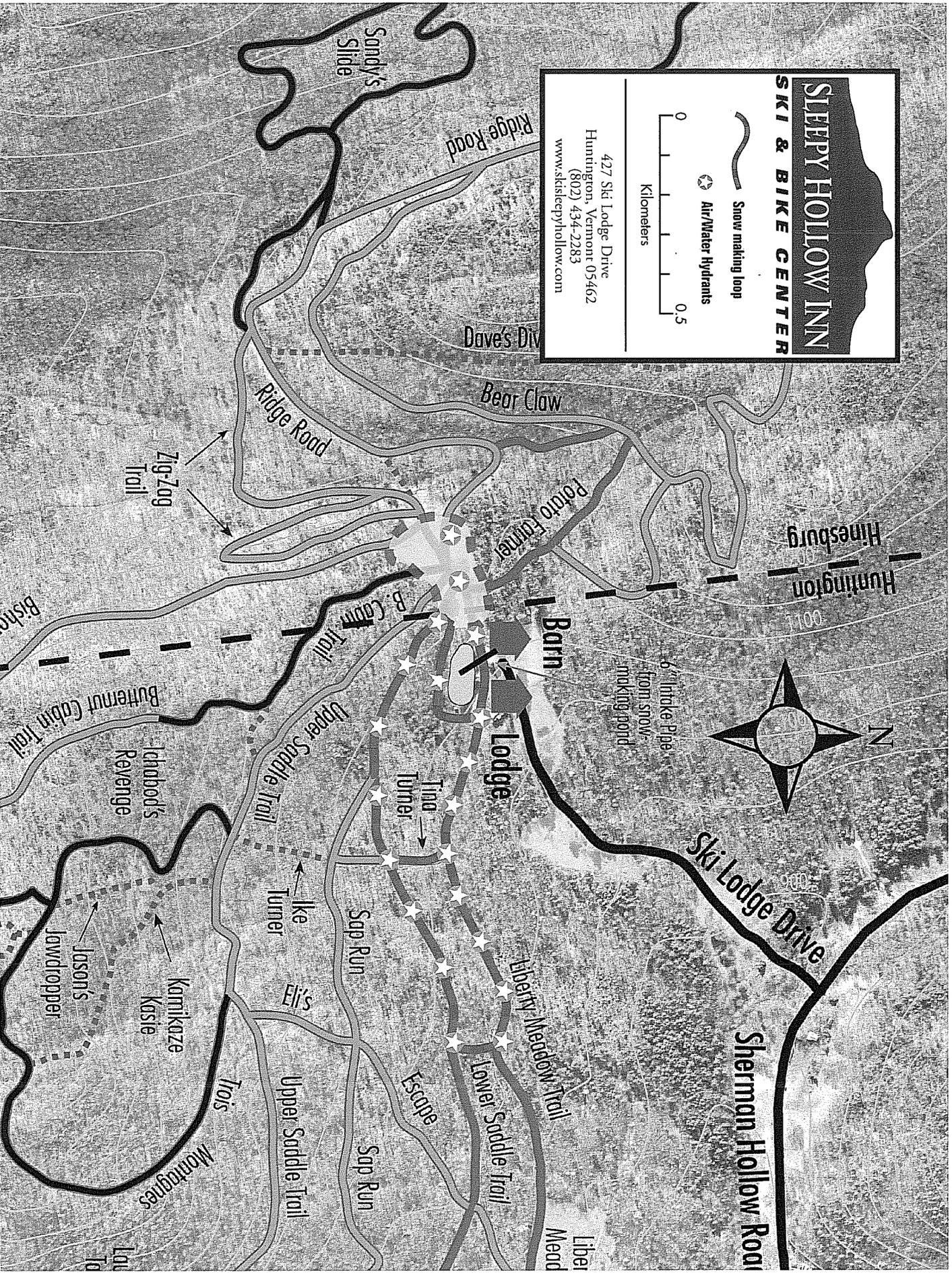
Attest  Town Clerk

On January 15, 2013, the ZBA met to discuss modification of the previously issued CU permit. The ZBA unanimously agreed to remove the ~~hour~~ time restriction limiting operating hours of the snow making. There was no opposition from neighbors, who commented, to removing this restriction.

Dated at Huntington, VT this 15th day of January, 2013

Joe Perella  
Chair  
ZBA

Exhibit A



Lighted Trail & Snow Making Proposal for Sleepy Hollow Inn & Bike Center

