

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Ralph and Rachel Towers
Application No. 2011-2

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINAL SUBDIVISION HEARING FOR:
Ralph and Rachel Towers Minor Subdivision
Mayo Road, Huntington, VT 05462

Based upon the application of Ralph and Rachel Towers (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the December 12, 2011 and January 9, 2012 hearing pursuant to the Final Subdivision Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its January 23, 2012 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 November 21, 2011, the Applicant filed an Application for Final Subdivision Approval for a project described as a two-lot subdivision on Mayo Road.
2. The Applicant filed the following:
 - a. The completed required Subdivision Information form filed November 21, 2011. (Exhibit A)
 - b. Survey entitled "Site Plan Two Lot Subdivision for Ralph and Rachel Towers, Mayo Road, Huntington, Vermont" dated November 14, 2011, and prepared by Willis Design Associates, Inc., Richmond, Vermont. (Exhibit B)
 - c. Letter from Vermont Wildlife Biologist John Gobeille, dated May 29, 2009, said that the wooded area near the house site has rock outcroppings at least 20 feet high that has "the potential to serve as a natural buffer" between the houses and any deer wintering habitat on the property. (Exhibit C)

- d. Letter from Errol C. Briggs of Gilman and Briggs Environmental, Inc., Barre, Vermont, dated December 31, 2011, addressing deer wintering habitat and buffer zone on the property. (Exhibit D)
 - e. Letter from Amy Alfieri, ANR Wildlife Specialist, dated September 18 2009, that recommended permit conditions from the State, including
 1. dogs on leash;
 2. no motorized vehicles in DWH between December 1 and April 14;
 3. no tree removal without prior ANR approval and/or forest management plan;
 4. no new establishment of recreational trails;
 5. no future subdivision of DWH or 300-foot buffer.(Exhibit E)
3. On December 12, 2011, and January 9, 2012, at the Final Subdivision Review hearing, the Applicant appeared before the Commission and presented evidence in support of the project.
 4. In accordance with the Regulations and state law, notice of this hearing, dated November 29, 2011, was published in the newspaper, posted in the community and mailed to adjacent property owners. (copy in file)
 5. The project is located at Mayo Road and is located in the zoning district named the Rural Residential District, which is zoned for five acres. The project is located on Town Tax Map # 2.
 6. The Applicant owns 21.18 acres in Huntington on the east side of Mayo Road which will be divided into Lot 1 (5.10 acres); and Parcel 2 (16.08 acres).
 7. The Applicant seeks approval for a proposed single-family houses and septic systems on proposed Lots 1 and 2.
 8. The Applicant has represented that natural features on the property include a deer wintering habitat.
 9. The Applicant has represented that houses proposed on the property are located near a deer wintering area and all construction will be within a 300' buffer.
 10. A letter from Vermont Wildlife Biologist John Gobeille, dated May 29, 2009, stated that the wooded area near the house site has rock outcroppings at least 20 feet high that has "the potential to serve as a natural buffer" between the houses and any deer wintering habitat on the property. (Exhibit C)
 11. The Applicant engaged Environmental Engineer Errol C. Briggs of Gilman and Briggs Environmental, Inc., Barre, Vermont to make a determination as to the deer activity in the 300-foot buffer of the deer wintering habitat. A determination was issued in a letter dated December 31, 2011 that the development would not impact the deer wintering area. (Exhibit D)

12. All future utilities will be buried.
13. The Applicant stated that covenants would be placed on Lot 2 that would prevent future subdivision.
14. Class 3 wetland shown on Site Plan.
15. The Applicant stated that this parcel of land is not subject to an Act 250 permit.

The Planning Commission members present during the hearing on December 12, 2011 referred to above were Gordon Miller (chair), Julia Austin, Dana Cummings, Ginger Lubkowitz, Everett Marshall, Heather Pembroke and Tom Bailey (constituting a quorum); the Planning Commission members present during the continuation on January 9, 2012 referred to above were Tom Bailey (chair), Julia Austin, Dana Cummings, Ginger Lubkowitz, Everett Marshall, Gordon Miller and Heather Pembroke (constituting a quorum); and the members present during deliberations on January 23, 2012 were Tom Bailey (chair), Julia Austin, Dana Cummings, Everett Marshall, Gordon Miller and Heather Pembroke (constituting a quorum).

CONCLUSIONS:

After deliberations on January 23, 2012, the Commission has concluded the Applicant has provided materials in the application and up to and during the hearing on December 12, 2011 and January 9, 2012 (referred to as Exhibits A-E above) that satisfies the requirements of Section 5.1 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 Section 5.1 of the Regulations and conclude that the requirements of Section 5.1 are satisfied subject to the conditions set forth below. The Commission's conclusions with regard to each subparagraph of Section 5.1 are set forth (by subparagraph number) as follows:

5.1.1. The project is suitable for subdivision 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 subdivision 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, open fields and wooded areas. The subdivision meets the minimum lot size of five acres 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. Based on the Applicant's testimony, there will be sufficient water to meet the needs of the proposed project for the reasonably foreseeable future.
- E. This subdivision as proposed will not cause highway congestion or unsafe conditions, subject to the conditions set forth below.
- F. Impacts on deer winter habitat and buffer were addressed by Wildlife Biologist Errol C. Briggs in letter dated, December 31, 2011. (Exhibit D)

DECISION OF APPROVAL AND CONDITIONS

Following deliberation on January 23, 2012, Final Subdivision Approval was granted on January 23, 2012 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 lots, 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; (b) the plans and exhibits on file with the Commission; and (c) the conditions of this permit.

4. Within 180 days of the issuance of this decision, the Applicants 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/site plan referenced as Exhibit B above.
5. Applicants shall obtain all necessary local, state and federal permits.
6. Applicant shall abide by and comply with all terms and conditions thereof and any amendments thereto for all Wastewater System and Potable Water Supply Permits pertaining to this project.
7. Appropriate erosion control measures shall be implemented during construction of the proposed houses, garage/barn, septic system, well and driveway.
8. All dogs will be fenced or leashed to avoid adverse impacts on deer winter habitat.
9. A letter from Fire Chief Tate Jeffrey addressing and approving the access for fire protection will be a condition of approval.
10. A letter from CESU Superintendent John Alberghini addressing the school district's capacity at all levels will be a condition of approval was waived upon the recommendation of the Planning Commission chair.
11. 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.
12. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on March 3, 2009.
13. All buffer requirements in the Zoning Regulations related to Critical Wildlife Habitat shall be met.



Tom Bailey, Chair
Huntington Planning Commission

Dated this 24th day of JANUARY 2012.