

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Lawrence and Tamara Phillips
Application No. 2012-1

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINAL SUBDIVISION HEARING FOR:
Lawrence and Tamara Phillips Minor Subdivision
Hinesburg Hollow Road, Huntington, VT 05462

Based upon the application of Lawrence and Tamara Phillips (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the June 25, 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 July 9, 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 June 4, 2012, the Applicant filed an Application for Final Subdivision Approval for a project described as a two-lot subdivision on Hinesburg Hollow Road.
2. The Applicant filed the following:
 - a. The completed required Subdivision Information form filed June 4, 2012. (Exhibit A)
 - b. Survey entitled "Site Plan Two Lot Subdivision for Lawrence and Tamara Phillips, 346 Hinesburg Hollow Road, Huntington, Vermont" dated June 1, 2012, and prepared by South Mountain Surveying and Mapping, PC, Bristol, Vermont. (Exhibit B)
 - c. Site Plan, dated May 14, 2012, prepared by Spencer Hill of Vermont Contours, Inc., Bristol, Vermont; three pages, referenced is page 2. (Exhibit C)
 - d. Letter from Vermont Wildlife Biologist Tina Scharf, undated, stating that she had visited the property on March 28, 2012 and determined that the proposed house site and existing house and garage are within 300 feet of the mapped DDWA (Designated Deer Wintering Area). (Exhibit D)

- e. Letter from Huntington Fire Chief Tate Jeffrey, dated June 24, 2012, addressing the Fire Department's ability to provide service. Citing Vermont AOT standards, the letter requested that the access to the residence meet requirements of 12 feet minimum width, minimum 12-foot vertical clearance, horizontal curves of a minimum radius of 45 feet and a maximum slope of 15 percent; structure should support emergency vehicles weighing 40,000 lbs. year-round. A fire alarm and residential sprinkler system were also recommended. (Exhibit E)
 - f. Letter from CESU Superintendent John Alberghini addressing school capacity capability at all levels. (Exhibit F)
3. On June 25, 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 June 9, 2012, was published in the newspaper, posted in the community and mailed to adjacent property owners. (copy in file)
 5. The project is located at 346 Hinesburg Hollow 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 # 5.
 6. The Applicant owns 100 acres in Huntington on the north and south sides of Hinesburg Hollow Road which will be divided into Lot 1 (18.30 acres); and Lot 2 (82+/- acres), as labeled on the plat.
 7. The Applicant seeks approval for a proposed single-family house and septic system on proposed Lot 1.
 8. The Applicant has represented that natural features on the property include
 - a. a deer wintering habitat, shown on survey;
 - b. a wet area and brook on the west edge of Lot 1, shown on the survey;
 - c. a stream on the eastern side of Lot 1, shown on the Site Plan (Exhibit C).
 9. The Applicant has represented that house proposed on the property is located near a deer wintering area and all construction will be within a 300' buffer.
 10. A letter from Vermont Wildlife Consulting Biologist Tina Scharf, undated, stated that, although the area has dominant conifers of hemlock, an excellent cover for deer in severe winter conditions, evidence of a high degree of deer usage was not found. Existing human activity in the area for the sugaring operation that has been in existence since 1985, appears to be preventing the area from being used for winter habitat. The 300-foot buffer "appears to be irrelevant for an area that deer are not using and will be unlikely to use for this purpose as long as there is an active sugaring operation." (Exhibit D)

11. The applicant stated that the existing culvert on the eastern side of Lot 1 would be replaced following construction.
12. Access to proposed residence is shared driveway, serving two existing residences.
13. Utilities are not shown on the survey.
14. 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 June 25, 2012 referred to above were Dana Cummings (chair), Gordon Miller, Ginger Lubkowitz, Everett Marshall and Knox Cummin (constituting a quorum); and the members present during deliberations on July 9, 2012 were Dana Cummings (chair), Julia Austin, Everett Marshall, Gordon Miller, Knox Cummin and Ginger Lubkowitz (constituting a quorum).

CONCLUSIONS:

After deliberations on July 9, 2012, the Commission has concluded the Applicant has provided materials in the application and up to and during the hearing on June 25, 2012 (referred to as Exhibits A-F above) that satisfy 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 satisfies 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 satisfies 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:

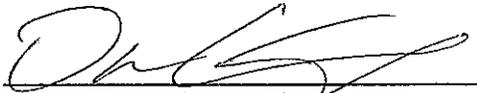
- A. The project is not in a floodplain.
- B. This area has single family residences, open fields and wooded areas. The subdivision meets the minimum lot size of five acres for the Zoning District. The Commission concludes the project complies with the provision of compatibility with surrounding properties.
- 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 Vermont Wildlife Consulting Biologist Tina Scharf, in an undated letter following an inspection of the property on March 28, 2012. (Exhibit D)
- G. The streams and wet area represented on the Site Plan (Exhibit C) will not be unduly impacted, subject to the conditions set forth.

DECISION OF APPROVAL AND CONDITIONS

Following deliberation on July 9, 2012, Final Subdivision Approval was granted on July 9, 2012 by a unanimous vote of the Huntington Planning Commission with the following conditions:

1. The Applicant 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 or by January 6, 2013, 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-inch mylar (otherwise in compliance with state statutes) of the survey/site plan referenced as Exhibit B above.
5. Applicant 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 future utilities will be buried from pole.
9. Approximate location of buried utilities will be shown on Final Plat.
10. Eastern stream shown on Site Plan (Exhibit C) and driveway culvert will be shown on Final Plat.
11. Adequate provisions shall be made to control the drainage by the driveway and a note put on the Final Plat.
12. Road maintenance agreement will be filed in the project file and recorded in the deed.
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.
15. All buffer requirements related to Critical Wildlife Habitat in the Zoning Regulations in effect at the time of application for the Zoning Permit shall be met.



Dana Cummings, Chair
Huntington Planning Commission

Dated this 10th day of July _____ 2012.