Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Ken Pillsbury, Huntington Center
Application No. 2013-2

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

FINAL SUBDIVISION HEARING FOR:
Pillsbury/Jenness Minor Subdivision
Shaker Mountain Road, Huntington, VT 05462

Based upon the application of Ken Pillsbury (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the December 9, 2013 hearing pursuant to the Final Subdivision Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its December 16, 2013 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 July 9, 2012 (hereinafter the "Regulations") which are applicable to this matter:

FINDINGS OF FACT:

1. On November 15, 2013, the Applicant filed an Application for Final Subdivision Approval for a project on 91.2 acres described as a Minor Subdivision, consisting of one residence on 14.9 acres, plus one remaining larger parcel of land, with a residence and structures, on Main Road.

2. The Applicant filed the following:

   a. The completed required Subdivision Information form filed November 15, 2013. (Exhibit A)

   b. Survey entitled "Plat of Survey showing portion of lands of Ken Pillsbury Shaker Mountain Road and Main Road, Huntington, Vermont" dated November 5, 2013, and prepared by Button Professional and Surveyors, PC, South Burlington, Vermont. (Exhibit B)

   c. Site Plan entitled "Caitlin and Miles Jenness," Huntington, Vermont, prepared by Grover Engineering, Huntington, Vermont. (Exhibit C)

3. On December 9, 2013, 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 20, 2013, was published in the newspaper, posted in the community and mailed to adjacent property owners. (copy in file)

5. The project is located on Shaker Mountain Road, south of Huntington Center, and is located in the zoning district named the Village District, which is zoned for one acre. The project is located on Town Tax Map # 08-014.100.

6. The Applicant owns 91.2 acres in Huntington on the east and west side of Main Road and on Shaker Mountain Road, which will be divided into Lot 1 (76.3 acres) and Lot 2 (14.9 acres).

7. The Applicant seeks approval for a proposed single-family house on Lot 2 with a proposed primary and replacement wastewater disposal area, as shown on the site plan.

8. The Applicant has represented that natural features on the property include a 100-year flood zone, floodway and 100-foot stream setback, shown on the site plan and the survey. An intermittent unnamed stream is shown on the site plan.

9. The Applicant represented that the site has no significant historic or cultural features.

10. The Applicant has represented that Prime Agricultural soils are found on the site. Portions of the development impact the prime agricultural soils, but the design of the development encourages agricultural use and open space.

11. Proposed drilled well on proposed Lot 2: shown on the site plan, but not the survey.

12. All future utilities will be buried from transformer shown on site plan.

13. The Applicant has presented a draft easement agreement with Shaker Meadows Homeowners' Association, which includes road maintenance agreement, which will be put in place and implemented. (Exhibit D)

14. Monuments along western and northern boundary are shown on the plat. The Applicant stated that the monuments are rebar.

18. Monument on Shaker Mountain Road (southwest corner) adjacent to Sunrise Drive is not set.

19. Other documentation received for this project:

    a. Letter from Huntington Fire Chief Tate Jeffrey, dated November 1, 2013, outlining driveway requirements and recommendations for fire alarm and a residential sprinkler system. (Exhibit E);

b. Letter from Chittenden East Supervisory Union Superintendent John Alberghini, dated November 4, 2013, stating that the school district will be able to provide services at all levels. (Exhibit F);

c. Letter from the Applicant requesting a waiver to limit survey to Lot 2, which is bounded by the Huntington River and clearly indicated on the survey. (Exhibit G)

The Planning Commission members present during the hearing on December 9, 2013 referred to above were Knox Cummin (chair), Dana Cummings, Gordon Miller and Everett Marshall (constituting a quorum); and the members present during deliberations on December 16, 2013 were Knox Cummin (chair), Dana Cummings, Everett Marshall, Julia Austin and Gordon Miller (constituting a quorum).

CONCLUSIONS:

After deliberations on December 16, 2013, the Commission has concluded the Applicant has provided materials in the application and up to and during the hearing on December 9, 2013 (referred to as Exhibits A-G 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 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 July 9, 2012 and other applicable Town regulations, subject to the conditions set forth below.

In addition, the Commission concluded that:

A. The proposed house site and associated development are outside are outside of the floodplain.

B. This area has single family residences, open areas and wooded areas. 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. A waiver of a survey of the entire property, as requested by the Applicant, has been granted. The Pillsbury property east of the Huntington River does not impact the boundaries of the proposed Lot 2 and therefore requiring a survey of the remaining 76 acres is deemed unnecessary.

DECISION OF APPROVAL AND CONDITIONS

Following deliberation on December 16, 2013, Final Subdivision Approval was granted on December 16, 2013 by a vote of the Huntington Planning Commission (4-0, with one abstention) with the following conditions:

1. The Applicants shall allow representatives of the Town access to Lot 2, 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 July 9, 2012), 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/barns, septic system, well and driveway.

8. Location of utilities will be shown on the survey.

9. Monuments shown on the plat will be set prior to sale of property.

10. Name of subdivision (Pillsbury/Jenness) will be shown on the survey.

11. Tax map # will be shown on the survey.

12. Correct name and information of adjacent property owner across Shaker Mountain Road on survey.

13. Easement agreement will be in place and will be recorded with the warranty deed of the sale of the property.

14. Exterior lighting shall be done in accordance with Section 5.11 of the Huntington Zoning Regulations.

15. The applicant shall pay the recording fees associated with the filing of the survey (referred to in Condition # 4 above), easement agreement and permit decision with the Town of Huntington.

16. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on July 9, 2012.

17. The buffer requirement in the Zoning Regulations related to the Huntington River shall be met.

Knox Cummin

Knox Cummin, Chair
Huntington Planning Commission

Dated this 16th day of December 2013.