

Huntington Development Review Board  
4930 Main Road  
Huntington, Vermont

RE: Application of Nat Weaver  
Application No. 2014-4

**FINDINGS OF FACT, CONCLUSIONS, AND ORDER**

FINAL SUBDIVISION HEARING FOR:  
Nat Weaver Minor Subdivision  
Weaver, Huntington, VT 05462

Based upon the application of Nat Weaver (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the October hearing pursuant to the Final Subdivision Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its October 14, 2014 meeting, the Huntington Development Review Board (hereinafter the "Board") makes the following Findings of Fact, Conclusions, and Decision of Approval and Conditions in accordance with the Town of Huntington Subdivision Regulations, effective June 2, 2014 (hereinafter the "Regulations") which are applicable to this matter:

**FINDINGS OF FACT:**

1. On September 29, 2014, the Applicant filed an Application for Final Subdivision Approval for a project described as a two-lot subdivision on Weaver Road.
2. The Applicant filed the following:
  - a. The completed required Subdivision Information form filed, in part, January 30, 2014 and re-filed in its entirety on September 29, 2014. (Exhibit A)
  - b. Survey entitled "Plat Showing Survey of a Portion of Land of Shirley, Nathaniel, Christopher and Jennifer Weaver, Weaver Road, Huntington, Vermont" dated April 6, 2006, and Button Professional Land Surveyors, PC, South Burlington, Vermont. (Exhibit B)
  - c. Variance granted on May 13, 2014 addressing road frontage of 128.4 feet for Lot A (Exhibit C).
  - d. Letter from CESU Superintendent of Schools John Alberghini addressing the ability to provide services for students at all levels. (Exhibit D)

3. On October 14, 2014, at the Final Subdivision Review hearing, the Applicant appeared before the Board and presented evidence in support of the project.
4. In accordance with the Regulations and state law, notice of this hearing, dated September 23, 2014, was published in the newspaper and posted in the community; notice was mailed to adjacent property owners, dated September 30, 2014. (copy in file)
5. The project is located at Weaver 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 # 12-021.110.
6. The Applicant owns approximately 220 acres in Huntington on the north, south and east side of Weaver Road which will be divided into Lot A (30.74 acres) and Lot B (189 acres). Neither parcel has buildings on it.
7. The Applicant seeks approval of an after-the-fact minor subdivision for a transfer of land (Lot A) to a family member.
8. The Applicant has represented on the Application to the Zoning Board of Adjustment on February 13, 2014, that this is a wood lot transfer.
9. Two easements (water from a parcel now owned by Wheeler (826 Weaver Road and gravel drive from Weaver Road) to 904 Weaver Road are shown on the survey (Exhibit B).
10. The Applicant has represented that no natural features such as wetlands, deeryard, or prime agricultural soils are located on Lot A.
11. The Applicant has represented that there is no water source or wastewater permit on Lot A.
12. The Applicant applied for a variance on minimum district road frontage (180 feet) for 128.4 feet by the Zoning Board of Adjustment on May 13, 2014. In exchange 51.6 feet of road frontage will be taken from road frontage calculations on a future subdivision to be determined.
13. Access to Lot A is an existing logging road beginning on Weaver Road.
14. All future utilities will be buried from pole shown on survey.
15. Existing monuments are shown on the plat.
16. The Applicant stated that this parcel of land is not subject to an Act 250 permit.

The Development Review Board members present during the hearing on October 14, 2014 referred to above were Joe Perella (chair), John Altermatt (vice

chair), Jeanine Carr, Britt Cummings and Mark Smith (constituting a quorum); and the members present during deliberations on October 14, 2014 were Joe Perella (chair), John Altermatt (vice chair), Jeanine Carr, Britt Cummings and Mark Smith (constituting a quorum).

## **CONCLUSIONS**

After deliberations on October 14, 2014, the Board has concluded the Applicant has provided materials in the application and up to and during the hearing on September 10, 2012 (referred to as Exhibits A-D above) that satisfies the requirements of Section 5.1 of the Regulations (subject to the conditions set forth below). In addition, the Board 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.

## **DECISION OF APPROVAL AND CONDITIONS**

Following deliberation on October 14, 2014, Final Subdivision Approval was granted on October 14, 2014 by a unanimous vote of the Huntington Development Review Board with the following conditions:

- 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.
- 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 June 2, 2014), and no structure may be used or occupied until all of the conditions specified in this "Decision of Approval and Conditions" shall be satisfied.
- 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 Board; and (c) the conditions of this permit.
- Within 180 days of the issuance of this decision, the Applicants shall submit for signature by the Chair of the Development Review Board 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.

- Applicant shall obtain all necessary local, state and federal permits.
- 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.
- Appropriate erosion control measures shall be implemented during construction of houses, outbuildings, septic system, well and driveway.
- Tax map # will be shown on the survey.
- Lot B (remaining lands of Weaver) will be shown on the survey.
- Letters from Huntington Fire Chief Tate Jeffrey, addressing the town's ability to provide fire protection, will be provided.
- 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.
- Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on June 2, 2014.
- In accordance with the prior variance reference above, 51.6 feet of road frontage will be excluded from any road frontage calculations on any future subdivision application for Lot B.

  
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Joe Perella, Chair  
Huntington Development Review Board

Dated this 4<sup>th</sup> day of November, 2014.