

Huntington Development Review Board
4930 Main Road
Huntington, Vermont

RE: Application of Diane and Gabrielle Cummings
Application No. 2014-5

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

FINAL SUBDIVISION HEARING FOR:
Diane and Gabrielle Cummings Major Subdivision
Cummings Drive and Main Road, Huntington, VT 05462

Based upon the application of Diane and Gabrielle Cummings (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the October 14, 2014 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 25, 2014, the Applicant filed an Application for Final Subdivision Approval for a three-lot project on 3.2 acres described as a Major Subdivision, consisting of one residence on 1.04 acres (Lot 1), plus two lots consisting of 1.03 acres (Lot 2) and 1.11 acres (Lot 3) south of the Huntington Lower Village.
2. The Applicant filed the following:
 - a. The completed required Subdivision Information form filed September 25, 2014. (Exhibit A)
 - b. Survey entitled "Plat showing a subdivision of lands of Diane C and Gabrielle A Cummings, Huntington, Vermont" dated July 7, 2011, and prepared by LaRose Surveys, P.C., Bristol, Vermont. (Exhibit B)
 - c. Three separate draft deeds, specific to each lot. (Exhibit C, D, E)
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 and mailed to adjacent property owners (September 30, 2014). (copy in file)
5. The project is located on Cummings Drive and Main Road, south of the Lower Village, 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 # 05-022.100.
6. The Applicant owns 3.18 acres in Huntington on the west side of Main Road, which will be divided into Lot 1 (1.04 acres), Lot 2 (1.03 acres) and Lot 3 (1.11 acres).
7. The Applicant has represented that there are no natural features of significance on the property.
8. The Applicant represented that the site has no significant historic or cultural features.
9. The Applicant has represented that no Prime Agricultural soils are found on the site.
10. Existing drilled well on Lot 3, serving Lot 1: shown on site plan.
11. Proposed drilled well on proposed Lot 3 for Lots 2 and 3: shown on the site plan.
12. Underground utility box on Lot 3, serving Lot 1 and Lot 3: shown on site plan.
13. All future utilities for Lot 2 will be buried from pole shown on site plan.
14. Proposed shared septic on Lot 2, serving Lot 2 and Lot 3: shown on site plan.
15. Septic easement on Lot 2, serving Lot 3: shown on site plan.
16. Existing septic (Lot 1) shown on site plan.
17. Access to Lots 1 and 3 are on a right-of-way on property of Karl and Alida Bomblies (189 Cummings Drive).
18. Access to Lot 2 is at 2816 Main Road.
19. Monuments are shown on the plat. The Applicant stated that the monuments are in place.
20. Other documentation received for this project:
 - a. Letter from Huntington Fire Chief Tate Jeffrey, dated July 23, 2014, outlining driveway requirements and recommendations for fire alarm and a residential sprinkler system. (Exhibit F);
 - b. Letter from Chittenden East Supervisory Union Superintendent John Alberghini, dated June 11, 2014, stating that the school district will be able to provide services at all levels. (Exhibit G);

The Development Review members present during the hearing and deliberations on September 9, 2014 referred to above were Joe Perella (chair), John Altermatt, Mark Smith and Jeanine Carr (constituting a quorum). Britt Cummings did not participate in the hearing and decision.

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 October 14, 2014 (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 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. The Board'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 June 2, 2014 and other applicable Town regulations, subject to the conditions set forth below.

In addition, the Board concluded that:

A. The project is not in a floodplain.

B. This area has single family residences, open areas and wooded areas. The Board concludes the project complies with the provision of compatibility with surrounding properties.

C. The project is suitable for the proposed site density.

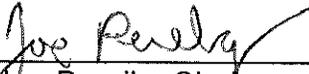
- D. Based on the Applicant's testimony, there will be sufficient water to meet the needs of the proposed project for the reasonably foreseeable future.
- E. This subdivision as proposed will not cause highway congestion or unsafe conditions, subject to the conditions set forth below.

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:

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 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.
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 Board; 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 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.
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. Right-of-way across Lot 3 to Lot 1 will be shown on the survey.
9. Tax map # will be shown on the survey.

10. Road maintenance will be recorded with the warranty deeds of the sale of the property.
11. Exterior lighting shall be done in accordance of Section 5.11 of the Huntington Zoning Regulations.
12. 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.
13. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on July 9, 2012.
14. All buffer requirements in the Zoning Regulations related to Critical Wildlife Habitat shall be met.



Joe Perella, Chair
Huntington Development Review Board

Dated this 4th day of November, 2014.