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DATE October 20, 2014

APPROVED

HUNTINGTON DEVELOPMENT REVIEW BOARD
Minutes of September 30, 2014

PRESENT: Joes Perella, Jeanine Carr, Britt Cummings, Mark Smith
ABSENT: John Altermatt
OTHERS PRESENT: Bonnie Gordon, Lynda Swannie, Jim Sadler, Mary Kelley, Mark Sylvester, Bill White, Brett Lindemuth, Rob Thompson, Dori Barton, Gary Fay, Kerry Walker, Ed Hanson (Zoning Administrator)
MINUTES: Heidi Racht

7 pm Meeting Begins
Public Comment
7:15 pm Final Subdivision Review - Lynda Swannie Minor Subdivision
8 pm Preliminary Subdivision Review - Bill White Major Subdivision Review
As times allows between agenda items:
Minutes of September 9, 2014
HPC rep
8:50 pm Adjourn

The meeting began at 7:02 pm; chaired by Joe Perella.

No public was present to comment.

The meeting began with a brief discussion about making sure that there is a substitute at the hearings and how best to accomplish this. The Board decided that it would be flagged in an email that is sent out by the clerk.

Minutes of September 9, 2014: Britt Cummings moved to approve with one change; seconded by Mark Smith. Approved unanimously.

Report of Planning Commission: The Board discussed the HPC letter to the Selectboard recommending Ed Hanson's reappointment as ZA. Mark Smith talked about some of the highlights of the letter noting that Hanson provide some thoughtful points. "It is clear to me that he has a lot of resource power that we aren't tapping into." He specifically noted Hanson's "keen understanding of the statutes." Congratulations were given to Hanson.

The Board also discussed the application process with Heidi Racht giving an overview of a discussion earlier between herself and Hanson. She proposed that Hanson take all DRB applications and review them before anyone is scheduled with the DRB. The applicant would be scheduled and the hearing warned as is presently done. She emphasized Hanson's role in the process would allow applicants to all be given expert advice.

Based on the HPC's meeting with Hanson on September 16, the Planning Commission will ask him to

help with reviewing the draft regs.

A modification of the Zoning Administrator's job description was briefly discussed.

Lynda Swannie Minor Subdivision Final Review:

The hearing began at 7:20 pm, chaired by Joe Perella.

Present: Bonnie Gordon, Lynda Swannie, Jim Sadler, Mary Kelley, Mark Sylvester

Prior to the hearing, there was a brief exchange with Swannie about her ideas for the 144-acre parcel that she was considering selling to the town for a town forest. Swannie said that she was "open to suggestions, and ideas" and needed to educate herself more. She was emphatic that she did not want "the land to be exploited in any way for financial gain" and "needed due diligence."

After reviewing the application, map and hearing evidence, the hearing was opened to public comment.

Mark Smith commented about the cultural implications on the property, while Britt Cummings replied that the decision to divide the property is a permitted use.

Jim Sadler said he was concerned about what could happen if the land was sold to "a different entity." Swannie stated that it is no longer for sale. Sadler talked about his conservation interest as a former member of the Huntington Conservation Commission and said he had spoken to HCC members after Swannie's meeting with them.

MOTION: Jeanine Carr moved to restore the property to its original boundary and to accept the map as submitted; seconded by Mark Smith. 27 VSA was consulted to see if state statute required adjoining to be printed on the map, which has been customary for Huntington Subdivision approval. Swannie's property has several neighbors with small parcels located across the Huntington River; all are located on the Main Road. Motion approved unanimously.

Motion: Britt Cummings moved to approve; seconded by Jeanine Carr. Approved unanimously.

Motion: Jeanine Carr moved that the subdivision meets the Planning Standards, as applicable; seconded by Britt Cummings. Approved unanimously.

Motion to Approve: Britt Cummings moved to approve; seconded by Jeanine Carr. Approved unanimously.

Bill White Major Subdivision Preliminary Review:

Mark Smith recused himself and joined the neighbors.

The hearing began at 8:02 pm, chaired by Joe Perella.

Introducing the subdivision, Bill White said that when he "started this, the kids all wanted a chunk of

land." He has now decided to sell lots that his kids don't want.

Perella ask about the time frame. White replied that Lot 3, on the west side of the road had an approved mound system that was due to be started soon. It is to replace the failed system that was built to go with the main house and was being used for the trailer behind it.

Kerry Walker asked about the criteria for development. She asked about the state's involvement and town's involvement. Perella replied that the DRB approves or denies, based on Planning Standards.

Rob Thompson pointed out that Lot 4 is 100 feet from the back line of the property and the measurement shown on the map is incorrect. He wanted it on record that he wants an accurate boundary. He questioned the quality of the survey.

White then related that the map had two other errors on it: adjoiner on Handy Road is Fay, not Chatelain; Lot 1 has a drilled well shown, which isn't there.

Mark Smith's comments focused mainly on issues of non-compliance. He stated that the subdivision will have an impact on surrounding areas and neighbors. "The Planning Standards are important and we are not prepared to do this tonight. He talked about Act 250 permits, saying, "I'm of the opinion that there are a lot of non-compliance issues... the junkyard and septic. Issues need to be addressed before going forward with the town permits."

Ed Hanson asked if the issues are on properties that are part of this subdivision. This was confirmed.

Joe Perella asked if the project would have significant negative impact. Smith replied that converting agricultural open land into subdivision in the valley surrounded by neighbors impacts his business. He also mentioned that they used to be adjoining property owners with Bert White.

Kerry Walker talked about her former situation in Starksboro where her property was impacted by septic compliance issues. These issues affect people downhill. The issues on the property need to be remedied before allowing more septic systems.

In answer to Perella's request for substantiation, Walker replied, "There is a history with not following through. A history of no septic on the property."

The discussion then went on to the enforcement of current and future issues, on existing homes and Act 250 violations; issues around the junkyard and screening; hazardous waste disposal. Smith said, "I want to be sensitive to respect Bill's privacy and his rights, but is it going to be more of the same or is it a new day?"

Hanson said it was appropriate to call regional permitting specialists and make a referral to ANR. Smith responded that it is tough to ask neighbors to be "snitches" – he suggested the neighbors should defer to the town, Zoning Administrator and state. The DRB needs to address enforcement issues.

Bill White said he didn't know the system had failed until two months ago. He is now working on a mound system, will move the trailer and use a pump tank and pull it out of the ground. Tudhope is working on it. Hanson added that Tudhope will prepare a completion report before he gives the Certificate of Occupancy (CO).

Dori Barton asked about the trailer, stating, "Lot 3 doesn't exist." Hanson said the trailer is a temporary use. Barton said that current activity shows that White is moving ahead with Lot 3.

After some confusion, Brett Lindemuth said that building on Lot 2 has "created a strain. The lack of process has created a bigger situation." No one has come up to check on the temporary dwelling and there is a 100'x2'x2' ditch of raw sewage. When a process goes bad it creates a tension. The standard has to be high and enforcement has to be there. He expressed "a hope that there would be some reconstruction."

Hanson explained that the temporary permit is valid for one year and can be renewed for one year. He agreed that "things need to be done right."

Lindemuth then went on to say, "I want to be sure Bill gets a fair shake and I accepted the fact that there were things here that were already [not in compliance]. We can't recreate cycles of old problems."

Hanson explained the process for getting the CO.

After several minutes of discussion on the inspection of the septic system, Perella concluded that White and Hanson need to get together to resolve the trailer.

A site visit will be set up for a Saturday morning.

ACTION ITEM: Racht will send out a Meeting Wizard notice for the site visit.

The public hearing will be continued to November 11.

Mark Smith rejoined the meeting at 9:22 pm.

Other Business: Barbara Mayo Sketch Plan review will be scheduled for November 11.

Adjournment: The meeting adjourned at 9:30 pm. Britt Cummings moved to adjourn; Jeanine Carr seconded.

DRAFT MINUTES POSTED ON THE WEBSITE: September 10, 2014

UNAPPROVED MINUTES TO THE DRB: October 9, 2014

MINUTES APPROVED: October 14, 2014

APPROVED MINUTES TO THE TOWN CLERK: October 20, 2014