

APPROVED

HUNTINGTON DEVELOPMENT REVIEW BOARD

Minutes of February 10, 2015



PRESENT: Joe Perella, Britt Cummings, Mark Smith, Jeanine Carr, Mary Taft

ABSENT: John Altermatt

OTHERS PRESENT:

RECEIVED

DATE

3.12.15

- 7 pm Public Comment
Minutes of November 11, 2014
Minutes of October 28, 2014
Minutes of January 13, 2015
- 7:20 Decision on appeal of Roman Livak regarding the decision of the Zoning Administrator - drafted by Joe Perella
- 7:45 Edits to decision for Barbara Mayo Minor Subdivision - drafted by Heidi Racht
- 7:55 Member Business
Mail
- 8 pm Adjourn

The meeting began at 7:08 pm; chaired by Joe Perella.

Public Comment: Mark Smith brought up "controversies swirling around" the White property on Bert White Road. He felt that the town should address this. It was agreed that this could be discussed later in the meeting.

Minutes of November 11, 2014: Britt Cummings moved; Mark Smith seconded. Approved with changes.

Appeal of Roman Livak regarding decision of the Zoning Administrator: This discussion has been covered in previous meetings. At issue is the denial of the Zoning Officer on the application for a yurt by Roman Livak on a property in Hanksville. Livak purchased three adjacent properties, which were then assigned the same tax map number (merged) by the listers, per state statute. The town's zoning regulations merge adjacent properties under the same ownership if there was no subdivision. However, Livak argued that the merger regulation was not applicable because they were three conforming lots and he should be allowed to build the yurt. After Perella's consultation with the Vermont League of Cities and Towns about the statute and meeting with the Planning Commission, the Board determined that the regulation was overreaching and determined that the property owner had three separate lots. Further, the Board has recommended that the HPC make a change to the regulations in this draft, so that the section on merger is in line with what is allowable by statute.

This still does not have a way to address Ed Hanson's use of the tax map number, which is a number provided by the Listers, who operate independently of any Board in town. Hanson will need to figure out how to deal with this.

MOTION: Jeanine Carr moved to accept Findings of Fact and Conclusions, as drafted by Joe Perella,

with edits; seconded by Mark Smith. Approved unanimously.

The Board was emphatic that this was no criticism of Ed Hanson and agreed that this sort of issue should come before the DRB.

It was also noted that Livak had already installed the yurt on his property. At this point, no notice of violation had been given to the property owner by the Zoning Administrator.

Barbara Mayo Minor Subdivision: The Board, having approved Barbara Mayo's Minor Subdivision on January 13, 2015, made minor edits to the written notification of decision. It was noted that there was no letter from the Fire Chief, which is a condition of approval. Joe Perella signed the decision.

Minutes of October 28, 2014: Postponed until the next meeting.

Minutes of January 13, 2015: Jeanine Carr moved to approve with minor edits; seconded by Joe Perella. Approved unanimously with Britt Cummings and Mary Taft abstaining.

Member Business:

Bill White property on Bert White Road was discussed at length. Mark Smith spoke about the process for approval for the replacement trailer. In summary, the ANR Wastewater Division issued a permit for a mound system before the town issued the permit for a residence; the original house has a permit for septic system, which could then be added to a new house; the permit is now for the new structure, which should have gone through subdivision, but is now on hold.

Smith was unhappy with how Hanson had "handled this." He spoke about the unhappiness of the neighbors as this latest permit continues a pattern of accommodating noncompliance.

Jeanine Carr asked, "What is our role here?" Joe Perella responded, "I don't think we have one."

Smith asked about the rights of the neighbors – "What is our due process?" He said there were "concerns with Ed. He could have worked with people."

Perella responded, "There is a legal septic system there now and one dwelling. They are in compliance. What do the people who are unhappy there want?"

Smith responded that there are two abandoned trailers there now. The people on the road want assurance that "laws are going to be adhered to."

Perella commented that when White comes before the DRB for Major Subdivision Review, the Board would need to have a long site visit.

Britt Cummings and Mary Taft talked about having the condition of the permit be removal of the non-complying trailers, with Cummings commenting, "One important thing is to make sure it is out of there."

Smith went on to say that this decision and others, which are not in compliance and have not been addressed with a violation citation, have "eroded confidence in the state and the town." Carr responded that the DRB would be giving the matter a thorough and careful consideration if White comes back.

Smith talked about the regulations and how the State of Vermont has not worked with the town. This project "underscores the importance of the state's presence. Ev [Marshall] says that the state is

chronically understaffed.”

Adjournment: The meeting adjourned at 8:11 pm. Britt Cummings moved to adjourn; Mark Smith seconded.

DRAFT MINUTES POSTED ON THE WEBSITE: February 26, 2015

UNAPPROVED MINUTES TO THE DRBL February 28, 2015

APPROVED: March 10, 2015

APPROVED MINUTES TO THE TOWN CLERK: March 10, 2015