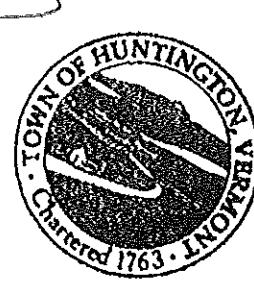


RECEIVED  
FOR RECORD  
DATE June 18, 2017



Approved

Huntington Development Review Board  
Minutes  
May 19, 2017

**Present:** Joe Perella, John Altermatt, Jeanine Carr, Britt Cummings, Everett Marshall

**Absent:**

**Others present:** Ed Hanson (Zoning Administrative Officer), Mark Smith, Marijke Smith, Aaron Worthley (Arrowwood Environmental), Steve Hood, Roman Livak

**Minutes:** Heidi Racht

**AGENDA**

- 7 pm Public Comment  
Minutes of May 9, 2017  
Mail
- 7:20 pm Mark Smith - Planned Unit Development Final Review - 10 lots, 1435 Bert White Road  
Member Business continuation  
Adjourn

The meeting was called to order at 7:01; chaired by Joe Perella.

**Public Comment:** Public in attendance for hearing.

**Minutes of May 9, 2017:** Jeanine Carr moved to approve; John Altermatt seconded. After some discussion about details concerning intent, the minutes were tabled until the next meeting. Racht will revise and send to the Board.

**Mail:** None.

**Final Review – Windekind Farm 10-lot PUD (Smith):** The hearing resumed at 7:20 pm.  
Attendance: Mark Smith, Marijke Smith, Steve Hood, Aaron Worthley (Arrowwood Environmental), Ed Hanson (Zoning Administrative Officer)

Mark Smith deferred to Aaron Worthley to address topics that were raised at the May 9 hearing. Worthley started by talking about the water capacity of the pond. Two ponds are on the property, with the lower pond having a hydrant installed by the Huntington Fire Department. The upper pond, behind the house, has a quick release valve. It has a 57,000 square foot surface area. Worthley presented a table (Exhibit 7) showing volume calculations for assumed average depths for the two ponds. Based on the information provided, Worthley concluded that, "at its most conservative estimate, [the ponds' water capacity] far exceeds Tate's [Fire Chief Tate Jeffrey] request." The shallower end is 2 feet. Jeanine Carr concluded, "I think we have established the pond has depth [needed to provide water for residential fire control]." Mark Smith said that he had drafted a response letter to Jeffrey, "which he hasn't seen yet." He said, "It is our mission to do well for the neighborhood. It is important to meet the requirements." Joe Perella further concluded, "It seems the water issue is resolved, given the capacity of the pond."

Smith then said he wanted to go over the engineering with Jeffrey. He stated that the hydrant needs maintenance and he would like to “have a plan in place for this.” He also stated that the dam on the lower pond needs work.

Worthley said that Smith and Jeffrey had “an email exchange.” Perella asked if Smith had discussed the road. Worthley responded, “You mentioned a road agreement with the town. Tate wants people to know how bad the roads can be.”

Perella then asked Selectboard member Roman Livak about the road. Livak responded that Bert White Road from Stagecoach Road to Handy Road needs to be re-ditched. He also talked about the poor condition of the road from Taft Road to about a quarter mile up the hill, concluding there is no plan to fix the road within the next five years.

The discussion then returned to ponds, with Smith stating that in-stream ponds are problematic. They silt up and need to be managed with a flood/silt management program as all the silt goes into the deeper part of the pond. Perella said in response to Worthley’s comment “about whether we are going to ask every landowner to build a pond” that this request “doesn’t seem too onerous, under the facts of this case.” He asked if there should be a condition that at least 30,000 gallons capacity be maintained. Worthley said that ponds like this are jurisdictionally regulated. Perella revised the condition proposal to say that the 30,000-gallon capacity be maintained “if applicable with other state law.” Worthley responded, “You can’t build an in-stream pond according to state or federal rules. Mark has dredged in the past so a maintenance pattern has been set.” Smith then told the Board that there is a two-inch aboveground pipe that can fill the lower pond in the summer.

The discussion went back to Bert White Road. Livak said that discussion at the last Selectboard meeting was about the road, which was moved in 1995-1996 and finished in 1997. The Selectboard started the process back then to “throw up” the old road and take on the new road. “The issue should have been resolved.” Perella asked if there should be a condition if it isn’t a resolved right of way (ROW) is at risk. Livak asked for a condition to resolve the road, “So it is done.” He explained that the process would be that the Selectboard has the centerline for when it was moved and a public hearing would be held to formally establish the centerline. After the public hearing, there would be a 60-day appeal period. Livak also said that the Selectboard discussed “throwing up the road” at the Smiths’ property line and “no one wanted to do anything other than getting it [the road placement] resolved” expeditiously. Marijke Smith stated that the road had originally been where it is now and it had been moved in the 1940s.

Everett Marshall said that the state probably has the road ROW in its records and it is “what the town espouses.” He also said he didn’t think it should be necessary to make this a condition as there is representation by the applicant that this will be resolved. Worthley added, “As it is on the VTrans map, that is the legal location of the road.” He then talked about how the Ancient Roads were given up by the town as of July 14, 2014 [so this is a moot point, in a manner of speaking]. Perella then pointed out, “It’s not the Smiths’ fault” that the town didn’t formally resolve this decades ago. Livak responded, “There are two parties involved.” Perella said that this is an issue for the Selectboard and not the DRB. The DRB agreed that this is not a condition.

Worthley then walked the Board through the map packet. A highlight is the trail network between the houses; the network is not intended for motorized vehicles.

The items on checklist for PUD approval were addressed.

## Article 5: Planning Standards

5.1. Suitability – the DRB did a site visit and determined that this meets the standard for a PUD in the Rural Residential District.

5.1.2, page 2 #3:

Discussion – 130 acres of common land is “exemplary.” Development rights may be sold to the Vermont Land Trust. This common land will be restricted in deeds.

CONDITION: Condition permanent conservation of 132 +/- common land. This is addressed in Exhibit 3, document 8 with proposed language for deeds.

CONDITION: Wetland crossing will require a permit and changes to the septic will also need additional permit. Permits are a standard condition of approval.

WAIVER REQUEST: 4.2.2 (2) including conservation language with the Vermont Land Trust.

5.1.3 through 5.1.6 all meet the standard

COMMENDATION: 5.1.5 meets the standard and is, in fact, well considered.

CONDITION: 5.1.7 Storm Water Plan, subject to Act 250 and construction permit application is underway

5.1.8 water supply is covered by the ANR Wastewater Permit and included 1 well for the area called Plantation, 1 well on the hill and one existing well – all are drilled wells.

5.1.9 each new house has a septic tank

5.1.10 no prime agricultural soils will be affected and the project is “well sited to not interfere with designated agricultural use”

5.1.11 local municipal and school ability to address capacity

CONDITION: maintaining pond capacity at 30,000 gallons so long as such maintenance is consistent with state and federal law. Width of driveways/private road leading to residents to be at least 12 feet wide with a turning radius of 48 feet to the center line of roadway with a right angle turn for emergency vehicles.

Fire Chief’s concerns on road conditions now – is there increased risk due to this project? The Smiths have offered to give the town \$1200 per year for 10 years to be used for improvements and maintenance of Bert White Road above Handy Road. The applicant has voluntarily offered to address concerns. The letter from CESU Superintendent John Alberghini (Exhibit 6) has adequately addressed school capacity.

5.1.12 meets the standard – the Board stated that the design standards are a high level

5.1.13 the Town Plan encourages PUDs and keeping open space, so this project meetings the standard

## **Article 6: Required Improvements and Design Standards**

**Most of this section is not applicable.**

6.5.2 drainage discussed and addressed

The radius turn width is 12' with a right angle turn for emergency vehicles.

Outdoor lighting must comply with the ordinance.

The plan calls for all power to be buried from the existing pole.

Discussion of a condition for the easement for the power shown on the map: Worthley said that the underground distribution system is mainly on the common land.

6.9.6 reference is made to the Natural Resources Report prepared by Arrowwood Environmental (Exhibit 7)

6.9.8 cluster development takes care of this

Discussion of PRD and PUD as both are in the regulations, although the state no longer recognizes PRD.

**WAIVER REQUEST:** Exhibit 3, document 2:

1. survey of entire lot – applicant proposes to survey area of development
2. site plan review – there is no commercial component – condition to address any future commercial use
3. final language for conservation easement since the discussions with the Vermont Land Trust are not finalized; language for condition proposed and accepted

**MOTION:** Joe Perella moved to approve the Windekind PUD with conditions; second by Everett Marshall. Approved unanimously with final review to decision to be conducted and approved at the June 13 meeting.

The draft of the decision will be circulated to the Board for review before the next meeting.

**Adjournment:** Jeanine Carr moved to adjourn; second by John Altermatt. Meeting adjourned at 9:05 pm

**Unapproved minutes on the website:** May 26, 2017

**Unapproved minutes to DRB:** June 6, 2017

**Minutes Approved:** June 13, 2017

**Minutes to Town Clerk for Recording:** June 18, 2017