

Approved

RECEIVED
FOR RECORD
DATE June 19, 2017



Huntington Development Review Board
Minutes
May 9, 2017

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

Absent:

Others present: Ed Hanson (Administrative Officer), Jim Christiansen, Don Dresser, Knox Cummin, Rich Lachapelle, Mark Smith, Marijke Smith, Aaron Worthley (Arrowwood Environmental), Steve Hood, Tim Jones, John Durochia

Minutes: Heidi Racht

*Note: Corrected minor
typographical error
on page 5*

*Recorded June 22, 2017
[Signature]*

AGENDA

6 pm Site Visit - Smith 10-lot subdivision, 1425 Bert White Road

Huntington Town Clerk's Office

7 pm Public Comment
Minutes of April 11, 2017
Mail

7:20 pm Tim Jones Minor Change to Recorded Survey - Happy Hollow Road

7:35 pm Knox Cummin - Minor Subdivision Final Review - Main Road, south of Lower Village

8 pm Mark Smith - Planned Unit Development Final Review - 10 lots, 1435 Bert White Road
Member Business
Adjourn

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

Public Comment: Public in attendance for hearings. Jim Christiansen asked if the DRB would allow comments on issues as they come up or was the public comment period only at the beginning of the meeting. Perella suggested waiting until the project applicant is there. Christiansen asked again if there would be public comments allowed throughout the meeting; Marshall responded that it is a public meeting. Christiansen asked when it would be too late to ask questions; Perella said questions would be allowed throughout the hearing. Ed Hanson interjected that the DRB will close the evidentiary portion of the hearing and then "that's it." Perella said that "corrections are ok." Christiansen then said that the Smith lots (8 pm hearing) were listed on Zillow (Real Estate) for \$125,000 to \$160,000.

Minutes of April 11, 2017: Jeanine Carr moved to approve; John Altermatt seconded; approved with changes.

Mail: Postcard from VLCT about Planning and Zoning Workshop on June 14.

Tim Jones Minor Change to Recorded Survey

Attendance: Tim Jones, Ed Hanson (Administrative Officer), John Durochia, Jim Christiansen, Don Dresser, Knox Cummin, Rich Lachapelle

The hearing began at 7:26 pm. Tim Jones appeared before the DRB to request approval for a change in the right-of-way (ROW) as shown on the recorded mylar. The regulations require this type of change to come before the DRB. The property, then owned by the Lorraine Jones Trust, was divided into two parcels with Parcel 1, retained by the Trust, having a ROW through Parcel 2, now owned by Tim Jones and his sister

Leslie Jones. Lot 1 is now owned by the Hilton Jones Trust and is to be sold. According to Tim Jones, who is also a trustee for Lot 1, the existing road could not handle the logging equipment and forester Andy Carlo recommended an alternative route that would move the road out of a wet area. A letter from Carlo (Exhibit 3) was submitted with the application (Exhibit 1) and the map showing the new ROW (Exhibit 2). As Parcel 1 is L-shaped, there will now be two entry points through Parcel 2.

Everett Marshall asked if any structures were on the property. Jones responded that there is a 16x20 primitive camp, off the grid; the change to the map is "strictly for access to Lot 1." This land is under contract to someone who wants to tap the trees in the spring.

John Durochia, a neighboring property owner, wanted to know, "What is going to happen with Town Road #9?" He said that the culvert, which had washed out in 2013, had never been put back after the flooding. He asked, "What is going to happen to my property?" After some more discussion, Perella said, "This doesn't influence our decision on the right-of-way." Durochia said, "There is a walking path now [on the Jons property]which doesn't allow anyone on it." Altermatt asked, "Will this decision make it harder [for you]?" Durochia said, "Under my understanding, you can't divert water onto my property." Perella asked Durochia if he and Jones had talked about this. Jones responded that Durochia was worried about drainage or flow across Town Highway #9 – this [change of ROW] won't affect this. There is a "healthy landing" on the property for logging and sap trucks. Perella asked about the culvert, which is MIA, since the flooding. Jones responded that the flow of water from Lot 2 was "the cause of the erosion, but the Goodyears and the Westons [also impacted the drainage from up the road]." Durochia replied that, if the lot [Lot 1] is to be sold, there will be more traffic on the road. Jones, in answer to Perella's question, said, "The new person will not put in a bridge. He is ag [an agricultural use] and doesn't have to have liability."

Perella then said, "Most of these concerns are out of our purview. You and Tim should talk. Our scope of review is narrow. We can't add ancillary issues." Altermatt added, "We can't do something. I wish the town is addressing this." Perella concluded, "This would not have impacted our original decision."

MOTION: Jeanine Carr moved to approve the application for a change to the recorded survey; second by Everett Marshall. Approved unanimously.

Knox Cummin Minor Subdivision Final Review, Main Road, south of Lower Village

Attendance: Knox Cummin, Rich Lachapelle, Ed Hanson (Administrative Officer), Jim Christiansen, Don Dresser

The hearing began at 7:42 pm. Knox Cummin proposed to sell one acre at the south end of his property on Main Road south of the Lower Village to adjoiners Rich Lachapelle and Lori Nyland. The two property owners see this as a "buffer" between the Lachapelle/Nyland property and the Village Hill PUD; vegetative screening is planned by mutual agreement. Cummin explained that the lot to be sold meets the standards for the Village District as it has over 120 of road frontage and is more than an acre; therefore, it could be developed at some point in the future. However, there are no plans to develop the property.

The Board reviewed the checklist for the plat for Minor Subdivision Final Review with most of the requirements being not applicable and the remainder being met by the applicant.

The applicant requested a waiver of the requirement for letters from the Fire Chief and CESU administration (Exhibit 3), addressing the ability to provide municipal and school services.

MOTION: Jeanine Carr moved to approve the application for Final Subdivision, as well as the waiver for the letters, as requested by the applicant; second by Everett Marshall. Approved unanimously.

Final Review – Windekind Farm 10-lot PUD (Smith): The hearing began at 8:08 pm.

Attendance, specific to project: Mark Smith, Marijke Smith, Steve Hood, Aaron Worthley (Arrowwood Environmental), Ed Hanson (Zoning Administrator), Jim Christiansen, Don Dresser, Dave Brautigam

At the opening of the hearing, it was stated that Perella, Carr, Cummings and Marshall represented the Board at the Site Visit at 6 pm.

Perella asked the participants if they had any comments from what was raised at the Preliminary Review.

Much of the discussion was about Bert White Road. Smith said they had met with the Selectboard to discuss the road and there was "due diligence on the Selectboard's part." Aaron Worthley said there are two different road topics: 1. Discontinuance of the road – the suggestion to have the town discontinue it at the Smith property line - and 2. moving of the road in the 1990s and the paperwork around this – as research showed that it was not properly documented and recorded. Perella noted, "It is my understanding that this [paperwork around moving of road] can be corrected." Smith added, "We and the town have been remiss to finish this." He said he talked with Roman Livak, in his capacity as a member of the Selectboard, and "we wrote a condition that can go into the decision." Perella again stated that he understood there's "no concern" about fixing the paperwork.

Smith then talked about the suggestion at the Preliminary Review for the town to discontinue Bert White Road at their property line. He said, "As a volunteer planner, I always admired PUDs. It works for Windekind. In response, how important it is to protect open space. We believe that's done for the benefit of the community." He referenced Camel Hump Ski Center and then went on to say, "PUD principles allowed us to cluster and protect open space."

The next point of discussion is the draft road agreement. The Smiths have offered \$1200 per year to be used for maintenance of Bert White Road above Handy Road [a ten-year proposal]. Perella asked, "Is this independent or to be incorporated into the decision?" Worthley replied, "Procedurally, the agreement will be with the Selectboard." It is subject to negotiation with the Selectboard. It can be a condition that will change, recognizing the additional traffic that the development will create. He then said, "Speaking as a neighbor, this allows a larger portion of the road [to be maintained] rather than just the project. It is a nice bone for the rest of us who live up there."

Smith addressed comments to Jim Christiansen, who had proposed the road discontinuance, saying, "We have a longstanding partnership [with the town]. We proposed \$1200 to contribute per year. It is important that it not go into the road." Perella asked if the DRB needed to address this is its decision. After more discussion about the suggested road discontinuance, Perella asked Christiansen if he still proposed this. Christiansen said he never proposed this to the DRB, but went to the Selectboard. Heidi Racht said that the DRB could have a generic condition that addressed road concerns to be worked out and if it wasn't a condition, the applicant did not need to follow through. Britt Cummings said, "If the Road Foreman hasn't

given us a decision that this will cause undue hardship” then there was no need to address road issues in the decision. Ed Hanson, explained, “In a PUD, you are creating an entirely new street structure. It is unusual in that a [public road is in the center of a PUD.”

The Board was in agreement that it would not address the road, or the applicant’s proposed agreement with the town. Perella said, “This is a separate ancillary point that does not impact this board.” He said he didn’t think it was fair to discontinue a road because it had a subdivision proposed for the end of it. Christiansen objected noting that the decision was the document that framed the project, but Perella said the minutes will reflect the discussion. Don Dresser said he agreed with Christiansen. Perella said that if it’s not there in the regulations, then the DRB could not incorporate it. He went on to discuss whether the road agreement should be in the record, stating that the record is “bigger than the decisional document. The decision is limits what is required. The Worthley talked about not having the Selectboard impose impact fees on the project as the town does not have them.

Dave Brautigam noted that the Smiths were in the process of “dealing with generational transition.” He talked about preserving the cross-country trails on the property and then said he wanted to be “on the record as being in support of the project.”

The Board looked at Gordon Miller’s letter concerning affordable housing. Smith said, “It is our mission; we are about diversity.” He said they wanted to attract younger families with lower incomes. Smith then said that they had “considered and got a lot of pressure from cohousing advocates to do duplexes and triplexes.” The parcel and residence will range from \$300,000 to \$330,000 or below. “The Plantation is more affordable.” And they decided to go with single family housing just above the median house price in Chittenden County – this includes common land ownership. The basic parcels are \$70,000 to \$90,000. “What makes it challenging is you are buying two parcels.” The lot prices vary, but the common share is \$55,000.

The Board also received and perused correspondence in support of the project:

1. Cassandra Wilday and Jordan Davies
2. Henry Hagar
3. Joe Segale

Cummings asked about varied housing costs. Smith responded that part of the affordability is the house – there is a common design.

Perella asked, “What standard do we assess to see if this project is in compliance with the Town Plan. Worthley responded, “Its listed as a goal, but it isn’t in the zoning regs.” Steve Hood asked, “How do you apply a standard universally?” Cummings replied, “There are no standards in the regs.”

Christiansen said he again supports the project. He brought this up because it is the first time a town road has been in the middle of a proposed PUD. He likes the idea of a private road; the developer states a desire to keep it open. He then went onto say that the town had recently received a letter from a resident of Agnes Drive to take over that private road.

Christiansen said that Document 13 in the application (letter from Road Foreman Yogi Alger stating no undue hardship would be caused by the development was not the first letter from him. “Within a space of

six hours, everything changed.” He referred to the letter from Fire Chief Tate Jeffrey, saying “the road foreman and fire chief’s letters are not squared as to the two letters that say really different things.” There was more discussion about the road’s ability to support more traffic. Worthley responded that the change in language from the Road Foreman was due to “Yogi’s initial confusion” about what he was expected to comment.

Altermatt talked about how to measure the impact. Brautigam stated, “The ski center has a parking lot at the height of the [Smith] land. It has impact on the road. There is an impact of skiers driving up there.” Altermatt responded, “You aren’t skiing during mud season.” Others refuted this.

Worthley said, “The greatest impact to the road is heavy trucks.” These include trash haulers and town trucks with a full load of sand.

Perella asked if the Board wanted additional information from Alger. Christiansen commented, “Yogi and Tate need to talk.” Worthley said, “The Road Foreman and Fire Chief letters are different because they are looking at it from different perspectives.”

The Fire Chief had written a letter (Exhibit 5) addressing fire protection, which was received just before the meeting, so it wasn’t in the packet of materials sent out before the meeting. In it he talked about Bert White Road traffic, the installation of a pond as a water source, and other impacts. The Board discussed the dry hydrant and the request for a 30,000-gallon pond. Smith agreed to enhance the capacity of the pond already in the property. Worthley cautioned, “If you are expanding a pond, state regs come into play.” Marshall suggested a condition of a working dry hydrant.

Perella asked Smith if he was expecting a final decision that night. Smith responded that he wanted due diligence, which would make it the best project it could be. Worthley said that the Act 250 and wetlands permits “hinge on the town decision.”

Perella talked about Tate Jeffrey’s letter and that creating a good record is important. Worthley said he would like this to “be an open process.”

Due to the late hour, it was agreed that a decision that evening was not possible that evening and a continuation was determined to be the next step. Also, to have this project as the only item on the agenda, so the June meeting would not work as two projects have been scheduled.

The Board then went back to discussion of the road. Christiansen asked, what needs to be done to improve the road. Perella said, “If the road has safety issues now, it needs to be addressed.” Smith said, “Yogi would like to do a lot more on Bert White Road.” Worthley, addressing the request for the pond, said, “Tate has made this request before and it hasn’t been done. Where is the consistency?” Perella said, “Where do you draw the line? This is a nine-lot [10-lot] subdivision.” Worthley said, “You can’t build ponds in wetlands anymore – it isn’t allowed.” Cummings said, “The existing pond might mitigate this.” Marshall provided information from his computer, stating that 30,000 gallons is 30’x30’x6’ and Smith responded that the existing pond is larger than this.

MOTION: Everett Marshall moved to continue the Windekind PUD Final Review to Friday, May 19, 7 pm; second by Jeanine Carr. Approved unanimously.

Member Business: Deferred until subsequent meeting.

Adjournment: Jeanine Carr moved to adjourn; second by Britt Cummings. Meeting adjourned at 9:42 pm

Unapproved minutes on the website: May 14, 2017

Unapproved minutes to DRB: May 14, 2017

Minutes Approved: June 13, 2017

Minutes to Town Clerk for Recording: June 1st 2017