

**APPROVED**

**Huntington Planning Commission  
July 14, 2009**

Commissioners Attending: Tom Bailey, Everett Marshall, Eric Silman, Gordon Miller, Lucinda Hill

Commissioners Absent: Beverly Little Thunder

Others Present: Anne Connell, Zoning Administrator Cathleen Gent, Margaret Taft, Mary Taft

Minutes: Heidi Racht

7 pm Minutes of May 26 & June 9

Mail

7:15 pm Public Comment

7:20 pm Review materials for next three agenda items

7:30 pm LeBrun Final Subdivision Amendment Review

8:15 pm Bretschneider Decision - Review FOF, etc

8:30 pm Zoning Administrator / Taft family members

9 pm Begin: review fees and costs for Hearings and make adjustments

9:15 pm Member Business

9:30 pm Adjourn

RECEIVED

DATE

*[Handwritten Signature]*  
*August 13, 2009*

The meeting was called to order at 7:03 pm, chaired by Everett Marshall.

Items for Discussion	Discussion	Action
<b>Minutes of May 26, 2009</b>	Tom Bailey moved to approve; seconded by Eric Silman.	Approved with changes.
<b>Minutes of June 9, 2009</b>	Tom Bailey moved to approve; seconded by Lucinda Hill.	Approved with changes.
<b>Mail</b>	Mail reviewed: <ol style="list-style-type: none"> <li>1. Act 250 Notice Minor Application                             <ol style="list-style-type: none"> <li>a. Nancy Bretschneider</li> </ol> </li> <li>2. Wastewater Permit                             <ol style="list-style-type: none"> <li>a. Jason Webster, Ross Hill</li> <li>b. Nancy Bretschneider</li> </ol> </li> <li>3. Land Use Permit Amendment                             <ol style="list-style-type: none"> <li>a. Mark &amp; Marijke Smith; Nils Smith &amp; Jennifer Baer</li> </ol> </li> <li>4. Wastewater application notification                             <ol style="list-style-type: none"> <li>a. Andre and Diane Robert, 440 East Street</li> <li>b. Ian Wyatt, 555 Camels Hump Road</li> </ol> </li> <li>5. Public Service Board memorandum                             <ol style="list-style-type: none"> <li>a. John Petell, 410 Sunrise Drive</li> </ol> </li> </ol>	
<b>Public Comment</b>	No public was present.	
<b>Review materials for</b>	The Commission briefly reviewed the materials in the folders	

Items for Discussion	Discussion	Action
<b>next three agenda items</b>	for the next three agenda items.	
<b>Douglas LeBrun Final Subdivision Amendment Review</b>	<p>Present: Anne Connell</p> <p>The hearing began at 7:31 pm, chaired by Everett Marshall.</p> <p>Anne Connell appeared before the HPC as the agent for Douglas LeBrun who wishes to build a seasonal dwelling on a piece of land that was a deferred lot in the Mary Lou Kenfield (Cummings) subdivision in 1997.</p> <p>Connell began by asking whether the building should be addressed by the building permit and not under Subdivision Review.</p> <p>Everett Marshall replied that the original subdivision was for open land and the proposed building was not addressed in the original permit. Further, when the Administrative Officer for Zoning gets a building permit application, s/he looks at the minutes and the Findings of Fact for a decision.</p> <p>Connell said that the Planning Standards (Chapter 5) and the Required Improvements and Design Standards (Chapter 6) have been met. She asked that the HPC address the waived conditions from the original permit and not the building on land.</p> <p>Connell did a summary of the project by reviewing the plan with the HPC:</p> <ol style="list-style-type: none"> <li>1. the proposed seasonal building will be off the grid and not a primary residence;</li> <li>2. the applicant had components for the project not on the plan, including an eventual woodshed, storage shed, sugarhouse (remote) and garage. Connell said the deed allows for a garage; The Commission looked at the Findings of Fact, etc., from 1997 for the list of waivers;</li> <li>3. no improvements will be made to the access road, which is limited by choice, conditions and winter conditions. The applicant parks on the easement and walks into the property;</li> <li>4. the project requires a new Act 250 Land Use permit. The applicant had received one in May 2002 where he had indicated a three-year project which was included as a condition, but didn't show substantial progress. The applicant</li> </ol>	

Items for Discussion	Discussion	Action
	<p>will be “looking for open ended permits.”</p> <ol style="list-style-type: none"> <li>5. water and wastewater permit has already been recorded;</li> <li>6. letter from Fish and Wildlife regarding deer habitat stated that the state did not agree with the applicant’s expert and the proposed project is indeed located in the deer habitat. The letter indicated that the project won’t have an impact;</li> <li>7. because a Land Use Permit is needed, limits will be regulated at the state level;</li> </ol> <p>Marshall responded that the town had opportunities at this point, based on “our regulations.” He went on, “it’s exceedingly rare that a town comments at the state level. The town needs to shape the project at the local level.”</p> <p>Impact on the deer wintering area was discussed.</p> <p>The access road, which is a logging road, was discussed.</p> <p>Eric Silman noted that parking was 400-500 feet from the proposed building site. Connell said that the applicant could “skid things up” in the winter. Marshall also noted that driving up to the site in the summer won’t impact the deer wintering area. Connell stated that the applicant would need vehicular access in the summer to get building materials to the site. She said that a complete prohibition would be “onerous.” Construction would have a “temporary impact.”</p> <p>A condition for approval is no improvements on the access road.</p> <p>Fire truck access was discussed. Since Connell had earlier stated that the applicant would waive fire protection, Tom Bailey suggested that this be a condition and that town require a written statement for the waivers for fire protection services or emergency services.</p> <p>Outdoor lighting was briefly discussed. Connell stated that since there was no electricity at the site, there would be minimum opportunity for outdoor lighting.</p> <p>The checklist was reviewed and all applicable components were met.</p> <p>The original item waived in 1997 for a letter from the school district superintendent was again waived since the structure will not be a permanent residence. Road access letter from the</p>	

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	<p>road foreman is not applicable since the access to the property is from Cummings Drive, a private road.</p> <p>The public hearing closed at 8:30 pm.</p>	
<p><b>Bretschneider Final Subdivision Deliberations</b></p>	<p>Present: Nancy Bretschneider</p> <p>The Commission reviewed a draft of the Findings of Fact, Conclusions and Decision.</p> <p>Two items were discussed:</p> <ol style="list-style-type: none"> <li>1. letter from Fire Chief Tate Jeffrey regarding fire protection. The HPC decided to incorporate road access recommendations in document.</li> <li>2. statement from surveyor Ron LaRose concerning language on plat.</li> </ol> <p>At 8:50, a motion to accept Findings of Fact as corrected was made by Eric Silman; seconded by Lucinda Hill.</p>	<p>Motion to accept FOF with changes approved unanimously. (Tom Bailey left the meeting at 9:40 pm, so did not vote.)</p>
<p><b>Discussion of Taft property</b></p>	<p>Cathleen Gent, Mary Taft and Margaret Taft appeared before the HPC to discuss properties acquired by the Taft family and what constituted a merged lot or a separate lot.</p> <p>Administrative Officer Cathleen Gent gave an overview of a document she had sent in advance of the meeting, outlining five lots on the Taft Farm. Margaret Taft also explained the layout of the farm and the history of the land acquisition. Lot 1 and Lot 2 are the original farm separated by Town Road #4 (Taft Road); Lots 3 and 4 are 162 acres from the estate of Audra Taft, separated by Town Road #22 with Lot 4 having the house and Lot 3 being open land; Lot 5 was purchased from John Teal in 1991 and has the dairy barn and other farm infrastructure.</p> <p>At issue are:</p> <ol style="list-style-type: none"> <li>1. no provisions in zoning regulations for housing for non-family farm help;</li> <li>2. the sections in the Zoning Regulations that describe a merged lot and the definition of a lot.</li> </ol>	

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	<p>Under Section 5.9.2, “in the event that an undeveloped lot is or becomes under common or affiliated ownership with an adjoining lot, and is not, with its adjoining lot, a part of an approved subdivision, such lot shall be considered merged with such adjoining lot and no longer retain its separate identity for subdivision and zoning purposes.”</p> <p>Under definition of lot: “a parcel of land under single, common, or affiliated ownership, and not divided by a state or town road, with defined boundaries pre-existing this regulation’s adoption or created by subdivision approval or merger.”</p> <p>The Tafts’ main concern is the need to provide housing for farm laborers. They questioned whether Lots 4 and 5 are considered merged or continue to be separate. Due to the fact that the housing will exceed 30% of the house on Lot 5, an accessory residence as defined in Section 5.7 of the Zoning Regulations would not be an option.</p> <p>After some discussion on what constituted a merger, it was determined the Lots 4 and 5 were separate lots as each had a separate septic system.</p> <p>A motion was made by Eric Silman: Per tax maps, the Teal lot (5) on Camels Hump Road and the Audra Taft lot (4) are considered separate lots because they both have pre-existing development; Lot 1 to the west of Taft Road is a separate lot; Lots 2 and 3 to the east of Taft Road are considered merged. The motion was seconded by Lucinda Hill.</p> <p>The HPC agreed that farm housing needs to be examined in updating the Zoning Regulations.</p> <p>Cathleen Gent also pointed out the inconsistency in the definitions.</p> <p>Margaret Taft questioned the size of the septic system as they might want to replace the system for Audra Taft’s house and combine it with one for the farm housing. She was told that this would be done through the state.</p> <p>Another question from Margaret Taft had to do with family members purchasing or acquiring land from each other. The reply was that since they would need to go through subdivision, the properties would be considered separate.</p>	<p>The motion passed unanimously.</p>

Items for Discussion	Discussion	Action
<b>Member Business</b>	<ol style="list-style-type: none"> <li>1. Cathleen Gent reported that the FEMA DFIRM maps are here and there is a 30-day comment period. The Huntington base data weren't updated. The maps are ortho with buildings.</li> <li>2. Eric Silman said that he would forward material from Stephanie Smith.</li> <li>3. Agenda items include: <ol style="list-style-type: none"> <li>a. July 28 – Municipal Planning Grant application due in September;</li> <li>b. July 28 – master list of items to be revised in the regs and a timeline;</li> <li>c. August 11 – LeBrun deliberation</li> </ol> </li> </ol>	

<b>Adjournment</b>	Lucinda Hill moved to adjourn; seconded by Eric Silman. The meeting adjourned at 9:49 pm.
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Date UNAPPROVED minutes submitted to HPC: July 20, 2009

Date minutes APPROVED by the HPC: August 11, 2009

Date Approved Minutes submitted to Town Clerk: August 13, 2009