

**APPROVED**

**Huntington Planning Commission  
Tuesday, May 12, 2009**

Commissioners Attending: Lucinda Hill, Tom Bailey, Everett Marshall, Beverly Little Thunder and Eric Silman.

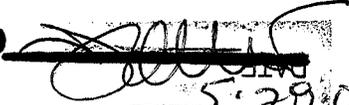
Commissioners Absent: None.

Others Present: Gordon Miller, Kendra Christiana, Dawn Taylor, Wilma Taylor, Nancy Bretschneider, Ron LaRose, Eliot Lothrop and Nils Smith (very briefly)

Minutes: Tom Bailey

Agenda:

- 5:45 PM HPC Site Visit - Bretschneider
- 7:00 PM Minutes of April 28, 2009 & Mail
- 7:20 PM Public Comment
- 7:25 PM Prepare materials for hearing
- 7:30 PM Bretschneider Preliminary Subdivision Review
- 8:15 PM Smith Deliberations
- 9:00 PM Member Business, including Work Plan discussion
- 9:30 PM Adjourn

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DATE 5-28-09

Prior to the commencement of the meeting members of the Planning Commission (Lucinda Hill, Tom Bailey and Everett Marshall) attended a site visit at the property of Nancy Bretschneider at 189 Cummings Drive. Nancy's surveyor and engineer, Ron LaRose, led the property inspection and answered questions. Gordon Miller, a prospective member of the Commission, was also present.

The meeting was called to order at 7:07 PM by Everett Marshall, Chair.

<b>Items for Discussion</b>	<b>Discussion</b>	<b>Action</b>
<b>Minutes</b>	The Minutes of April 28, 2009 were postponed at the direction of the Chair, Everett Marshall.	None.
<b>Public Comment</b>	Kendra Christiana appeared and requested guidance regarding the interpretation of the provisions of the zoning regulations pertaining to accessory dwellings. Her stated goal was to be approved for an accessory dwelling to the house owned by her and John Christiana at 266 Texas Hill Road. Kendra's mother, Dawn Taylor, and her grandmother, Wilma Taylor, were also present. Kendra expressed concern that the regulations only allowed accessory dwellings having a maximum size of 30% of the 'parent' dwelling. In Kendra's case since their 'parent' dwelling is 1100 square feet, the regulations would allow an accessory dwelling of no more than 330 square feet. Members of the Commission acknowledged that this kind of situation had not been envisioned at the time that Section 5.7 of the Zoning Regulations was drafted, and that it should probably be reviewed. Tom Bailey and Everett Marshall agreed to research the regulations to determine if there is another way to accommodate Kendra's circumstance. Everett Marshall agreed to contact Kendra soon with the results of the research.	None.

Items for Discussion	Discussion	Action
<b>Mail</b>	<p>a. Gordon Miller's letter to the Selectboard requesting appointment to the Planning Commission was noted.</p> <p>b. Also noted was a copy of a state Wastewater and Potable Water Supply Permit numbered WW-4-2588-2 that was issued to Ian Wyatt of 555 Camels Hump Road for septic system replacement and guest house septic design.</p>	None.
<b>Bretschneider Preliminary Subdivision Review</b>	<p>The Preliminary Subdivision Review of Nancy Bretschneider commenced at 7:35 PM. Present for this hearing were (besides the members of the Commission) Nancy Bretschneider (the Applicant), Ron LaRose (Environmental Engineer representing the Applicant), Eliot Lothrop (a neighbor of the Applicant) and Gordon Miller (a prospective member of the Commission).</p> <p>Ron LaRose gave a brief overview of the proposed subdivision: The Applicant owns 10 ± acres and intends to subdivide it into three lots. Lot 1 will contain four acres and would encompass an existing house and garage, Lot 2 will contain 1.1 acres with a proposed house site, and Lot 3 will contain 5 acres with a proposed house site as well. Ron then pointed out on the survey (which had been submitted as part of the application) the proposed house sites, septic system locations and proposed well sites for the two undeveloped lots. Ron indicated that the proposed wells will be drilled wells and noted that one of the proposed wells will be located on an adjoining lot to avoid the anticipated isolation envelopes from the proposed septic fields (which were not defined on the submitted survey). He also pointed out that he will file an application for a state wastewater and potable water permit soon incorporating the results of this preliminary subdivision review. In response to questions from members of the Commission Ron indicated that the subdivision will require a mini-Act 250 permit.</p> <p>Then the Commission reviewed the submitted application for preliminary subdivision review in the light of the "checklist" contained in Section 4.1.1 of the Subdivision Regulations. Compliance with each numbered subsection in Section 4.1.1 was acknowledged except as follows:</p> <p>In considering Subsection (4) Everett Marshall noted that there is a deer yard in the vicinity of the proposed subdivision and that deer may travel across the proposed subdivision in the winter to feed. Eliot Lothrop pointed out that he had observed deer tracks and seen deer in the area last winter. Everett indicated that state biologists are beginning to look at wildlife movement corridors as well as deer wintering areas, but Everett concluded that it would be inappropriate to include a condition in this regard for the final subdivision permit. The rest of the Commission agreed. Similarly, Everett referenced the presence of a small Class III wetland (seepage area) but indicated that the subdivision as proposed would not create a problem for it (to which the rest of the Commission agreed). Finally, in considering Subsection (4) the Commission decided to impose a condition that the bank rim of the former gravel pit area shall be left naturally vegetated and that there would be no recontouring without prior review by the Planning Commission pursuant to a subdivision amendment or site plan review.</p>	Tom Bailey moved to approve the subdivision as proposed for preliminary subdivision review with conditions, and Beverly Little Thunder seconded the motion. The motion passed with a vote of 4 in favor and 1 opposed.

Items for Discussion	Discussion	Action
	<p>In considering Subsection (5) the Commission noted that the survey would need to change its identification of "Heath Cummings" as an adjoining land owner to "Eliot Lothrop" since Eliot has purchased the adjoining property.</p> <p>The Commission anticipated imposing a condition (in considering Subsection (20)) that appropriate erosion control measures will be established during any construction in the subdivision with special attention to drainage issues.</p> <p>There followed a discussion of the nature of the lack of a formal road maintenance agreement among the property owners who share in the use of the private road known as Cummings Drive. While acknowledging that each landowner has a covenant in his or her deed requiring proportional contributions to the maintenance of the road, many Commission members expressed concerns that this arrangement is too informal and will lead to neighbor disputes and complaints to the town. Heidi Racht, the clerk, noted that she has already fielded some. Commission members indicated that there is a safety issue because the inability of a fire truck or ambulance to navigate the road could jeopardize the lives of residents, including their children. Nancy Bretschneider responded that the current arrangement works fine and that no resident has failed to pay his or her share. Tom Bailey explained that informal arrangements based on personal responsibility and faith in one's neighbors seem to work right up until they don't, when a neighbor won't pay and there is no good way to force them to. The Commission strongly urged Nancy Bretschneider and Eliot Lothrop to enter into a formal road maintenance agreement with their neighbors now before serious problems occur, although no condition was attached as a part of this review.</p> <p>Then Tom moved to approve the subdivision as proposed for preliminary subdivision review with the conditions set forth above. Beverly Little Thunder seconded the motion and the motion passed with a vote of 4 in favor and 1 opposed. Eric indicated that he had opposed the approval because it lacked the condition that all of the residents of the Cummings Drive development enter into a suitable road maintenance agreement.</p> <p>Thereafter, Eric Silman moved that the Commission go into executive session which the Commission did and 8:57 PM and concluded the executive session at 9:08 PM.</p>	
<p><b>Smith Final Subdivision Review deliberations.</b></p>	<p>The Commission members closely read, edited and made modifications to a draft of Findings of Fact, Conclusions and Decision of Approval and Conditions prepared by Tom Bailey.</p>	<p>Beverly Little Thunder moved to approve the subdivision and the Findings of Fact, Conclusions and Decision of Approval and Conditions with the changes noted. Lucinda</p>

<b>Items for Discussion</b>	<b>Discussion</b>	<b>Action</b>
		Hill seconded the motion and the Commission unanimously approved the motion.
<b>Member Business</b>	Heidi Racht noted that Cathleen Gent's duties as Administrative Officer have taken a considerable amount of time recently, more time that she had anticipated. Members of the Commission urged that Cathleen bill for all of the time that she has devoted to her duties even if it exceeds the budgeted amount. It was also observed that this is probably Cathleen's "busy" season, and the amount of time that she will need to spend on her duties should lessen in the winter.	

<b>Adjournment</b>	A motion to adjourn was made by Lucinda Hill, seconded by Eric Silman and unanimously approved. The meeting was adjourned at 9:51 PM.
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Date UNAPPROVED minutes submitted to HPC: May 16, 2009

Date minutes APPROVED by the HPC: May 27, 2009

Date Approved Minutes submitted to Town Clerk: