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APPROVED

HUNTINGTON PLANNING COMMISSION

Minutes of August 12, 2010

PRESENT: Everett Marshall, Tom Bailey, Gordon Miller, Heidi Weston**ABSENT:****OTHERS PRESENT:** Barbara Mayo, Joe Fallon, Liz St. Clair, Cathleen Gent (ZAO)**MINUTES:** Heidi Racht**AGENDA:**

7 pm Minutes of July 15, 2010

Mail

7:10 Public Comment

7:15 Barbara Mayo Preliminary Subdivision Review Continuation

8 pm Regulations Revisions – Cathleen Gent

9 pm Member Business

9:15 Adjourn

The meeting was called to order at 7:06 pm; chaired by Everett Marshall.

Minutes of July 15, 2010	Tom Bailey moved to approve the minutes of July 15, 2010; seconded by Heidi Weston.	The minutes of July 15, 2010 were approved unanimously with changes.
Mail	<ol style="list-style-type: none"> 1. Wastewater Permit (ww4-3510), Dean and Nancy Grover, 2044 Main Road. 2. Act 250 Amendment Application (CO422-9), Enman (Sleepy Hollow Ski and Bike Center) 1805 Sherman Hollow Road 	No action taken.
Barbara Mayo Preliminary Subdivision Review Continuation	<p>Present: Barbara Mayo, Attorney Joe Fallon, Liz St. Clair</p> <p>The continuation of Barbara Mayo's Preliminary Subdivision Review began at 7:15 pm; chaired by Everett Marshall.</p> <p>Joe Fallon explained that the applicant had met the concerns expressed by the Commission in April, namely:</p> <ol style="list-style-type: none"> 1. Lot configuration remains the same, however the project now has one septic system, located on Lot 1 with a forced main on the right-of-way that doesn't cross the wetland. 2. The well isolation zone no longer falls on 	

	<p>property owned by the St. Clairs;</p> <ol style="list-style-type: none"> 3. The plat now has a notation that all utilities are located underground; 4. An emergency turnaround is shown on the plan; 5. Abandoned well is now on the plan; 6. The culvert is shown on the plan; 7. The driveway grade is less than 15% as it has been redesigned by Green Mountain Engineering. <p>In other discussion, a letter from Kevin Burke with a decision from the state DEC about a storm water permitting determination was added to the file. Since Mayo is not building the houses, she does not need a permit.</p> <p>Fallon explained that the applicant was moving forward to amend the wastewater permit.</p> <p>There will be a follow-up on the utilities since a wetlands conditional use determination was not needed under the old regulations, but is now needed under the new regulations.</p> <p>The Commission reviewed the applicant checklist with the following noted to be in place before Final Subdivision:</p> <ol style="list-style-type: none"> 1. Waiver of a survey of the entire property and decision to waive address of Barbara Mayo and go with the current plat, which is for Economou Road; 2. Date of revision needs to be on the plat; 3. Wetlands are shown on the map, and the 50' buffer needs to be shown on the site plan; 4. Final plat with be survey; 5. Boundary pins to be in place before sale of first lot (a condition of final approval); 6. Proposed deeds submitted that outline road maintenance agreement; 7. Letter from CESU Superintendent John Alberghini stating impact of proposed development on schools for Final Review. 	<p>A condition of the subdivision permit is the amended wastewater permit.</p> <p>A waiver of the requirement of the survey for the entire property was granted.</p> <p>Wetlands buffer shown on plat.</p> <p>Boundary pins in place before sale of first lot.</p> <p>Permanent reference monuments and lot corner</p>
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	<p>Liz St. Clair raised the issue of the property boundary at the end of the road. She noted that over the years, the driveway has gone from 87 feet to 117.84 feet encroaching upwards onto their property. She presented a map that showed the property line being farther down the hill than it appears to be now to allow for the driveway as shown on the plan. The St. Clairs are having the property re-surveyed by Warren Rubenstein. Joe Fallon said that the issue of the boundary should be worked out between the landowners. Everett Marshall replied that this would not be a condition of the subdivision permit and the two surveyors should reach consensus.</p> <p>Tom Bailey moved to close public comment; seconded by Gordon Miller.</p>	<p>markers in place as a condition of final approval.</p> <p>Letter from CESU Superintendent about school impact.</p> <p>The Commission voted unanimously to close public comment on the Barbara Mayo Subdivision.</p>
<p>Zoning Regulations Update Discussion with Zoning Administrative Officer</p>	<p>Zoning Administrative Officer Cathleen Gent met with the Commission for clarification on several zoning issues.</p> <p>Gent discussed that she had been interpreting the regulations for a two-lot subdivision to be recognized if there is a recorded deed or recorded plat already in the town's land records prior to the effective date of the current subdivision regulations (March 3, 2009). This means that the property owner of such a two-lot subdivision would not require a subdivision permit to comply with current regulations.</p> <p>The discussion then turned to the merger provision in the town's regulations. Under the old regulations, a property owner did not need to go through subdivision review in order to divide off one lot every ten years. The new regulations have Minor Subdivision (two lots) and Major Subdivision (three lots or more), which are treated differently, but require review by the Planning Commission.</p>	

	<p>After a long discussion, the Commission came to a common understanding that any subdivision that is recorded and accurate and was legal within the regulations as they existed before March 3, 2009, still stands and that the burden of proof is on the landowner.</p> <p>Tom Bailey offered to work up an insert for lot merger section of the Zoning Regulations after consulting state statute.</p> <p>Everett Marshall stated that changes would be made to the regulations to reflect this understanding..</p> <p>The Commission discussed whether the owner of an existing property who purchases an adjacent parcel that is part of an approved subdivision has one merged lot or two separate parcels resulted in the Commission agreeing that the two properties are considered merged.</p> <p>Gent raised the issue of a parcel with private right of way of less than 50 feet (Section 4.4, page 22). Can it be used for development? Is it grandfathered? The Commission agreed that is a preexisting nonconforming lot.</p> <p>Gent then went on to express concern that she not be expected to establish a base flood elevation because she is not qualified. She felt that applicants should have to provide evidence that the meet BFE and it was an issue of determination vs. enforcement.</p> <p>Regarding agricultural structures, Gent said that there are a number of people constructing these buildings, which do not require a building permit from the town. She said she checked to see if the building meets that Accepted Agricultural Practice (AAP) and, if it does, she asks the property owner to send a letter stating where it is on the property. Everett Marshall suggested that she follow up with a confirmation letter to the property owner; Gent replied that she already did this.</p> <p>Next in the discussion was temporary structures</p>	<p>Tom Bailey will work on revisions to the section on merger to be incorporated into regulations update.</p>
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	<p>(Section 5.19, page 44-45), which are permitted for up to six months. The issue is one of wastewater and potable water as well as setback. The state says that this would be considered another bedroom; it is up to the ZAO to notify the state.</p> <p>Gent will meet again with the Planning Commission during the first meeting in September.</p>	
<p>Member Business</p>	<ol style="list-style-type: none"> 1. Gordon Miller mentioned that he had heard about a town whose Selectboard had provided iPads for all the members of the Planning Commission. 2. Tom Bailey said that Fire Chief Tate Jeffrey had expressed concern about building heights due to the limitations of the town's fire equipment. 3. The Commission briefly discussed contacting the Selectboard again about making appointments for the three vacancies on the HPC. 	<p>Tate Jeffrey will be invited to meet with the Commission about roads and building heights at a future meeting.</p> <p>Everett Marshall will contact the Selectboard stating the hardship that the Commission is experiencing over the lack of quorum.</p>

Adjournment: Tom Bailey moved to adjourn the meeting; seconded by Gordon Miller. The meeting adjourned at 9:49 pm.

UNAPPROVED MINUTES TO THE HPC: August 20, 2010.

MINUTES APPROVED: August 30, 2010

APPROVED MINUTES TO THE TOWN CLERK: September 2, 2010