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October

13, 2010

APPROVED

HUNTINGTON PLANNING COMMISSION

Minutes of September 27, 2010

PRESENT: Everett Marshall, Tom Bailey, Gordon Miller, Heidi Weston

ABSENT:

OTHERS PRESENT: Barbara Mayo, Joe Fallon, Luke St. Clair, Don Sheldon, Dori Barton, David Worthley, Debbie Worthley

MINUTES: Heidi Racht

AGENDA:

- 7 pm Public Comment
- 7:05 Minutes of September 13, 2010
- Mail
- 7:15 Barbara Mayo Final Subdivision Review
- 8 pm Don Sheldon Sketch Plan Review
- 8:20 Sleepy Hollow Minor Subdivision deliberations
- 9 pm Member Business
- 9:15 pm Adjourn

The meeting was called to order at 7:07 pm; chaired by Everett Marshall.

Public Comment	No public present.	No action taken.
Minutes of September 13, 2010	Tom Bailey moved to approve the minutes of September 13, 2010; seconded by Gordon Miller.	The minutes of September 13, 2010 were approved unanimously with changes.
Mail	No mail.	No action taken.
Barbara Mayo Final Subdivision Review	<p>The Barbara Mayo Final Subdivision Review hearing began at 7:19 pm, chaired by Everett Marshall.</p> <p>Applicants Barbara Mayo with her Attorney, Joe Fallon appeared before the Commission to discuss the proposed three-lot subdivision, accessed from Economou Road. Also in attendance was Luke St. Clair. Mayo proposes two five-acre lots for house sites on 88.5+/- acres.</p> <p>Fallon reviewed the points that were under discussion at the Preliminary Subdivision Review. He noted that all concerns had been addressed:</p>	

	<ol style="list-style-type: none"> 1. a survey with meets and bounds; 2. corner next to road in middle of driveway – applicant will do an easement with the St. Clairs (neighbors); 3. 50’ wetlands buffer is indicated on survey <p>Additionally, Fallon produced two sample deeds to show shared septic system maintenance language and woods road maintenance agreement for length of road that is in common use.</p> <p>At the public hearing, the applicant and neighbor agreed that there would be a shared 200-foot access to their two properties and that the woods road would be kept where it is.</p> <p>Luke St. Clair indicated that the corner of his lot is in the middle of Barbara Mayo’s driveway. He added that he and Mayo would agree to resolve this issue.</p> <p>Barbara Mayo asked about naming the road. Mayo was told that she could put up a sign at the bottom of the driveway and call it what she wanted and that 9-1-1 addresses would be determined when the residences were built.</p> <p>Tom Bailey moved to close the public hearing for Barbara Mayo Final Subdivision Review; seconded by Heidi Weston. The Commission unanimously voted to close the hearing.</p> <p>The hearing closed at 7:36 pm.</p>	<p>The Commission unanimously voted to close the hearing for the Barbara Mayo Subdivision Final Review.</p>
<p>Agenda Change</p>	<p>The Commission decided to begin work on the Sleepy Hollow (Enman/Peters) Subdivision deliberations by editing the draft Findings of Fact, Conclusions and Order prepared by HPC Clerk Heidi Racht.</p> <p>Heidi Weston noted that the Findings of Fact needed the additional reference of the Site Visit, conducted on September 13, 2010; in attendance were Everett Marshall and Heidi Weston.</p> <p>The Commission paused in the deliberations.</p>	
<p>Don Sheldon Sketch Plan</p>	<p>Don Sheldon appeared before the Commission at 8</p>	<p>No action was</p>

<p>Review</p>	<p>pm to discuss a proposed one-acre building lot on his property located in the Lower Village. Sheldon noted that he had purchased a portion of the Bertha Hanson estate and had completed a a three-lot subdivision in 1999. The three houses are located on Blackbird Swale, a private road. Sheldon proposes a one-lot private sale. He stated that if this project does not work, the land would not be subdivided or for sale: "If there's no agreement, it won't be on the market."</p> <p>Among the topics discussed were septic for which an easement may have to be provided on the parent property, setback which is 60' from the center of the private road and also setback from the Class II wetland.</p> <p>Sheldon said that his preference was to complete the sale in 2010.</p> <p>Gordon Miller will be the HPC contact.</p>	<p>taken.</p>
<p>Sleepy Hollow Minor Subdivision Deliberations</p>	<p>The Commission continued deliberations on the Findings for Fact, Conclusions and Order at 8:37 pm. The draft FOF was reviewed and corrections and changes were made.</p> <p>At 9:02 pm, Tom Bailey moved to approve the subdivision subject to the conditions set forth in the Findings of Fact, Conclusions and Order; seconded by Heidi Weston.</p> <p>The Sleepy Hollow Minor Subdivision was approved unanimously.</p> <p>The edited Findings of Fact, Conclusion and Order is attached as part of the minutes.</p>	<p>The Commisison unanimously proved the Sleepy Hollow Minor Subdivision.</p>
<p>Member Business</p>	<p>Everett Marshall proposed that the Commission wait until after the November 2 election when three new members come on board to finalized proposed modifications to the existing regulations.</p> <p>Heidi Weston said she didn't know who was on the ballot.</p> <p>Marshall commented that some progress had been made the last couple of meetings.</p>	

	<p>Tom Bailey talked about form-based planning, noting that, in order to implement the concept, the village district would have to be reduced. He reported that grant money for planning was available and that the application had to be submitted by November 30.</p> <p>Bailey also talked about a meeting he had attended on transmission towers; cell towers would have an impact on the businesses in the community. Another meeting on cell towers is planned for a future date.</p> <p>He recommended that the Commission set up a subcommittee on form-based planning and remarked that the training of Commission members was “inadequate.”</p> <p>Weston asked, “Does the town want form-based planning?” She went on, “Our role may not be to plan.” She then expressed concern with grant forms or models.</p> <p>Bailey responded with frustration, stating that nothing had been accomplished in the past year-and-a-half. “We can’t seem to get anything done.”</p> <p>There was discussion about what a quorum was. Until the November 8 meeting, all members of the Commission will need to be present in order to conduct business.</p>	
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Adjournment: Tom Bailey moved to adjourn the meeting; seconded by Everett Marshall. The meeting adjourned at 9:21 pm.

UNAPPROVED MINUTES TO THE HPC: October 3, 2010.

MINUTES APPROVED: October 11, 2010

APPROVED MINUTES TO THE TOWN CLERK: October 13, 2010

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Sleepy Hollow Inn, Ski and Bike Center, LLC (Molly and Jason Peters)
Application No. 2010-2

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINAL SUBDIVISION HEARING FOR:
Sleepy Hollow Inn, Ski and Bike Center, LLC, and Molly and Jason Peters,
Sherman Hollow Road, Huntington, VT 05462

Based upon the application of Molly and Jason Peters and Sleepy Hollow Ski and Bike Center, LLC (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the September 13, 2010 hearing pursuant to the Final Subdivision Amendment Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its September 27, 2010 meeting, the Huntington Planning Commission (hereinafter the "Commission") makes the following Findings of Fact, Conclusions, and Decision of Approval and Conditions in accordance with the Town of Huntington Subdivision Regulations, effective March 3, 2009 (hereinafter the "Regulations") which are applicable to this matter:

FINDINGS OF FACT:

1. On August 23, 2010, the Applicant filed an Application for Final Subdivision Approval for a project described as a two-lot subdivision on Sherman Hollow Road. This parcel of land is subject to an existing Act 250 Permit. As a part of her application, the Applicant attached and filed the following:
 - a. The completed required subdivision Information form filed August 23, 2010. (Exhibit A)
 - b. Summary dated August 23, 2010 of compliance of project with the Huntington Town Plan (adopted June 18, 2007). (Exhibit B)
 - c. Wastewater Disposal System design plans (four pages, C-1 to C-4) entitled "Molly Peters, Huntington, Vermont" dated April 22, 2010 and prepared by Champlain Consulting Engineers. (Exhibit C).
 - d. Survey entitled "Final Plat Two Lot Subdivision for Sleepy Hollow Inn, Ski and Bike Center, Sherman Hollow Road, Huntington, Vermont" dated August 22, 2010, and prepared by Vermont Land Surveyors Inc. (Exhibit D)

- e. Act 250 School Impact Questionnaire for Residential Projects dated May 18, 2010 and executed by James G. Massingham, Co-Superintendent. (Exhibit E)
 - f. Act 250 Municipal Impact Questionnaire dated July 15, 2010 and executed by Heidi Racht, Huntington Town Clerk (Exhibit F)
 - g. Wastewater System and Potable Water Supply Permit, WW-4-1394-4, dated June 1, 2010, Agency of Natural Resources. (Exhibit I).
2. On September 13, 2010, at the Final Subdivision Review hearing, the Applicant appeared before the Commission and presented evidence in support of the project.
 3. In accordance with the Regulations and state law, notice of this hearing, dated August 26, 2010, was published in the newspaper, posted in the community and mailed to adjacent property owners. (copy in file)
 4. The project is located at Sherman Hollow Road and is located in the zoning district named the Rural Residential District, which is zoned for five acres. The project is located on Town Tax Map # 1.
 5. The Applicant owns 834.8 acres which will be divided into Lot 4 (29.4 acres); and the remainder as Parcel 1 (See the survey referenced as Exhibit D above).
 6. The Applicant seeks approval for a proposed single-family house and septic system on proposed Lot 4 and access to well on existing Lot 2.
 7. The Applicant has represented that property is located near a deer wintering area and all construction will be outside a 300' buffer and will maintain required setbacks from the habitat.
 8. All future utilities will be buried.
 9. The requested waiver of a separate utility plan (Section 4.1.1 (23)) has been granted.
 10. The Applicant has represented that rights-of-way are shown on the survey, including the following:
 - a. a 50-foot right-of-way to Lot 4 from Sherman Hollow Road;
 - b. an existing access from the ROW over a culvert to the proposed Lot 4;
 - c. two easements for existing ski trails at the east end of the property;
 - d. and a well easement on from Lot 2 to Lot 4.
 11. The Applicant has represented that natural features on the property include a deeryard.

12. The existing road right-of-way is 50 feet, across Lot 1 to Lot 4 as established by deeds from David and Sandra Enman and Eli Enman dba Sleepy Hollow Inn, Ski and Bike Center through subdivision approval dated September 30, 2010.
13. The Planning Commission members present during the hearing on September 13, 2010 referred to above were Everett Marshall (Chair), Gordon Miller, Heidi Weston and Tom Bailey (constituting a quorum), and the members present during deliberations on September 27, 2010 were Everett Marshall (Chair), Tom Bailey, Gordon Miller and Heidi Weston (constituting a quorum).

CONCLUSIONS:

After deliberations on September 27, 2010, the Commission has concluded the Applicant has provided materials in the application and up to and during the hearing on September 13, 2010 (referred to as Exhibits A-G above) that satisfies the requirements of Section 5.1 of the Regulations (subject to the conditions set forth below). In addition, the Commission has considered the materials referred to above in the light of the requirements of Section 5.1 of the Regulations and conclude that the requirements of Section 5.1 are satisfied subject to the conditions set forth below. The Commission's conclusions with regard to each subparagraph of Section 5.1 are set forth (by subparagraph number) as follows:

5.1.1. The project is suitable for subdivision as proposed and will not be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

5.1.2. Subject to the conditions set forth below, the proposed subdivision shows due regard for the preservation and protection of existing natural features, trees, brooks, rock outcroppings, water bodies, or other natural and/or historical resources.

5.1.3 – 5.1.6. The project satisfied the requirements of the subparagraph adequately.

5.1.7. Subject to the conditions set forth below, the potential for erosion and runoff into nearby surface waters during construction is adequately remedied.

5.1.8 – 5.1.12. The project satisfied the requirements of the subparagraph adequately.

5.1.13. The project complies with the Huntington Town Plan, the Huntington Zoning Regulations amended March 3, 2009 and other applicable Town regulations, subject to the conditions set forth below.

In addition, the Commission concluded that:

- A. The project is not in a floodplain.
- B. This area has single family residences, open fields and wooded areas. The subdivision meets the minimum lot size of five acres for the Zoning District. The Commission concludes the project complies with the provision of compatibility with surrounding properties.
- C. The project is suitable for the proposed site density.
- D. Based on an examination of the items referenced Exhibits F-G above, the town and schools will be able to provide adequate services and facilities, subject to the conditions set forth below.
- E. Based on the Applicant's testimony, there will be sufficient water to meet the needs of the proposed project for the reasonably foreseeable future.
- F. This subdivision as proposed will not cause highway congestion or unsafe conditions, subject to the conditions set forth below.
- G. There are no deeryards impacted by the proposed project.

DECISION OF APPROVAL AND CONDITIONS

Following deliberation on September 27, 2010, Final Subdivision Approval was granted on September 27, 2010 by a unanimous vote of the Huntington Planning Commission with the following conditions:

1. The Applicants shall allow representatives of the Town access to the lots, at reasonable times and with prior notice, for the purpose of ascertaining compliance with the Regulations and the conditions of this permit.
2. All conditions specified in this "Decision of Approval and Conditions" shall be satisfied prior to the issuance of a Certificate of Occupancy pertaining to the project (See Section 4.1.3 of the Zoning Regulations last amended March 3, 2009), and no structure may be used or occupied until all of the conditions specified in this "Decision of Approval and Conditions" shall be satisfied.
3. The project shall be completed, operated and maintained in accordance with: (a) these Findings of Fact, Conclusions, and Decision of Approval

and Conditions; (b) the plans and exhibits on file with the Commission; and (c) the conditions of this permit.

4. Within 180 days of the issuance of this decision, the Applicants shall submit for signature by the Chair of the Planning Commission and file for recording in the Town Clerk's Office an 18" x 24" mylar (otherwise in compliance with state statutes) of the survey referenced as Exhibit C above, and a 18"x24" mylar of the site plan (Exhibit D), corrected as follows:
 - a. Underground electric utilities need to be shown;
5. Applicants shall obtain all necessary local, state and federal permits, including a Stormwater permit from the State of Vermont.
6. Applicant shall abide by and comply with all terms and conditions thereof and any amendments thereto for all Wastewater System and Potable Water Supply Permits pertaining to this project.
7. Applicant shall provide to the Town copies of all Act 250 amendments granted with respect to this project and shall abide by and comply with all terms and conditions thereof and any amendments thereto.
8. Appropriate erosion control measures shall be implemented during construction of the proposed houses, garage/barn, septic system, well and driveway.
9. All dogs will be fenced or leashed to avoid adverse impacts on deeryard.
10. A letter from Fire Chief Tate Jeffrey addressing the access for fire protection will be a condition of approval.
11. The applicant shall pay the recording fees associated with the filing of the survey (referred to in Condition # 4 above) and permit decision with the Town of Huntington.
12. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on March 3, 2009.

Everett J. Marshall

Everett Marshall, Chair
Huntington Planning Commission

Dated this 15th day of October 2010.