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APPROVED

HUNTINGTON PLANNING COMMISSION

Minutes of November 28, 2011

PRESENT: Tom Bailey, Dana Cummings, Gordon Miller, Heather Pembrook, Ginger Lubkowitz, Everett Marshall, Julia Austin

ABSENT:

OTHERS PRESENT: Knox Cummin

MINUTES: Heidi Racht

Agenda:

- 7 pm Minutes of October 24, 2011
- Mail
- 7:20 Public Comment
- 7:30 Report and discussion of November 14th meeting by attendees
- 7:45 Changes to Zoning and Subdivision Regs
- 9:15 Member Business
- 9:30 Adjourn

The meeting was called to order at 7:02 pm; chaired by Tom Bailey.

Minutes of October 24, 2011	Heather Pembrook moved to approve the minutes of September 26, 2011; seconded by Julia Austin. The minutes of October 24, 2011 were approved unanimously with exhaustive changes. Ginger Lubkowitz abstained.
Mail	No mail.
Public Comment	Knox Cummin appeared before the Commission with some questions about his project south of Jaques Store. The State has re-mapped deer winter habitat; work was done a couple of years ago and presented to the public in April, 2011. It was brought to his attention that there is a deer winter habitat on the majority of his property. He asked if this would affect his proposed project. Cummin reported that he had a new architect and that the project plans now featured a one-acre open area, like a green, with houses around it. He noted that the "area where Phase II in the last plan was, is now Phase I." The property is enrolled in Current Use; part of the property is managed as deer winter habitat. Tom Bailey commented, "Deer habitat are factors that are taken into account with development."

Cummin wondered if he would need to get a biologist to determine where the deer yards are on the ground.

Marshall pulled up the new, state delineated deer winter habitat map on his laptop. He pointed out that the re-mapped deer winter habitat extends down to Main Road. While the old deer yard map bordered Cummin's project, the new deer yard map extends 300 feet into it.

Marshall said he would like to take a look at property. He said, "The deer will still use the area adjacent to the project and in the development if it has good habitat."

Someone noted that Section 6.9.6 required the lot layout to preserve natural and significant wildlife features.

Cummin said that the property had pink and black striped flagging that delineated the wetland buffer, if the Planning Commissioners wanted to conduct a site visit.

Marshall said, "If we're comfortable moving forward, there would need to be a deer winter habitat management plan."

Cummin asked if he could do some tree cutting. Marshall responded that the [Vermont Fish and Wildlife] department takes a dim view of property owners who [clear cut before receiving a permit]." He mentioned that property owners may be required to mitigate impacts by a District Commission decision.

Bailey said the Planning Commission would have no jurisdiction to restrict Cummin from doing the clearing that he wants to create a one-acre open area on his property in this way.

Dana Cummings read from Section 5.22 of the Zoning Regulations where all structures and impervious surfaces need to be 300' from deer habitat.

There was a brief discussion about other projects that came before the Commission that had deer winter habitat. David and Sandy Enman had to move their house site; Lebrun went to Environmental Court, and Billis/Bryan and Smith had discussion regarding deer on the property, although the property had no deer winter habitat.

In commenting on the 300-foot restriction, Bailey noted that the zoning regs contain "arbitrary lines," and Marshall said that "critical habitat is not [determined] just on what the state provides; the criteria is also about looking at things on the ground."

	<p>Heather Pembroke read from Section 6.9.6 of the Huntington Subdivision Regulations, which refers to preservation of natural and significant features.</p> <p>Marshall replied that he assumes that the mapping is correct.</p> <p>Cummin asked if he would need to get a variance from the ZBA.</p> <p>Julia Austin added, "We're here to help you navigate the regs with your project. This is a pretty big roadblock right at the onset."</p> <p>Cummings then read the definition of Critical Wildlife noting that an expert, such as a qualified biologist, can make a determination of the area.</p> <p>Cummin will, indeed, need to seek a variance from the ZBA and have a qualified biologist conduct a deer winter habitat survey.</p> <p>Pembroke read the definition of Deer Winter Habitat.</p> <p>Cummin finished by asking about meeting with the ZBA and was told that group was meeting the following night.</p>
<p>Report and Discussion of November 14 Presentation</p>	<p>Discussion was set aside.</p>
<p>Subdivision Housekeeping Revisions</p>	<p>At the beginning of the discussion, Tom Bailey asked if the Commission felt it could complete a review of the Zoning and Subdivision Regulations and proceed to a hearing. The consensus was that this could be accomplished.</p> <p>The Commission commenced its discussion with Section 5.8 of the Zoning Regulations.</p> <p>Gordon Miller asked to go back to Section 5.7. He proposed allowing the ZBA to expand accessory structures up to 1200 square feet irrespective of the size of the principal structure (instead of the 1000 square feet that the Commission now had in the revision) "if there is a special need," such as providing for a handicapped bathroom.</p> <p>Everett Marshall asked, "In what context can you do this in the regs? We don't normally specify what flexibility the ZBA would have."</p> <p>Heather Pembroke asked Miller for specific language. Miller said he would draft language.</p> <p>There was then some discussion about an issue previously raised by Zoning Administrator Office Ed Hanson concerning Accessory Apartments as public</p>

	<p>buildings. Dana Cummings noted that the term public building does not pertain to single-family residences.</p> <p>The Commission then moved on to Section 5.8.</p> <p>Substantive highlights of the discussion:</p> <p>Affiliated Ownership (as noted in Section 5.9) will be included in definitions.</p> <p>In Section 5.16, no changes will be made beyond the draft.</p> <p>Discussion on changing the 300' distance from deer habitat concluded with the Commission agreeing when Pembroke commented that the discussion was too big for "housekeeping."</p> <p>The Definition of Act was included in the Purpose Section of the Zoning Regs.</p> <p>Many corrections were made to punctuation and Heather Pembroke offered to do a thorough edit of the document for formatting and punctuation; Racht said she would help with this. Updates will be made to coincide with publication in The Times Ink of the public notice. Other announcements will be made through emails, posters and the FPF.</p>
Member Business	None.

Adjournment: Heather Pembroke moved to adjourn; seconded by Dana Cummings. The Commission voted unanimously to adjourn at 10:15 pm.

UNAPPROVED MINUTES TO THE HPC: November 30, 2011

MINUTES APPROVED: December 12, 2011

APPROVED MINUTES TO THE TOWN CLERK: December 13, 2011