

RECEIVED *[Signature]*  
 DATE January 9, 2012

APPROVED

**HUNTINGTON PLANNING COMMISSION**  
 Minutes of December 12, 2011

**PRESENT:** Tom Bailey (arrived at 8:20 pm), Dana Cummings, Gordon Miller, Heather Pembroke, Ginger Lubkowitz, Everett Marshall, Julia Austin

**ABSENT:**

**OTHERS PRESENT:** Ralph Towers, Rachel Towers, Justin Willis (engineer)

**MINUTES:** Heidi Racht

**Agenda:**

- 7 pm Minutes of November 28, 2011  
Mail
- 7:20 Public Comment
- 7:30 Final Subdivision Review - Ralph and Rachel Towers Minor Subdivision, Mayo Road
- 8 pm Report on meeting of November 14
- 8:15 Zoning Regs Update - Finalize document for warning of January public hearing
- 9:15 Member Business  
Adjourn

The meeting was called to order at 7:10 pm; chaired by Gordon Miller.

<b>Minutes of November 28, 2011</b>	Dana Cummings moved to approve the minutes of November 28, 2011; seconded by Heather Pembroke.  <b>The minutes of November 28, 2011 were approved unanimously with changes. Ginger Lubkowitz abstained.</b>
<b>Mail</b>	No mail.
<b>Public Comment</b>	No public was present.
<b>Final Subdivision Review: Ralph and Rachel Towers Minor Subdivision, Mayo Road</b>	The hearing began at 7:40 pm, chaired by Gordon Miller.  After introductions, project engineer Justin Willis presented the project to the Commission. Willis outlined a couple of changes made to the plans: The acreage has increased to 16.08 acres for Lot 2; Lot 1 remains at 5.1 acres. Toad Foreman Yogi Alger met with Ralph Towers to review and approved a curb cut. Water and water supply permits have been received. A building envelope was added to the plan. Willis told the Commission that Lot 2 would have covenants, which not allow further subdivision.  The deer wintering habitat was added on the plan, showing that it now goes to the edge of the tree line behind the house on Lot 2 (previous plan had a deer wintering area in a non-specific area). This information is based on the new

deer winter habitat maps provided by the State as of 2011.

There followed a lengthy discussion of the deer wintering habitat and the 300-foot setback. The town's regulations do not allow for any development within 300 feet of a mapped deer wintering habitat (DWH).

Willis said that he had received a correspondence from Amy Alfieri, ANR Wildlife Specialist, dated September 18 2009, that recommended permit conditions from the State, including:

1. dogs on leash;
2. no motorized vehicles in DWH between December 1 and April 14;
3. no tree removal without prior ANR approval and/or forest management plan;
4. no new establishment of recreational trails
5. no future subdivision of DWH or 300-foot buffer.

Due to the town's regulation of a 300-foot setback, Heather Pembroke said that the project needed a variance.

The Commission discussed Section 5.22.1 of the Zoning Regulations, that addresses setbacks for wetlands, water bodies, and DWH.

Willis pointed out that a correspondence (May 29, 2009) from Vermont Wildlife Biologist John Gobeille said that the wooded area near the house site has rock outcroppings at least 20 feet high that has "the potential to serve as a natural buffer" between the houses and any deer wintering habitat on the property.

Willis then addressed the Commission stating his unhappiness about the process and said he felt that this [deer winter habitat] should have been addressed by the Commission before Final Review.

There then followed a lot of discussion about the new deer wintering area and the maps were consulted.

Willis said, "Amy came out and walked it" and said that the area looked like bobcat habitat. He added that her letter to Act 250 didn't address bobcat habitat, but did discuss the ledge acting as a natural buffer for the DWH.

However, Gobeille also recommended that the two houses be placed close to the road, at least 300 feet from the edge of the wood.

Dana Cummings read from Sections 6.9.8 (3) a and c of the Subdivision Regulations that addressed the priority of siting residences for suitable septic disposal and then scenic vistas; no mention of DWH was mentioned. He then

asked, "Does this put the onus on us to consider the [priorities based on the regs]?"

Julia Austin noted that the Commission was charged with giving due regard and "the letter from Amy went into quite a bit of detail."

Pembrook said that in order to meet the requirement of the zoning regs, the Towers would need to provide the HPC with a letter from a Wildlife Biologist stating that the "deeryard" is 300 feet back from the house site and addressing the impacts of the house site on the DWH.

Everett Marshall suggested asking the Wildlife Biologist that if this is not possible, Towers will need to go to the ZBA and seek a variance.

Cummings added that the issue is protection of deer wintering areas" "Deer in and around [houses] is inevitable."

He then restated that Articles 5 and 6 in the Subdivision Regulations "gives us due regard. Wastewater is valued above agriculture and forestry."

Ginger Lubkowitz added, "We have the ability to factor in the opinion of the wildlife biologist."

The Commission reviewed the checklist for Final Subdivision Review, with the following conditions discussed:

1. change address of the property owners to their Richmond mailing address;
2. permanent reference monuments installed;
3. add pins to survey map;
4. letter from CESU Superintendent and Huntington Fire Chief addressing municipal services capabilities;
5. storm water quality to follow Erosion and Sediment Control Measures outlined in Water Quality Division Handbook and have it on site during the construction ;
6. change the adjacent property owner to Swannie;
7. letter from wildlife biologist addressing deer wintering habitat buffer;
8. Note #5 on Survey Notes needs to include Huntington in searching records.

File copies were made of three correspondences from the Department of Fish and Wildlife received by Willis Design:

May 29, 2009: John Gobeille  
September 18, 2009: Amy Alfieri  
March 9, 2010: Amy Alfieri

	<p>After more discussion around the deer wintering habitat, Tom Bailey moved to continue the hearing to January 9; seconded by Heather Pembrook.</p> <p><b>The Commission voted unanimously to continue the Towers Final Review to January 9.</b></p> <p><b>In further action, the Commission scheduled a site visit to the property for December 17, at 9 am.</b></p>
<b>Report of November 14 meeting</b>	Postponed to future meeting due to lateness of hour.
<b>Zoning and Subdivision Housekeeping Revisions</b>	<p>Because of the problems with Microsoft Word, the document was unable to be circulated to the Commission members prior to the meeting.</p> <p>The group discussed approving the document as agreed at the previous meeting.</p> <p><b>A consensus was reached to postpone the decision on the document and therefore, it would not be warned in December 20 edition of The Times Ink, for a January hearing.</b></p>
<b>Member Business</b>	None.

**Adjournment:** Dana Cummings moved to adjourn; seconded by Heather Pembrook. The Commission voted unanimously to adjourn at 10:13 pm.

**UNAPPROVED MINUTES TO THE HPC:** January 3, 2011

**MINUTES APPROVED:** January 9, 2012

**APPROVED MINUTES TO THE TOWN CLERK:** January 9, 2012