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August 14, 2012

APPROVED

**HUNTINGTON PLANNING COMMISSION**

Minutes of July 23, 2012

**PRESENT:** Dana Cummings, Ginger Lubkowitz, Knox Cummin, Everett Marshall, Julia Austin

**ABSENT:** Gordon Miller

**OTHERS PRESENT:** Barbara Mayo, Jim Sadler, Tom Bailey

**MINUTES:** Heidi Racht

**Agenda:**

- 7 pm Mail
- 7:05 Public Comment
- 7:15 Barbara Mayo Subdivision Review
- 7:30 Minutes of June 25, 2012
- Minutes of July 9, 2012
- Mail
- 7:45 Knox Cummin Sketch Plan Review
- 8:05 Town Plan Work Session
- 9 pm Member Business
- 9:15 Adjourn

The meeting was called to order at 7:05 pm; chaired by Dana Cummings.

<b>Mail</b>	<ol style="list-style-type: none"> <li>1. Acknowledgement from ANR of a wastewater application (4-3899), dated July 20, 2012, from Lawrence Phillips for a two-lot subdivision, Hinesburg Hollow Road.</li> <li>2. Acknowledgement from ANR of a wastewater application (4-3897), dated July 17, 2012, Cindy Reid for an upgrade, 330 Main Road.</li> <li>3. Brochure for the VLCT Town Fair on October 4, 2012.</li> </ol>
<b>Public Comment</b>	No public was present.
<b>Barbara Mayo Subdivision Review</b>	<p>Barbara Mayo appeared before the Commission for a repeat of Final Subdivision Review for a previously-approved three-lot subdivision with two lots on Economou Road. Mayo was back before the Commission on a technicality: the mylar for the project was not submitted within the 180-day condition of Subdivision. An attorney from the Vermont League of Cities and Towns recently determined that in order for the subdivision to be legal, the Commission needs to ratify its decision for the record before the HPC chair could sign the mylar.</p> <p>The hearing opened at 7:15 pm. The Commission briefly discussed the project. Everett Marshall noted that the issues that had come up at Preliminary and Final Subdivision Review in 2010 around an easement for the St. Clairs (adjacent landowners) had been resolved. No one was at the hearing and the</p>

	<p>Commission determined that there were no other concerns. Mayo had nothing to add to the discussion.</p> <p>Ginger Lubkowitz moved to close the hearing at 7:20 pm; seconded by Everett Marshall.</p> <p><b>The Commission voted unanimously to close the public comment for the Barbara Mayo Major Subdivision Review.</b></p> <p>Everett Marshall moved to ratify the Huntington Planning Commission’s decision to approve the Barbara Mayo Subdivision with previous conditions; seconded by Knox Cummin.</p> <p><b>The Commission voted unanimously to approve the motion as presented.</b></p>
<p><b>Minutes of June 25, 2012</b></p> <p><b>Minutes of July 9, 2012</b></p>	<p>The Commission reviewed the second portion of the minutes of June 25, written by Everett Marshall.</p> <p>Knox Cummin moved to approve the minutes of July 25, 2012 with changes; seconded by Everett Marshall.</p> <p><b>The minutes of June 25, 2012 were approved unanimously.</b></p> <p>The minutes of July 9, 2012 were reviewed and minor changes were made.</p> <p>Julia Austin moved to approve the Minutes of July 9, 2012 as amended; seconded by Ginger Lubkowitz.</p> <p><b>The minutes of July 9, 2012 were approved unanimously.</b></p>
<p><b>Member Business</b></p>	<p>The order of the agenda was changed.</p> <ol style="list-style-type: none"> <li>1. Everett Marshall reported that he had asked Mike Kline, head of the State’s division of river management, about whether FEMA would require flood insurance if the Fluvial Erosion Hazard Zone was made part of the town’s regs. He said that Kline had said, “People aren’t required to get flood insurance by FEMA.” Kline had noted that the requirement for insurance was usually made by banks and other lending institutions. Dana Cummings asked, “Enactment of FEHZ doesn’t activate state or federal requirements?” Marshall responded, “FEMA looks at the 100-year flood.” Julia Austin then asked what happens to existing property owners with structures in the FEHZ? Marshall said he would ask Ned Swanberg.</li> <li>2. The Commission then discussed a petition related to the recent amendments to the zoning regulations. Gordon Miller had notified other Commission members by email of his intent as a voter to circulate and submit to the town</li> </ol>

administrator a petition. Miller said that if signed by 5 % of the registered voters, the Selectboard would be required to hold an Australian ballot on the proposed changes that it had been handed by the Planning Commission. Miller was unhappy the Selectboard accepted the HPC's revised regs as proposed, except for Section 5.7 concerning accessory apartments, which the Selectboard rejected and left as passed in 2009. He said that this was a significant enough change that the Selectboard should have re-warned the changes and held another hearing.

Town Administrator Barbara Elliott had informed Cummings and Racht that she had contacted the Vermont League of Cities and Towns (VLCT). Racht, in her capacity as Town Clerk, had also spoken to a VLCT attorney to ascertain her role in the process for signature verification. She was told there were multiple precedents in which Selectboards opted to selectively approve proposed amendments. Since she had not seen the petition, she could not answer the specific questions posed by the attorney. No one in attendance at the HPC meeting had seen the language of the petition and could not seek clarification as Miller was unable to attend. Racht said that any discussion was speculation since no one had seen the petition and the VLCT attorney had not rendered an opinion. She added that the last two petitions around rescinding the Board's decision had also been forwarded to the League for opinions: one had been deemed illegal and the other went to the voters at Town Meeting.

Commission members voiced several questions and concerns. "Would people know this petition could delay projects underway?" "If the Australian ballot was voted down, would the amendments approved by the Selectboard also be rejected or just the section they elected not to approve?" "Would the amendments to the Subdivision Regulations be affected?" "Would members of the community be aware the petition is an effort of an individual who happens to be on the commission?" "Should the commission inform the public the petition is an individual effort and the commission had not reviewed, debated, or endorsed the petition?"

Julia Austin said she wanted to go on record that the projects contingent on the housekeeping changes to the regs, especially located in the 300-foot deeryard setback which prohibits all development in this area, would be affected. Ginger Lubkowitz and others also wished to have her similar concerns reflected in the minutes. Lubkowitz expressed her disappointment that the Commission did not have the opportunity to discuss alternative.

The HPC consulted 24 V.S.A. § 4442 (d) that indicates the zoning amendments approved by the Selectboard would no longer be in effect once the petition language and signatures were verified and the changes would not go into effect unless approved by Australian ballot. Commission members were unable to determine the status of any permits issued in the period between the Selectboard's approval of the amendments and the filing of the

	<p>petition. Cummings thought the issue was between petitioners and the Selectboard; and the Commission had no official role unless the zoning amendments were disapproved by Australian ballot.</p> <p>Citing Miller's email  "...as a resident of the community and a registered voter, I am circulating a petition, as provided for by 24 V.S.A. § 4442 (d), that will require the Selectboard to warn a meeting of the Town to vote by Australian ballot on the amendment to the current Zoning Regulations, as approved by the Huntington Planning Commission."</p> <p>The Commission reached consensus not to notify the community that the petition is an individual effort and that projects could be delayed indefinitely.</p>
<p><b>Knox Cummin Sketch Plan Review</b></p>	<p>Knox Cummin recused himself as a member of the Commission.</p> <p>Cummin presented the latest version of his project, called Village Hill, which is located on the south quadrant of his property south of the Lower Village. The area to be developed is 6.07 acres, which is known as the "farm" parcel. Cummin pointed out three stormwater ponds to service nine residences. The residences are single family, but two of the lots have shared garages.</p> <p>The project, as presented, does not have to go through Act 250 and the area to be developed is not in Current Use. He noted that the 25.5 acres on the western side of the property is in Current Use.</p> <p>Cummin has decided to keep a strip of land on the south end of the property and, in answer to a question about why it wasn't included in the acreage to be developed, he responded that he was trying keep the total acreage conserved larger in order to qualify for a 25% density bonus with the PRD.</p> <p>Cummin asked questions about</p> <ol style="list-style-type: none"> <li>1. turn-arounds: hammerhead or lollipop? What does the town require?</li> <li>2. Road standards: radius for fire trucks?</li> <li>3. 200' buffer between agricultural use and residences. The HPC discussed potential conflicts between these uses.</li> <li>4. What if there is a change to the project if it is partially built: subdivision amendment or change of use?</li> </ol> <p>The Commission appointed Dana Cummings to be the HPC contact for the project.</p>
<p><b>Town Plan</b></p>	<p>Tom Bailey appeared to discuss the Village Code committee work. Due to the lateness of the meeting and the fact that Jim Sadler had just begun to meet with</p>

the Commission, Bailey was persuaded to wait until the next meeting when there was more time for everyone to focus on the discussion.

The Commission met with Jim Sadler of the Huntington Conservation Commission. Sadler invited the HPC to attend the next meeting of the Chittenden Uplands Steering Committee on August 20, 7 pm, in Richmond. Sadler talked about the need to current studies on wildlife and natural resources in order for the town to plan. Everett Marshall refuted this statement, saying a number of studies had been completed, including one done on the Huntington River by Arrowwood five years ago. Sadler said that this is considered old data and grants are available. Efforts are now underway in Richmond to have a collaboration between towns with similar commonalities. Marshall asked Sadler to provide a list of the studies done by the HCC.

Dana Cummings agreed that, "as far as the Town Plan goes, there will be a process to involve different Commissions and Boards." There was brief discussion on the water/wastewater project and how the different areas of the Town Plan overlap, an example of this being land use incorporating zoning districts.

Sadler and Roman Livak are the Conservation Commission liaisons with the HPC.

Marshall said that he had drafted a letter to go to Boards and Commissions to get further involvement. It will go out soon.

Back to the schedule:

On August 13, the Commission will meet with Tom Bailey to discuss Village Code. Cummings asked each Commission member to plan to spend 2-3 minutes making a brief presentation on his or her section to be followed by five minutes of discussion.

At this point, Julia Austin shared that she had copied the Town Plans from Hinesburg and Charlotte and had also printed out their questionnaires. She briefly discussed and compared the Energy sections.

Cummings suggested to the Commission, "Don't get too far along and attached to the work we've done - until we see what people want." He made reference to the questionnaire that should be ready soon for approval and distribution.

He also stated that he would like to develop a timeline to work on the Town Plan.

Chris Weaver for Sketch Plan Review will be scheduled at 7:15 at the August

	27 meeting.
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	Heidi Racht said she would not be at the meeting on August 27 since it is the night before the primary election and the polls need to be set up. It was suggested that she ask Tom Bailey to take the minutes.
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**Adjournment:** Knox Cummin moved to adjourn; seconded by Ginger Lubkowitz. The Commission voted unanimously to adjourn at 9:20 pm.

**UNAPPROVED MINUTES TO THE HPC:** July 29, 2012

**MINUTES APPROVED:** August 13, 2012

**APPROVED MINUTES TO THE TOWN CLERK:** August 14, 2012