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APPROVED

# HUNTINGTON PLANNING COMMISSION

Minutes of April 8, 2013

**PRESENT:** Dana Cummings, Everett Marshall, Julia Austin, Knox Cummin, Heather Pembrook
**ABSENT:** Gordon Miller
**OTHERS PRESENT:**
**MINUTES:** Heidi Racht

**Agenda**

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| 7 pm | Town Plan – Land Use, Population Data |
| 8 pm | Village Hill PRD Deliberations |
| 8:45 pm | Minutes of March 11, 2013 |
| | Mail |
| 9 pm | Public Comment |
| 9:10 pm | Member Business |
| 9:30 pm | Adjourn |

The meeting began at 7:10 pm; chaired by Dana Cummings.

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| **Town Plan** | The Commission discussed the section on Land Use. Knox Cummin presented his second draft, which led to a long discussion on clustering in the rural district, conservation of open space and property rights. Cummin's proposal included the concept of Rural Planned Residential Developments (RPRD). These RPRDs would allow clustered development of large parcels of land on a small section of the property, keeping the majority of the property open.<br><br>Several members of the Commission suggested rewording the second paragraph which identified an "essential conflict" between the financial interests of large landowners and those who enjoy unbroken open space in Huntington. Everett Marshall felt that sounded like it was pitting these groups against each other and Julia Austin suggested changing the language to "delicate balance." Several suggestions were provided to Cummin, which HPC Clerk Heidi Racht summarized and emailed to him.<br><br>In the discussion, Dana Cummings referenced Waitsfield's regulations which have illustrations that lay out rural hamlets with "clear intent" and "where the preferences are stated." In Waitsfield, the Town Plan looks at the village and allows this clustered rural development in a very small subset of the rural zoning district.<br><br>Dana Cummings suggested that Goal 1 of the Land Use section define the |

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| | existing village boundaries as Waitsfield does. This definition would identify the sharp delineation between the rural and village areas. Heather Pembrook talked about keeping the zoning districts, with Knox Cummin proposing the Village Code work would help focus the density in the villages. Right now, though, the Village District is mapped in our zoning code as going part-way up Texas Hill. There was agreement that a lot of "density infill" around Texas Hill and toward the Lower Village would not reinforce the concept of village centers.<br><br>Pembrook advocated that Knox Cummin talk with a land use planner from the Chittenden County Regional Planning Commission, as this is part of their jobs. Dana Cummings suggested looking at the Waitsfield Town Plan for language related to how to place these rural hamlets to reduce the aesthetic impact. Austin noted that aesthetic impacts were used as a justification to limit wind towers in Waitsfield as well, "which was not our intention." Everett Marshall talked about the conversion of the landscape from wildlife. Dana Cummings again spoke about the Waitsfield regs, noting that they are "district specific" where there is a "sharp contrast" between the village district and the area outside the village.<br><br>The Commission also suggested adding density bonuses for conservation, clustering buildings or shared septic or water for PRDs in both the village and rural distrcits. The idea here is that there should be incentives. |
| **Village Hill PRD Deliberations** | Knox Cummin recused himself from the Commission.<br><br>Dana Cummings told Knox Cummin that he could not sit at the table, but was welcome to listen to the discussion.<br><br>Deliberations began at 8:10 pm. The Commission reviewed the draft of the Findings of Fact, Conclusions and Decision and made edits and changes.<br><br>There was discussion regarding if site preparation at a development was legal prior to subdivision approval. Everett Marshall noted that in Act 250 permits, it is explicitly not allowed. The Commission could find no language about this in state or Huntington's statutes or regulations, so assumed it was not illegal.<br><br>**MOTION:** Heather Pembrook moved to approve the Village Hill Final Plat Application as amended; seconded by Julia Austin. Approved unanimously.<br><br>The deliberations concluded at 9:29 pm.<br><br>Knox Cummin rejoined the meeting. |

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| **Minutes of March 25, 2013** | In the discussion about the minutes, Everett Marshall proposed putting the minutes of the hearing into a separate document from the regular minutes. Knox Cummin said that he wanted to make a couple of corrections to the minutes on the section of the Village Hill Final Subdivision Review.<br><br>The Commission discussed whether Cummin should participate or whether this constituted a Conflict of Interest. Dana Cummings read from the Rules of Ethics. Knox Cummin wanted to make corrections only for clarity. Since the hearing was over and the decision on the project had been made, it made sense to have the minutes correct; Cummin made corrections to details: lot sizes, language around basements and flagging on the property.<br><br>**MOTION:** Heather Pembrook moved to approve with changes; seconded by Knox Cummin. Minutes approved unanimously with changes. |
| **Mail** | None. |
| **Public Comment** | No public was present. |
| **Member Business** | 1. The Commission discussed the town's Conflict of Interest policy and the request to have each public official sign a statement acknowledging same; members signed their statements.<br>2. The Commission reviewed the schedule for the spring, noting that there would be no second meeting in May because it is Memorial Day. |
| **Discussion of upcoming business / agenda requests** | Town Plan, all first drafts:<br>1. Natural Resources – Dana Cummings<br>2. Population Data – Everett Marshall<br>3. Transportation – Heather Pembrook |

**Adjournment:** Julia Austin moved to adjourn the meeting; seconded by Knox Cummin. The Commission adjourned the meeting at 10:15 pm.

**UNAPPROVED MINUTES TO THE HPC:** April 13, 2013
**MINUTES APPROVED:** April 22, 2013
**APPROVED MINUTES TO THE TOWN CLERK:** April 24, 2013

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Knox Cummin, Village Hill, Ltd
Application No. 2013-1

## FINDINGS OF FACT, CONCLUSIONS, AND DECISION

FINAL SUBDIVISION HEARING FOR:
Village Hill Planned Residential Development
Main Road, Huntington, VT 05462

Based upon the application of Knox Cummin (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the March 25, 2013 hearing pursuant to the Final Subdivision Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its April 8, 2013 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 July 9, 2012 (hereinafter the "Regulations") which are applicable to this matter:

### FINDINGS OF FACT:

- On February 28, 2013, the Applicant filed an Application for Final Subdivision Approval for a project on 44 acres described as a Planned Residential Development, consisting of eight residences surrounding an open area on 6.47 acres, plus one remaining larger parcel of land on Main Road. On November 26, 2013, the Applicant stated that he was requesting a waiver for the minimum village lot size and pursuing the density bonus; the area density bonus was determined to be 6.47 acres for eight residences.

- The Applicant filed the following:

  a. The completed required Subdivision Information form filed February 28, 2013. (Exhibit A)

  b. Survey entitled "Plat of Survey showing nine lot subdivision of lands of Village Hill, Ltd.," Main Road, Huntington, Vermont" dated September 5, 2012, and prepared by Button Professional and Surveyors, PC, South Burlington, Vermont. (Exhibit B)

  c. Site Plan entitled "Village Hill," Huntington, Vermont, prepared by Grover Engineering, Huntington, Vermont. (Exhibit C)

3. On February 28, 2013, at the Final Subdivision Review hearing, the Applicant appeared before the Commission and presented evidence in support of the project.

4. In accordance with the Regulations and state law, notice of this hearing, dated March 9, 2013, was published in the newspaper, posted in the community and mailed to adjacent property owners. (copy in file)

5. The project is located on the Main Road, south of Huntington Lower Village, and is located in the zoning district named the Village District, which is zoned for one acre. The project is located on Town Tax Map # 05-015.000.

6. The Applicant owns 44 acres in Huntington on the west side of Main Road which will be divided into the PRD: Lot 1 (4.87 acres), Lot 2 (0.18 acres), Lot 3 (0.19 acres), Lot 4 (0.15 acres), Lot 6 (0.16 acres), Lot 7 (0.18 acres) and Lot 8 (0.21 acres); and Lot 9, remainder of property. Proposed Lot 1 has an existing drilled well.

7. The Applicant seeks approval for 8 proposed single-family houses on Lots 1-8 with a proposed primary and replacement wastewater disposal area easement on Lot 1, as shown on the survey.

8. The Applicant has stated that the residences will be super-insulated with south-facing roofs for solar panel placement.

9. The Applicant has represented that natural features on the property include a wetland, and 50-foot wetland buffer, a deer wintering area boundary and buffer, shown on the site plan, but not on the survey.

10. The Applicant represented that the site has an historic stone wall adjacent to the Main Road, which will remain intact and undisturbed.

11. The Applicant has represented that Prime Agricultural soils, depicted on the Site Plan, are found on the western two-thirds of the PRD site. Portions of the development impact the prime agricultural soils, but the design of the development encourages agricultural use. Over half of the proposed PRD parcel, through its design, encourages agricultural use and open space.

12. Existing drilled well on proposed Lot 1: shown on the site plan, but not the survey.

13. Underground water storage tank is shown on the site plan, but not on the survey.

14. Common access to proposed residences on Lots 1-8 is an existing driveway.

15. All future utilities will be buried from poles shown on survey.

16. The Applicant stated that the project will include a public walking/bike trail near the stone wall; much of the path will be outside of the right-of-way, due to the slope of the area next to the road and the existing stone wall.

17. The Applicant has stated that road maintenance and homeowners association agreements will be put in place and implemented.

18. Monuments are shown on the plat, but not set. The Applicant stated that the monuments will be set.

19. The Applicant stated that this parcel of land is not subject to an Act 250 permit.

20. After the Site Visit by the Commission on March 26, 2013, it was noted at the Final Review that the site had been cleared and some grading had occurred.

21. The Applicant proposed on the Site Plan a vegetative screening on the north and south sides of the project to block headlights. Adjacent property owners states that they would work with the Applicant to provide vegetation as needed.

22. Other documentation received for this project:

a. Letter from Huntington Fire Chief Tate Jeffrey, dated October 21, 2012, outlining road width requirements, 9-1-1 reflective residential signage recommendations, and a recommendation for a water supply system in the form of an underground cistern installed near the entrance to the development. (Exhibit D)

b. Letter from Chittenden East Supervisory Union Superintendent John Alberghini, dated December 3, 2012, stating that the school district will be able to provide services at all levels. (Exhibit E)

c. Letter from Consulting Wildlife Biologist Tina Scharf, sent in early 2012, stating that she had visited the property on December 6, 2011, to assess the State's Deer Wintering Area. Her recommendation is "to allow development along the road where there is already much impact from existing development and road traffic, but then work to maintain the large area of core habitat to the west." (Exhibit F)

The Planning Commission members present during the hearing on March 25, 2013 referred to above were Dana Cummings (chair), Gordon Miller, Heather Pembrook, Everett Marshall and Julia Austin (constituting a quorum); the record reflects Knox Cummin, a member of the Commission, recused himself for the hearing; and the members present during deliberations on April 8, 2013 were Dana Cummings

(chair), Julia Austin, Everett Marshall and Heather Pembrook (constituting a quorum); Knox Cummin, a member of the Commission, recused himself for the deliberations.

## CONCLUSIONS:

After deliberations on April 8, 2013, the Commission has concluded the Applicant has provided materials in the application and up to and during the hearing on March 25, 2013 (referred to as Exhibits A-F 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 satisfies the requirements of the subparagraphs 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 satisfies the requirements of the subparagraphs adequately. However, the project exceeds the requirements of subparagraph 5.1.12 on energy conservation.

5.1.13. The project complies with the Huntington Town Plan, the Huntington Zoning Regulations amended July 9, 2012 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 areas and wooded areas. The project meets the criteria for a PRD 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 the Applicant's testimony, there will be sufficient water to meet the needs of the proposed project for the reasonably foreseeable future.

E. This subdivision as proposed will not cause highway congestion or unsafe conditions, subject to the conditions set forth below.

## DECISION OF APPROVAL AND CONDITIONS

Pursuant to Zoning Regulations Section 4.5.7(2), the Commission voted unanimously to grant the waiver for minimum lot size and coverage and granted a density bonus for eight residences on 6.47 acres.

Following deliberation on April 8, 2013, Final Subdivision Approval was granted on April 8, 2013 by a unanimous vote of the Huntington Planning Commission with the following conditions:

- The Applicant 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.

- 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 July 9, 2012), and no structure may be used or occupied until all of the conditions specified in this "Decision of Approval and Conditions" shall be satisfied.

- 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.

- Within 180 days (October 5, 2013) 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/site plan referenced as Exhibit B above.

- Applicants shall obtain all necessary local, state and federal permits.
- 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.
- Appropriate erosion control measures shall be implemented during site preparation and construction of the proposed houses, garage/barns, septic system, well and driveway.
- Location of utilities will be shown on the survey plat.
- Monuments, shown on the plat, will be set, prior to sale of property.
- Tax map # will be shown on the survey.
- Pedestrian walkway easement will be shown on the survey.
- Road maintenance and homeowners association agreements will be filed in the town land records prior to the sale of any lot.
- Exterior lighting shall be done in accordance with Section 5.11 of the Huntington Zoning Regulations.
- The Applicant will work with neighbors to provide adequate screening as shown on the Site Plan upon issuance of Certificate of Occupancy of the first completed residence.
- 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.
- Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations, as amended on July 9, 2012.
- In accordance with Section 5.22 of the Zoning Regulations, all buffer requirements in the Zoning Regulations related to Surface Water and Critical Wildlife Habitat shall be met.

Dana Cummings, Chair
Huntington Planning Commission

Dated this _11th_ day of April 2013.

Received May 2, 2013