

Huntington Development Review Board  
4930 Main Road  
Huntington, Vermont

RE: Application of Bill White  
Application No. 2015-005

**FINDINGS OF FACT, CONCLUSIONS, AND ORDER**

FINAL MAJOR SUBDIVISION HEARING FOR  
Bill White

Based upon the application of Bill White and the testimony and exhibits presented by the applicant and the public present at the Final Subdivision Hearing convened January 12, 2016 at the Huntington Town Office in Huntington, Vermont, the Huntington Development Review Board (Board) makes the following Findings of Fact, Conclusions of Law, and Order. As set forth below, the Board concludes that the project complies with the Town of Huntington Subdivision Regulations (Regulations), effective November 3, 1992.

**FINDINGS OF FACT**

1. On November 3, 2015, Bill White (Applicant) filed an application (Exhibit A) for a project described as a four-lot subdivision at Bert White and Handy Roads.
2. On January 12, 2016, the Applicant appeared before the Board and presented evidence in support of the project.
3. The Applicant's project is located at Bert White and Handy Roads, within the Rural Residential District, which is zoned for five-acres. The project is on the south and north sides of Bert White Road and the east side of Handy Road, and is located on tax map 06-017.000.
4. The Applicant owns the 124.18-acre parcel of land, with one former house (now a storage building) and a trailer residence on it.
5. The Applicant proposes that the project would subdivide the parcel into four lots of 6.89 acres, 27.36 acres, 9.22 acres, and 80.34 acres labeled Lots #1, #2, #3 and #4 on the map (Exhibit B). Lot 1 has an existing unoccupied former house (now a storage building) on it; Lot 3 has an occupied residential trailer on it. Lot 4 is located on the south side of Bert White Road.
6. The Applicant seeks approval for a residential lot for Lot 3.
7. The Applicant has stated that Lot 4 will be undeveloped.

8. The Applicant states that the access to Lot 2 will be on Handy Road and Lots 1, 2 and 4 will access from Bert White Road.
9. The property is bordered on the south by properties with access from Taft Road (Terrien, Piper, Price, Yindra); on the north by DePietro; on the west by Thompson, Bradley White, Danco/Desrochers, William White, Brown, Fay, Waller Christie and Chatelain/Sundling; and on the east by DePietro and Barton/Worthley.
10. The Applicant filed the following site plan materials:
  - a. under Regulation Section 320, a survey with site plan, prepared by David A. Tudhope of Burlington, Vermont, dated December 13, 2015 (Exhibit B).
11. Lot #4 is located on the south side of the property and has 994 feet of frontage on Bert White Road.
12. Lot #2 is located on Handy Road with 1228 feet of frontage.
13. Lot #1 is the corner of Handy and Bert White Roads and has the original 1830s farmhouse on it, now a storage building. It has 1099 feet frontage on Bert White Road and 210 feet frontage on Handy Road.
14. Lot #3 is located on the north side of the Bert White Road with 868 feet of frontage.
15. The Applicant has represented that the proposed driveway will have a less than 16 degree grade change on the access to Lot 2.
16. The Applicant has represented that power will be supplied from underground cables from existing poles located on the property.
17. Site plan indicated existing septic tank for Lot 1 and Lot 3; Lot 2 has a proposed mound system. Lot 4 is deferred as no development is planned. All wastewater permits have been applied for and received from the State of Vermont.
18. Site plan indicated an existing well for trailer on Lot 3; Lot 1 will has a proposed replacement drilled well, indicated on site plan; Lot 2 has a proposed drilled well shown on the site plan.
19. Based on the Board's review of the Flood Plain Map and testimony of the Applicant, the subdivision is not located in a flood plain,
20. This area has a mix of single family residences, wooded areas, open land and camps.

21. The Applicant represents that the proposed wells will provide sufficient water supply.
22. No changes will be made to the Lot 1, 3 and 4 existing accesses to Bert White Road. A driveway permit will be obtained for Lot 2 on Handy Road
23. According to the state resource maps, there are no deeryards located with the proposed subdivision lots or building site.
24. The Board has reviewed and relied upon the following documents filed with the Board by the Applicant which are hereby incorporated herein by reference:
  - a. Application for Subdivision Permit, Town of Huntington (Exhibit A).
  - b. A plat survey with site plan, prepared by David A. Tudhope of Burlington, Vermont, dated December 13, 2015 (Exhibit B).
  - c. Letter from John Alberghini, CESD Superintendent of School, dated May 5, 2014, addressing school services capacity. (Exhibit C)
  - d. Email from Huntington Fire Chief Tate Jeffrey outlining requirements for access to residences and addressing town's ability to provide services was not received. The Fire Chief indicated he wanted a year-round water source installed before the transfer of any lots so that all the costs would be shared evenly by all the lots and the developer. (Exhibit D). The DRB found it lacked regulatory authority to impose such a condition.
25. The following members of the Development Review Board were present during the deliberations on January 12, 2016, constituting a quorum: Joe Perella, John Altermatt, Jeanine Carr and Britt Cummings.

## **CONCLUSIONS OF LAW**

### **I. SECTION 320**

Under Section 320 of the Regulations, the Applicant is required to provide certain information in support of the application. The Application filed on March 27, 2007 meets the requirements of Section 320. The Board incorporates the application materials into this FINDINGS OF FACT, CONCLUSIONS, AND ORDER and are attached hereto.

## II. SECTION 400

Under Section 400 of the Regulations, the Board may approve or deny an application, require modification or phasing of a subdivision, or impose conditions to mitigate adverse impacts.

The Board reviewed the proposed subdivision according to the criteria enumerated in the Regulations. Those criteria include consideration of drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which could reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

The Board concludes the project is suitable for subdivision, based on the application materials, site visit and testimony, and supported by the Findings of Fact.

1. The development will follow the existing topography and 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.
2. If appropriate, erosion control measures are implemented during construction, there is minimal potential for erosion into nearby surface waters and for this reason, this provision will be met.
3. Board determines that the four-lot subdivision complies with the Huntington Town Plan and the Huntington Zoning Ordinance.
4. Board determines that none of the subdivision is located in a flood plain, based on the Board's review of the Flood Plain Map and testimony of the Applicant.
5. The subdivision meets the minimum lot size of five acres for the Zoning District.
6. The Board concludes the project complies with the provision of compatibility with surrounding properties.
7. Based on the site location, the lot size, and density of surrounding structures, the subdivision is suitable for the proposed site density and complies with this provision.
8. Based on the below information, the Board finds the town and schools will be able to provide adequate services and this provision to have been met:

- a. The Board reviewed a correspondence (Exhibit C) from CESU Superintendent John Alberghini, which gave testimony that the project will not place an unreasonable burden on the school district's ability to provide services or facilities.
- b. The Board reviewed a correspondence (Exhibit D), from the Huntington Fire Chief. Based on this, the driveway shall be of adequate structure to support emergency vehicles year-round and the wells on the individual properties will serve as water sources.

9. There will be sufficient water to meet the needs of the one existing and one proposed residences for the reasonably foreseeable future.

10. The Board determines that this subdivision will not cause highway congestion or unsafe conditions on either Bert White or Handy Roads.

11. The Board determines, based on the statement of the Applicant, that Lot 4 is a deferred lot.

12. The Board determines, based on the Applicant's representation and state resource maps, there are no deeryards.

13. Wastewater permits have been approved and are in the land records of the Town of Huntington; copies are on file in the zoning files, located in the Town Clerk's vault.

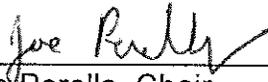
Based on the evidence before it, the Huntington Development Review Board finds this project meets all requirements in Sections 320 and 400 of the Huntington Subdivision Regulations subject to the conditions set forth herein.

### **ORDER**

Final Subdivision Approval was granted on January 12, 2016 by a vote (5-0) of the Huntington Development Review Board with the following conditions:

1. By acceptance of this decision, the Applicant agrees to allow representatives of the Town access to the lots, at reasonable times, for the purpose of ascertaining compliance with the Regulations and the conditions of this permit.
2. The project shall be completed, operated and maintained in accordance with: (a) these Findings of Fact, Conclusions of Law, and Order; (b) the plans and exhibits on file with the Board; and (c) the conditions of this permit.

3. Within 30 days of the issuance of this decision, the Applicant shall file an amended survey by David A. Tudhope of Burlington, Vermont.
4. Applicant shall obtain all necessary local, state and federal permits..
5. Appropriate erosion control measures shall be implemented during construction.
6. As Lot 4 is deferred, any development will require an amended subdivision permit review.
7. The applicant shall pay the recording fees associated with the filing of the subdivision Final Plat (18" x 24") and permit decision with the Town of Huntington

  
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Joe Perella, Chair  
Huntington Development Review Board

Dated this 26<sup>th</sup> day of February 2016.