

**APPROVED**

**Huntington Planning Commission  
August 11, 2009**

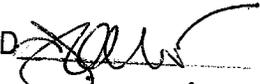
Commissioners Attending: Tom Bailey, Everett Marshall, Eric Silman, Gordon Miller, Lucinda Hill

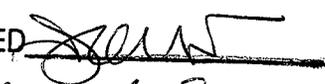
Commissioners Absent: Beverly Little Thunder

Others Present: Mike Warren

Minutes: Tom Bailey / Heidi Racht

- 7 pm Minutes of July 14, 2009
- Mail
- 7:15 Public Comment
- 7:20 Planning Grant
- 7:45 Le Brun Decision
- 8:15 HPC Project list - Zoning Regs Revisions
- 9 pm Member Business
- 9:15 Adjourn

RECEIVED   
DATE Original August 27, 2009

RECEIVED   
DATE revised Sept. 14, 2009

The meeting was called to order at 7:04 PM by Everett Marshall, Chair of the Commission.

Items for Discussion	Discussion	Action
<b>Minutes of July 14, 2009</b>	Tom Bailey moved to approve the Minutes of July 14, 2009, and the motion was seconded by Lucinda Hill.	The Minutes were unanimously approved with changes.
<b>Mail</b>	None.	
<b>Public Comment</b>	Mike Warren, who resides at 716 Economou Road with his wife Jennifer and two children, asked questions regarding the subdivision process. He stated that he had purchased 27 acres adjoining his house lot and was curious about required road frontage of subdivided lots. There followed a general question and answer session about the subdivision process.	
<b>Planning Grant</b>	Everett Marshall described the availability of a planning grant from the Vermont Agency of Commerce and Community Development. Everett indicated that he believed the grant could be up to \$10,000.00 and that the deadline for application is September 30, 2009. Everett suggested that a natural resources inventory might be appropriate for a grant request and noted that Arrowwood Environmental had completed similar inventories for the Mad River Valley Planning District. Everett indicated that he would meet with the Conservation Commission at its Thursday night meeting to explore the possibility of both Commissions working jointly on a grant.	

<b>Items for Discussion</b>	<b>Discussion</b>	<b>Action</b>
<b>Douglas LeBrun Final Subdivision Amendment Decision</b>	<p>The Commission reviewed the draft Findings of Fact, Order, and Decision (drafted by Heidi Racht) and made some changes.</p> <p>There was a brief discussion about Nancy Bretschneider's letter, which arrived after the public hearing closed as she had not received notice of the Final Subdivision Amendment Review hearing. It was noted that Bretschneider was not an adjacent property owner, although she owns the land that provides the private road access known as Cummings Drive. The Commission agreed that the neighbors adjacent to a right-of-way and those sharing a right-of-way with the applicant should also be notified of hearings and that a list of the landowners should accompany the stamped, addressed envelopes addressed to adjacent neighbors. Also, the HPC member assigned as the point of contact should review the list of landowners and envelopes against the tax map ensure that the list is complete.</p> <p>Tom Bailey moved to adopt the Findings of Fact, Conclusions and Order as edited. The motion was seconded by Eric Silman.</p>	Motion was passed unanimously.
<b>HPC Project List</b>	<p>Tom Bailey noted that he has met with Bill Hegman concerning research on the economics of open land and will have more to report shortly. He also acknowledged that he had volunteered to complete the drafting of the revision of the Flood Hazard Ordinance and will do so. Administrative Officer Cathleen Gent has offered to work with the HPC to lay the groundwork for revising the Huntington Flood Hazard Regulations. Tom indicated he would coordinate with Cathleen.</p> <p>Everett Marshall asked the members to bring their list of proposed changes to the Huntington Zoning Regulations and Huntington Subdivision Regulations to the August 25<sup>th</sup> meeting. Cathleen Gent will be invited to attend this meeting. Everett also asked the HPC members to bring project ideas.</p>	
<b>Member Business</b>	<ol style="list-style-type: none"> <li>1. A transportation meeting is being held by HERO on Thursday, August 13.</li> <li>2. Tom Bailey mentioned that he had spoken with several community members regarding the opening on the Commission, including Alan Brace, who gave him a list of names, Margaret Taft and Dean Grover. Tom indicated that he would continue to solicit a new member.</li> </ol>	

<b>Adjournment</b>	Eric Silman moved to adjourn; seconded by Tom Bailey. The meeting adjourned at 8:59 pm.
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Date UNAPPROVED minutes submitted to HPC: August 13, 2009  
Date minutes APPROVED by the HPC: August 25, 2009  
Date Approved Minutes submitted to Town Clerk: August 26, 2009

Huntington Planning Commission  
4930 Main Road  
Huntington, Vermont

RE: Application of Douglas LeBrun  
Application No. : 2009-3

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

FINAL SUBDIVISION AMENDMENT REVIEW HEARING FOR:  
Douglas LeBrun, Off Cummings Drive

Based upon the application of Douglas LeBrun (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the July 14, 2009 hearing pursuant to the Final Subdivision Amendment Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its August 11, 2009 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 March 3, 2009 (hereinafter the "Regulations") which are applicable to this matter:

**FINDINGS OF FACT:**

1. On August 20, 1997, the Huntington Planning Commission met in Preliminary Subdivision Review on an application by Mary Lou Cummings (Kenfield) for a four-lot subdivision on Cummings Drive.
2. On August 20, 1997, Heath Cummings appeared before the Huntington Planning Commission as the representative of Mary Lou Cummings (Kenfield), who had requested deferral of certain articles of the Huntington Subdivision Regulations (13-19, Section 210) as there were no plans to build on this part of the property. The HPC agreed to the request stipulating that these requirements would be met as an amendment review before any development could take place.
3. On December 3, 1997, the Commission approved the Mary Lou Kenfield Trust four-lot subdivision, requiring that all future development permitting of what is now the LeBrun lot be deferred..
4. On June 23, 2009, the Commission received an application for Final Subdivision Amendment Review that includes the following:
  - a. The completed required subdivision Information form filed June 23, 2009. (Exhibit A)

- b. Summary dated June 23, 2009 of compliance of project with the Huntington Town Plan (adopted June 18, 2007). (Exhibit B)
- c. Letter dated July 6, 2009 executed by John Gobeille, Wildlife Biologist of the Vermont Fish and Wildlife Department, Agency of Natural Resources. (Exhibit C)
- d. Survey entitled "Survey Plat Property belonging to Mary Lou Kenfield Trust, Chittenden County, Huntington, Vermont" dated June 24, 1997 (revised September 5, 2001) and prepared by Ronald L. LaRose, Licensed Land Surveyor. (hereinafter Exhibit D)
- e. Site plan entitled "Lot # 4, Four Season Camp Douglas LeBrun" prepared by Scott Michael Mapes, dated December 20, 2008. (hereinafter Exhibit E)
- f. Construction Notes and Details (Sheets 2 of 3 and 3 of 3) entitled "Lot # 4, Four Season Camp Douglas LeBrun, Cummings Drive, Huntington, Vermont" dated December 20, 2008 and prepared by Scott Michael Mapes, Licensed Site Technician. (hereinafter Exhibit F).
- g. Map showing Deer Wintering Habitat, entitled "LeBrun Property, Huntington, Vermont," Orthophoto Base dated 1999, prepared by Information and Visualization Services, Burlington, Vermont. (hereinafter Exhibit G)

Received between the date of filing of the Application and the conclusion of the subdivision final review hearing (and also considered by the Commission in its deliberations) was a letter from Nancy Bretschneider, dated July 20, 2009 (hereinafter Exhibit H)

- 5. On July 14, 2009 at the Final Subdivision Review hearing, the Applicant, represented by his agent, Anne Connell, appeared before the Commission and presented evidence in support of the project.
- 6. In accordance with the Regulations and state law, notice of this hearing was published and posted.
- 7. The project is located off Cummings Drive and is located in the Rural Residential zoning district (formerly named the Agricultural-Residential District), which is zoned for five acres. The project is located on Town Tax Map # 05.
- 8. The Applicant's parcel contains 88.5acres+/- (See the survey referenced as Exhibit D above).
- 9. The Applicant seeks approval for a four-season, off-grid rustic cabin, septic system and spring-fed water system and continued access to the proposed

house by a logging road from Cummings Drive. (See the Site Plan, Drawing 1 of 3 referenced as Exhibit E above.)

10. The Applicant has stated that the cabin will not be a year-round residence and therefore the proposed project will not impact the schools.
11. The Applicant has stated that he intends to build outbuildings that are not shown on the site plan.
12. The Applicant has represented that the proposed cabin and septic system on the parcel will be located next to a deeryard (as shown on map referenced as Exhibits G above). The Vermont Fish and Wildlife Department shows the proposed cabin site as mapped deer winter area.
13. Access to the property is from Evergreen Drive, a private road, and by rights-of-way through properties currently owned by Nancy Bretschneider, Eliot and Mary Lorthrop and Corbin Cummings.
14. The Applicant has stated that the logging road which commences at the northwest corner of property now owned by Nancy Bretschneider, will not be upgraded or improved for access.
15. The Applicant has stated that he will forego fire protection services from the Town of Huntington due to the limited road access as outlined above.
16. The Applicant has stated that the access road will be used by motorized vehicles during the construction phase of the project; after construction, Applicant will utilize an existing pull-off parking space.
17. The Applicant has stated that the access road will be made passable for vehicles to enter the site during the project construction.
18. The Applicant has stated that the area around the proposed project will not be cleared sufficiently for a solar collection unit, but that a generator may be used for lighting.
19. The Planning Commission members present during the hearing on July 14, 2009 referred to above were Everett Marshall (Chair), Eric Silman, Gordon Miller, and Tom Bailey (constituting a quorum), and the members present during deliberations on August 11, 2009 were Everett Marshall (Chair), Lucinda Hill, Tom Bailey, Gordon Miller and Eric Silman (constituting a quorum).

#### **CONCLUSIONS:**

After deliberations on August 11, 2009, the Commission has concluded the Applicant has provided materials in his application and up to and during the hearing on July 14, 2009 (referred to as Exhibits A-H above) that satisfies the

requirements of Section 320 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 Articles 5 & 6 of the Regulations and conclude that the requirements of Articles 5 & 6 are satisfied subject to the conditions set forth below. The Commission's conclusions with regard to each subparagraph of Article 5 are set forth (by subparagraph number) as follows:

1. The project is suitable 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.
2. Subject to the conditions set forth below, the proposed project 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.
3. Subject to the conditions set forth below, the potential for erosion and runoff into nearby surface waters during construction is adequately remedied.
4. The project appears to comply with the Huntington Town Plan, the Huntington Zoning Regulations amended March 3, 2009 and other applicable Town regulations, subject to the conditions set forth below.
5. The project is not in a floodplain.
6. The project is suitable for the proposed site density.
7. Based on an examination of the item referenced Exhibit E above and by testimony by the Applicant at the Final Subdivision Amendment Review on July 14, 2009, the town will not be asked to provide adequate services and facilities, set forth below.
8. Based on an examination of the item referenced Exhibit A and by testimony by the Applicant at the Final Subdivision Amendment Review on July 14, 2009, the schools will not be asked to provide services and facilities, set forth below.
9. Based on the Applicant's testimony, there will be sufficient water to meet the needs of the proposed project for the reasonably foreseeable future.
10. This subdivision as proposed will not cause highway congestion or unsafe conditions, subject to the conditions set forth below.
11. The Commission finds the project will be located in a deer wintering area, based on a site visit by the Commission and communication from Vermont Fish and Wildlife (Exhibit C). If there is winter activity from cabin use, there will be impacts on deer wintering area.

## **DECISION OF APPROVAL AND CONDITIONS**

Following deliberation on August 11, 2009, Final Subdivision Approval was granted on August 11, 2009 by a unanimous vote of the Huntington Planning Commission with the following conditions:

1. The Applicants shall allow representatives of the Town access to the lot, at reasonable times and with prior notice, for the purpose of ascertaining compliance with the Regulations and the conditions of this permit.
2. 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 March 3, 2009), and no structure may be used or occupied until all of the conditions specified in this "Decision of Approval and Conditions" shall be satisfied.
3. The project shall be completed, operated and maintained in accordance with: (a) these Findings of Fact, Conclusions, and Decision of Approval and Conditions; and (b) the plans and exhibits on file with the Commission.
4. Within 180 days 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 referenced as Exhibit D above.
5. Within 180 days 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 page 1 of the Site Plan referenced as Exhibit E above.
6. Applicants shall obtain all necessary local, state and federal permits.
7. The Commission acknowledges receipt of a copy of the Wastewater System and Potable Water Supply Permit (WW-4-4319) pertaining to this project. Applicants shall abide by and comply with all terms and conditions thereof and any amendments thereto.
8. Applicant shall provide to the Town copies of all Act 250 amendments granted with respect to this project and shall abide by and comply with all terms and conditions thereof and any amendments thereto.

9. Appropriate erosion control measures shall be implemented during construction of the proposed cabin, outbuilding, septic system and water lines.
10. No upgrades shall be made to the access road after completion of construction without Subdivision Amendment Review.
11. The permit is for a single rustic cabin, which is not a permanent year-round dwelling. No change of use to the proposed project or additional buildings with any use except as intended for outbuilding storage shall be made without Subdivision Amendment Review.
12. These conditions are placed to ensure no undue adverse impacts. During the winter months (December 1 through March 31) use of the premises shall be limited as follows: a) no dogs; and b) no motorized vehicles
13. Maintenance of the right-of-way after Evergreen Drive shall be shared between the owners of the properties now owned by Eliot and Mary Lothrop, Corbin Cummings and Douglas LeBrun.
14. 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.
15. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on March 3, 2009.
16. By acceptance of the terms of this permit, the applicant, for himself and his heirs, successors, and assigns, agrees that he shall not make any claim against the Town of Huntington for lack of Fire Department or ambulance services to the parcel, nor shall he attempt to enroll any student in the local school systems on the basis of being a resident on this parcel.

*Everett J. Marshall*

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Everett Marshall, Chair  
Huntington Planning Commission

Dated this 13th day of August, 2009.