

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Barbara Mayo
Application No.: 2010-1

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINAL SUBDIVISION AMENDMENT REVIEW HEARING FOR:
Barbara Mayo, Economou Road

Based upon the application of Barbara Mayo (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the September 27, 2010 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 October 11, 2010 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 February 22, 2010, the Applicant appeared before the Huntington Planning Commission for Preliminary Subdivision Review. The hearing was continued to August 12, 2010, at which time the public hearing closed. The Commission voted unanimously to approve Preliminary Subdivision Review on August 30, 2010.
2. On September 27, 2010, the Barbara Mayo and her Attorney, Joe Fallon, appeared before the Commission for Final Subdivision Review; also in attendance was Luke St. Clair.
3. On October 11, 2010, the Commission approved the Barbara Mayo three-lot subdivision, unanimously, 4-0. Present at the meeting were Everett Marshall, Tom Bailey, Gordon Miller and Heidi Weston.
4. The application for Final Subdivision Amendment Review that includes the following:
 - a. The completed required subdivision Information form. (Exhibit A)
 - b. Summary of compliance of project with the Huntington Town Plan (adopted June 18, 2007). (Exhibit B)

- c. Survey entitled "Survey Plat showing a proposed subdivision of lands of Barbara Mayo, Economou Road, Chittenden County, Huntington, Vermont" dated October 11, 2007 (revised September 24, 2010) and prepared by Ronald L. LaRose, Licensed Land Surveyor. (Exhibit C)
 - d. Site Plan showing a portion of lands of Barbara Mayo, Economou Road, Chittenden County, Huntington, Vermont, dated October 11, 2007 (revised September 20, 2010) and prepared by Kevin R. LaRose, Licensed Designer. (Exhibit D)
 - e. Wastewater permit, dated November 15, 2007. (Exhibit E)
 - f. Letter dated February 22, 2010 from Huntington Fire Chief Tate Jeffrey addressing fire protection. (Exhibit F)
 - g. Stormwater Permitting Determination, dated May 6, 2010, from Kevin Burke, Environmental Analyst, State of Vermont Department of Environmental Conservation, ANR, Water Quality Division. (Exhibit G)
 - h. Construction General Permit, dated August 9, 2010, from Heather Mack, Administrative Assistant, Vermont Department of Environmental Conservation, ANR, Water Quality Division. (hereinafter Exhibit H)
 - i. Construction Notes and Details entitled "Driveway Grading, Drainage and Erosion Control Plan, Mayo Site Plan, Economou Road, Huntington, Vermont" dated June 24, 2010, and prepared by Alan Huizenga, Professional Engineer, Green Mountain Engineering. (Exhibit I).
 - j. Proposed deed samples, outlining the road maintenance agreement. (Exhibit J1- and J-2)
5. On September 27, 2010 at the Final Subdivision Review hearing, the Applicant, with her attorney, Joe Fallon, 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 in the community per state statute. Notices were sent to the adjacent property owners. Newspaper legal notice and copy of notification are in the project file.
 7. The project is located on Economou Road and is located in the Rural Residential zoning district, which is zoned for five acres. The project is located on Town Tax Map # 2.
 8. The Applicant's parcel contains 88.5acres+/- (See the survey referenced as Exhibit C above).

9. The Applicant seeks approval for a three-lot subdivision that includes two five-acre parcels on Economou Road for housing lots. (See the Site Plan, Drawing 1 of 3 referenced as Exhibit D above.)
10. The Applicant's attorney pointed out that the following details are represented on the survey or site map:
 - a. a 50-foot right of way to Lot 1 represented as a shared common road through Lot 2;
 - b. a turnaround for emergency equipment access to Lot 2;
 - c. 50' wetlands delineation;
11. The Planning Commission members present during the hearing on September 27, 2010 referred to above were Everett Marshall (Chair), Gordon Miller, Tom Bailey and Heidi Weston (constituting a quorum), and the members present during deliberations on August October 11, 2010 were Everett Marshall (Chair), Tom Bailey, Gordon Miller and Heidi Weston (constituting a quorum).

CONCLUSIONS:

After deliberations on October 11, 2010, the Commission has concluded the Applicant has provided materials in her application and up to and during the hearing on September 27, 2010 (referred to as Exhibits A-F 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:

5.1.1. 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.

5.1.2. 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.

5.1.3 - 5.1.6 The project satisfied the requirements of the subparagraph 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 satisfied the requirements of the subparagraph adequately.

5.1.13. The project complies 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.

In addition, the Commission concluded that:

- A. The project is not in a floodplain.
- B. This area has single-family residences and wooded areas. The subdivision meets the minimum lot size of five acres 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.
- F. There are no deeryards impacted by the proposed project.

DECISION OF APPROVAL AND CONDITIONS

Following deliberation on October 11, 2010, Final Subdivision Approval was granted on October 11, 2010 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 C 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 D 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.
10. A letter from CESU Superintendent of Schools John Alberghini addressing the school district's capacity at all levels will be a condition of approval.
11. These conditions are placed to ensure no undue adverse impacts.
12. Maintenance of the right-of-way will be shared by the owners of Lots 1 and 2 as outlined in the deeds. (Exhibit J-1 and J-2)
13. 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.
14. Construction plans and construction of the proposed project shall comply in all respects with the Zoning Regulations as amended on March 3, 2009.

Everett J. Marshall

Everett Marshall, Chair
Huntington Planning Commission

Dated this 19th day of October, 2010.