

Huntington Planning Commission
4930 Main Road
Huntington, Vermont

RE: Application of Christine Billis, John B. Bryan and Guthrie Smith
Application No.: 2011-2

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINAL SUBDIVISION REVIEW FOR:
Christine Billis, John B. Bryan and Guthrie Smith, Salvas Road

Based upon the application of Christine Billis, John B. Bryan and Guthrie Smith (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the August 8, 2011 hearing pursuant to the Final Subdivision Review which was held at the Huntington Town Office in Huntington, Vermont, and, after due deliberation at its September 12, 2011 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 November 15, 2010, and June 27, 2011, the Applicant appeared before the Huntington Planning Commission for Sketch Plan Review.
2. On August 8, 2011, Chris Billis and JB Bryan, appeared before the Commission for Final Subdivision Review.
3. The application for Final Subdivision Amendment Review that includes the following:
 - a. The completed Subdivision Information form. (Exhibit A)
 - b. Survey entitled "Survey Plat showing a proposed subdivision of lands of Christine Billis, John B Bryan and Guthrie Smith, Camels Hump and Salvas Road, Chittenden County, Huntington, Vermont" dated November 26, 2006, revised December 1, 2010, and prepared by Ronald L. LaRose, Licensed Land Surveyor. (Exhibit B)
 - c. Deeds, outlining the easements for wastewater, two easements over Lot 1 for access and utilities for Lot 2. (Exhibit C and D)

- d. Forest Management Plan Map, dated June 6, 2011 and prepared by A. Kasmarek, of Greenleaf Forestry, Fairfax, showing Current Use plan for entire property, showing current status of residential sites (4 acres) and location of woodland and other natural features. (Exhibit E)
4. 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 subdivision application file.
5. The project is located on Salvias Road in the Rural Residential Zoning District, which is zoned for five acres. The project is located on Town Tax Map # 6.
6. The Applicant's parcel contains 50 acres +/- (See the survey referenced as Exhibit B above).
7. The Applicant seeks approval for a residential two-lot subdivision with a third lot to remain undeveloped and in conservation. The residential lots, including Lot 1 (6.06-acres) and Lot 2 (6.07 acres) are already developed with residences, out buildings and rights of way. Lots 1 and 2 are intended to be subject to shared rights of way for ingress and egress and water and septic. The 38.07-acre parcel (Lot 3) is intended to be retained jointly by the Applicant and to be maintained as undeveloped, conserved land. (See the Survey, referenced as Exhibit B above.)
8. The following details are represented on the survey or site map:
 - a. a wastewater easement on Lot 2 to benefit Lot 1;
 - b. two easements over Lot 1 for access and utilities for Lot 2;
9. The Planning Commission members present during the hearing on August 8, 2011 referred to above were Tom Bailey (Chair), Everett Marshall, Julia Austin, Dana Cummings, Gordon Miller, Ginger Lubkowitz and Heather Pembroke (constituting a quorum) ; and the members present during deliberations on September 12, 2011 were Tom Bailey (Chair), Everett Marshall, Julia Austin, Dana Cummings, Gordon Miller, Ginger Lubkowitz and Heather Pembroke (constituting a quorum).

CONCLUSIONS:

After deliberations on September 12, 2011, the Commission has concluded the Applicant had provided materials in their application and up to

and during the hearing on August 8, 2011 (referred to as Exhibits A-E above) that satisfies the requirements of Section 3.2 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 is not applicable because buildings already exist.

5.1.8 - 5.1.12 The project satisfies 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, since the two residences are pre-existing on the property and the Applicant wishes to subdivide the property around the existing residences, while keeping 38.07 acres (Lot 3) undeveloped and under conservation:

A. The project involves a division of joint ownership of property that contains two residences and will allow the Applicant to retain most of the property under joint ownership as conserved land.

B. The project is not in a floodplain.

C. 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.

D. The project is suitable for the proposed site density.

E. The Applicant has provided two well locations.

F. The Applicant has received two potable water permits.

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

H. Prime Agricultural Soil is not a consideration due to the current use and the size of Lot 3, which remains under conservation.

I. Letter from Huntington Fire Chief Tate Jeffrey addressing fire protection and letter from CESU Superintendent of Schools John Alberghini addressing the school district's capacity at all levels is not required as a condition of approval since the two residences are currently on the property.

DECISION OF APPROVAL AND CONDITIONS

Present at deliberations on September 12, 2011 were Everett Marshall, Tom Bailey, Gordon Miller, Heather Pembroke, Julia Austin, Dana Cummings and Ginger Lubkowitz. Following deliberations the Commission granted Final Subdivision Approval by a unanimous vote to create a two-lot residential subdivision of Lots 1 and 2 with a third lot to remain undeveloped and in conservation, subject to the following conditions:

1. The Applicant 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. 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.
3. Within 180 days of the issuance of this decision, the Applicant 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 B above.

4. Within 180 days of the issuance of this decision, the Applicant shall submit for signature by the Chair of the Planning Commission and file in the project file an 24" x 36" paper map (otherwise in compliance with state statutes) of the revised Forest Management Plan Map (Exhibit E) showing revisions to areas removed from Vermont Current Use program.
5. Lot 3 shall be held under conservation with no further development thereon.
6. Applicant shall obtain and maintain all necessary local, state and federal permits, including state wastewater disposal and potable water permits applicable to Lots 1 and 2.
7. 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.
8. Use of the property shall comply in all respects with the Zoning Regulations as amended on March 3, 2009.



Thomas B. Bailey, Chair
Huntington Planning Commission

Dated this 13th day of SEPTEMBER, 2011.