

Huntington Planning Commission  
4930 Main Road  
Huntington, Vermont

RE: Application of Andrew and Anne Palmer  
Application No. 2012-2

**FINDINGS OF FACT, CONCLUSIONS, AND DECISION**

FINAL SUBDIVISION HEARING FOR:  
Andrew and Anne Palmer Minor Subdivision  
Main Road, Huntington, VT 05462

Based upon the application of Andrew and Anne Palmer (hereinafter the "Applicant") and the testimony and exhibits presented prior to and at the September 10, 2012 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 24, 2012 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:**

1. On August 14, 2012, the Applicant filed an Application for Final Subdivision Approval for a project described as a two-lot subdivision on Main Road.
2. The Applicant filed the following:
  - a. The completed required Subdivision Information form filed August 14, 2012. (Exhibit A)
  - b. Survey entitled "Site Plan Two Lot Subdivision for Andrew and Anne Palmer, 3840 Main Road, Huntington, Vermont" dated April 5, 2012, and prepared by South Mountain Surveying and Mapping, PC, Bristol, Vermont. (Exhibit B)
  - c. Letter from Andrew and Anne Palmer, dated August 15, 2012, authorizing Dean Grover to act as their agent. (Exhibit C)
3. On September 10, 2012, 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 August 2012, was published in the newspaper, posted in the community and mailed to adjacent property owners. (copy in file)

5. The project is located at 3840 Main Road and is located in the zoning district named the Rural Residential District, which is zoned for five acres. The project is located on Town Tax Map # 05-055.000.
6. The Applicant owns 209.9 acres in Huntington on the west side of Main Road which will be divided into Lot 1 (204.8 acres), which currently has a woodworking shop, wastewater system and garage; and Lot 2 (5.1 acres), which has a residence, well, wastewater system and associated outbuildings.
7. The Applicant seeks approval for a proposed single-family house on Lot 1 with proposed primary and replacement septic fields and easement, as shown on the project plat.
8. The Applicant has represented that natural features on the property include a wetland; the wetland and a buffer are shown on plat.
9. The Applicant has represented that Prime Agricultural soils are only found on the extreme north end of this parcel, as indicated in General Note 3 on the Subdivision Final Plat as sourced the Vermont Agency of Natural Resources Interest Locator Map, dated December 22, 2011.
10. Existing dug well on proposed Lot 1: shown on the plat.
11. Existing septic system on Lot 1: shown on the plat.
12. Existing dug well for Lot 2 and proposed easement for waterline, located on Lot 1.
13. A letter from Michael Mainer of Grover Engineering, PC, Huntington, Vermont, dated August 28, 2012, was entered into evidence by adjoining property owners Joseph and Beverly Spence. The letter, required by state law and addressed to the Spences, notified them that "the isolation distances related to the proposed water supply and/or wastewater systems extend onto your property. These isolation distances might limit your ability to develop your property." (Exhibit D)
14. The Applicant stated that the access to Lot 1 and to Lot 2 will be by existing curb cuts and drive and the connection will be separated.
15. Proposed access easement, crossing Lot 2 to the western side of Lot 1, is shown on the survey.
16. Monuments are shown on the plat, but not set. The Applicant stated that the monuments will be set.
17. The Applicant stated that this parcel of land is not subject to an Act 250 permit.

The Planning Commission members present during the hearing on September 10, 2012 referred to above were Dana Cummings (chair), Gordon Miller, Ginger Lubkowitz, Everett Marshall, Julia Austin and Knox Cummin (constituting a quorum); and the members present during deliberations on September 24, 2012 were Dana Cummings (chair), Julia Austin, Everett Marshall, Knox Cummin, Gordon Miller and Ginger Lubkowitz (constituting a quorum).

### **CONCLUSIONS:**

After deliberations on September 24, 2012, the Commission has concluded the Applicant has provided materials in the application and up to and during the hearing on September 10, 2012 (referred to as Exhibits A-D 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 satisfied 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 and after construction is adequately remedied.

5.1.8 – 5.1.12. The project satisfied the requirements of the subparagraphs adequately.

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 fields 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.

### **DECISION OF APPROVAL AND CONDITIONS**

Following deliberation on September 24, 2012, Final Subdivision Approval was granted on September 24, 2012 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 lots, 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 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.
3. 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.
4. Within 180 days of the issuance of this decision (March 23, 2013), 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.
5. Applicants shall obtain all necessary local, state and federal permits.
6. 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.

7. Appropriate erosion control measures shall be implemented during construction of the proposed houses, garage/barn, septic system, well and driveway.
8. Existing and proposed storm water management and site work shall comply with sections 5.16 and 5.20 of the Zoning Regulations as amended on July 9, 2012.
9. All future utilities will be buried from the pole and the approximate location of utilities will be shown on the survey.
10. Monuments, shown on the plat, will be set, prior to sale of property.
11. Tax map # will be shown on the survey.
12. Letters from Huntington Fire Chief and CESU Superintendent of Schools, addressing the town's ability to provide fire protection and the school district's ability to manage more capacity at all levels, will be provided.
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 July 9, 2012.

  
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Dana Cummings, Chair  
Huntington Planning Commission

Dated this 8<sup>th</sup> day of October 2012.