



Town of Mount Holly Planning Commission

Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday January 19, 2022

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward, Andrew Seward, Brigid Sullivan, Andrew Schulz
Also Present: Renee Sarmiento (Clerk), Marianne McGee, Jeb Porter, Donna Seward, Stephen Michel, David Johnson

1. Jon McCann called the meeting to order at 7:01pm
2. Changes to agenda: no changes
3. Approval of minutes
 - a. The minutes from December 15th, 2021 regular meeting and January 5th 2022 special meeting were approved as distributed.
4. Reports & Announcements
 - a. Welcome to Commissioner Andrew Seward / Introductions
 - i. The Chair welcomes new appointee Andrew Seward.
 - ii. After introductions, the Chair informed Andrew Seward of the Planning Commission's role and current work revising the Town Plan, performing quasi-judicial review of land use ordinances, and drafting regulations. He provided Andrew with reading material to learn more about the Planning Commission and what the Planning Commission does. Chair also provided Andrew with the Rules of Procedure and Conflict of Interest Policy to review.
 - b. Administrative Officer report:
 - i. Porter subdivision has been received, and is being reviewed.
 - ii. New BCR application received today from David Goldman for 1575 Healdville Rd.
5. Correspondence
 - a. Subdivision proposals
 - i. Porter/Sketch Plan Review
 1. The Chair noted that last year the Commission had considered a previous application by Mr. Porter. This year's application consists of the Town's application form, with payment; a copy of the survey submitted last year with additions made by Mr. Porter's septic designer, Mr. Hollebeek of Belmont Septic Designs; Mr. Hollebeek's septic design; and a copy of Mr. Porter's application for a State subdivision permit and an acknowledgment of receipt by the State.
 2. Upon question from the Chair and Commissioner Sullivan, Mr. Porter confirmed that the plats he submitted to the Town are the same as the ones that he submitted to State as part of his new State permit application
 3. Commissioner Andrew Seward raised a question about Mr. Hollebeek's design, noting that it lacked a replacement field for the proposed new septic system. Discussion followed as to whether the State or the Town requires identification of a replacement disposal field. Commissioner Schulz stated his belief that the State does require that a replacement site be identified in the State's subdivision application, and that the Town's Minor Subdivision Checklist requires an "alternative wastewater and sewage disposal."
 4. Commissioner Sullivan raised a question about survey's statement that the permit is to be deferred. Mr. Porter explained that the deferral statement is from his prior

application, when he sought a deferral of permit for the second lot. He is using the survey from his 2013 state permit approval for this new application. Mr. Porter said the deferral statement will be changed by State (and can be changed only by the State) when the State approves his new application. Mr. Porter said that the deferral will be negated with state's approval.

5. Mr. Porter asked whether the Commission is saying that he must have a new survey prepared, and expressed concern about the delay that might cause. Discussion followed about the confusion created by the application's use of the 2013 survey since it partly depicts a different and conflicting site plan.
 6. Mr. Porter asked whether the Commission would require State approval of his permit application before approving his town application. The Chair said that was likely, adding that it was good that Mr. Porter had already submitted his State application on January 13, so that the State's decision would probably be received before the Commission's next meeting. Mr. Porter agreed that it would be best to await the State's action on his application.
 7. Given Mr. Porter's stated desire to avoid delays in obtaining approval, Commissioner Schulz encouraged Mr. Porter to proactively look into the replacement field question. If the State does require a replacement field, Mr. Porter may want to know that sooner rather than wait for the State to tell him, which could be toward the end of the 30-day period that the State has to review his application.
 8. Commissioner Sullivan asked why the list of abutting neighbors is different from last year's application. Mr. Porter explained that several properties had changed hands since the survey was prepared in 2013.
 9. Discussion of Mr. Porter's application ended with his agreement to keep us posted on developments with his application to the State.
- b. Building Construction Registrations
 - i. BCR application received today will be scanned for Planning Commission members to review.
 - ii. The Chair explained that the Commission no longer formally reviews these, as their principal purpose is to apprise the Listers of changes that may affect the value of property. Still, copies are provided to the Commission so that Commissioners are aware of development in the town.
 - c. Wastewater system and potable water supply permits
 - i. None received.
 - ii. The Chair noted that Commission is still waiting to find out whether State will send us electronic copies of approved wastewater permits.
 - d. Email / Other: None
6. Unfinished business: None
 7. New business
 - a. Board of Adjustment discussion
 - i. The Chair informed the Commission that the Selectboard will likely establish a Board of Adjustment at its next regular meeting, and is awaiting a final letter from the Town attorney on this. A Board of Adjustment is required by state law to hear appeals from decisions made by the Administrative Officer, and hear questions on certain types of variances. Our local Flood Hazard Area ordinance also requires this. The Chair explained that the State statute allows members of the Planning Commission to also serve on the Board of Adjustment, or even that the Planning Commission stand as the Board of Adjustment, and so it is possible that the Selectboard may ask Commissioners to do so. Discussion followed about what the State statute requires and what it authorizes. The Chair asked whether any Commissioners would be opposed to serving on the Board of Adjustment? No member objected. The following resolution was moved by Commissioner Sullivan: Resolved that, if the Selectboard asks members of the Planning Commission to serve as members of the Board of Adjustment, we shall agree to do so. The motion was seconded by Commissioner Schulz and all voted in favor.

- ii. Chair reviewed the two models in Vermont for these types of panels: Planning Commission/Board of adjustment model or Planning Commission/Development Review Board model. Hear appeals from interested party after any administrative decision by the AO in a timely manner.
 - iii. Stephen Michel stated he could not find requirement in the statute. Chair stated he would send info by email. It is 24 V.S.A. § 4465 (c).
 - iv. David Johnson stated he thought it would be better to have individual from the general public in addition to Commissioners as the AO is also the Commission clerk.
- 8. Public comments: Stephen Michel thanked Jon for sending him information about the BOA.
- 9. Upcoming meetings
 - a. Special working meeting: February 2nd, 2022 at 7pm
 - i. A conflict for the March special meeting was noted and Chair will try to accommodate the Commissioners schedule.
 - b. Regular meeting: February 16th, 2022 at 7pm
- 10. The meeting adjourned at 8:02pm

For the Commission,
Renee Sarmiento, Planning Commission Clerk
Andrew Schulz, Planning Commission Secretary

In draft form until approved on February 16th, 2022