



Town of Mount Holly Planning Commission

Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday April 20, 2022

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward, Andrew Seward

Absent: Brigid Sullivan, Andrew Schulz

Also Present: Renee Sarmento (Clerk), Stephen Michel, Marie Paquette, Bruce Paquette, Christine Boudreau, Donna Seward

1. Jon McCann called the meeting to order at 7:05pm
2. Changes to agenda: None
3. Approval of minutes
 - a. March 16th, 2022 regular meeting and April 6th special meeting minutes were approved as distributed.
4. Reports & Announcements
 - a. Administrative Officer: none
 - b. Planning Commission Clerk: Decision letter was mailed to Mr. Porter.
 - i. Chair confirmed Mr. Porter has not picked up, signed, or recorded the decision, and has not turned the paper plats into mylar plats. The Chair suggested, and Commissioners agreed, that the Clerk should send a reminder to Mr. Porter informing him that the 30 days allowed to sign/record the decision will be up in a week or two. Mr. Porter has 180 days to have the paper plats turned into mylar plats.
 - c. Planning Commission Chair: None
5. Correspondence
 - a. Subdivision proposals: None
 - b. Building Construction Registrations
 - i. Beresin – Lake Ninevah Rd
 - ii. Empty Nest LLC – 386 Alpine Dr
 - iii. Karle – 108 Stanley Ln
 - c. Wastewater system and potable water supply permits: none
 - d. Email / Other
 - i. Railroad history - email from Dennis Devereaux
 1. Commissioner Seward stated it was interesting information about the years that it was built and wooly mammoth remains.
 2. Could be useful information for the town plan – possibly for the transportation section.
6. Unfinished business
 - a. Citizen concerns / Subdivision 2021-03

- i. Chair called the new owner, Mr. Siegardner, after verifying the deeds that were recorded matched the number of lots the permit created. There were three lots total, two lots that were conveyed, and one retained.
- ii. Conversation with Mr. Siegardner. Commissioners have seen the responses. Chair read response for public on zoom.
 - 1. Issue: Lot size list listed on Building Construction Registration is 7.79 acres. Response: This was a mistake, and it is indeed the lot closest to Rt. 155 which is actually 11.91 acres.
 - 2. Issue: Confirm there were two lots deeded. Response: Confirmed they acquired two lots, and believes the Bolalek's son acquired the third.
 - 3. Issue: Confirm the BCR shows a 6-Bedroom/4 Bath dwelling. Response: He confirmed he intends to build a 6-bedroom, 4 bath home.
 - 4. Issue: Confirm knowledge of septic design being approved for a 4-bedroom home. Response: He acknowledged it and he intends to apply for a new state permit with Kevin Hollebeek doing the septic design. He will begin after May 15th because he needs equipment that is in Cavendish on a posted road.
 - 5. Issue: Confirm it is residential use: Response: Confirmed he intends for the dwelling to be used for residential use and not as an inn or bed and breakfast.
 - 6. Owner was not available to attend the meeting to answer questions. Chair was unable to respond for the Commission, so will need to contact owner with any follow-up questions: Commissioner A. Seward and Commissioner J. Seward - confirmed all questions were answered.
- iii. Chair invited the audience to ask any questions about information given.
 - 1. Mr. Paquette stated he was working in front of his house and saw that an excavator was dropped off and was moving around on the property. If there is a six-bedroom home up there, has the state permitted the waste water and potable water for that particular property? Secondly, Mr. and Mrs. Paquette had gone to the town hall and requested a new map, were not able to get either one. Chair apologized and offered to go the town and assist in getting the information. Chair indicated that the approved plat was recorded as Map book 4, page 31.
 - 2. Mrs. Paquette suggested adding a line on Building Construction Registration asking if construction would be residential vs commercial. Chair agreed this could be useful to know due to different demands on town services and fire suppression or fire access. Chair reminded that the Town doesn't have a zoning or development review ordinance. Once the subdivision is approved there is little that anyone can do regarding the type of development there, as long as it abides by the conditions of the approval.
 - 3. Question to Commission: Are they able to start building the 6-bedroom house? Chair believes they are able to do road and site work preparing the building envelope in advance of building the house. Will not be able to put in a new septic system until it is approved by the state. They could also do test pits. Public is able to check the state permit search page. The permit application should show up in a day or two of submission. The Chair is not aware of any applications pending. Commissioner Andrew Seward added that the Commission cannot say if they can or cannot start construction because they do have an approved septic as long as they are going to get a new septic permit or build a 4-bedroom house. Chair suggested any enforcement or violation would need to be addressed by the state. It is possible that the building cannot be used or occupied until the construction complies

with the state issued permit. (Note: the Town does not have any required Certificate of Occupancy).

- iv. Mr. Paquette asked, what state authority supersedes the Town to do anything on this matter? The Chair suggested that concerned citizens may contact the State DEC permit specialist, based out of Rutland, for an opinion on what the options are. His name is Rick Oberkirch (802-282-6488). He would be able to answer questions about the parameters around this permit. If a citizen is interested in exploring if commercial use is permitted or if what they are doing qualifies as commercial use, someone can request a jurisdictional opinion from the Natural Resources Board that governs the Act 250 permit process. However, one may want to wait to see what happens with the development first. Chair reiterated that the new owner told us that they will seek to amend their permit (second amendment of the original permit) to change to a six-bedroom construction. In addition, going forward the Commission should monitor the development with respect to compliance with our permit. The Commission should consider whether one of conditions of our permit is the design of the waste-water system—either because the approved subdivision plat shows the waste water plan on it, or because the State permit was explicitly referenced in the Decision. Commission will probably need to discuss whether or not a change to the waste water plan for that lot necessitates an amendment to the Town permit.
- v. Christine Boudreau asked about how changing to a six bedroom affects the wetlands around the lot. Chair shared his opinion that the state in their permit review will consider whether or not that site is capable of handling the flow rate from a six-bedroom dwelling, and doing so in a way that does not adversely affect the wetlands. Commissioner Andrew Seward stated the State will not approve something that will hurt a wetland. Commissioner James Seward agreed.
- vi. Chair spoke about path forward to address concerns. First, he offered to help get a copy of approved subdivision plan as recorded in the land records. Then, wait and see what owner seeks to do with amending the waste water permit. Until then, it is in the opinion of the Chair, the new owners seem to be in compliance with the Town permit. When the Commission sees a new revised waste water plan there can be a discussion about whether any amendments are needed to the Mount Holly Subdivision Permit. Mrs. Paquette added respectfully she is not sure she agrees that they are in compliance with what was approved because they submitted a building permit for six bedrooms and Commission permitted no more than four bedrooms. Mr. Paquette added they have an excavator already in motion and something has to be clarified. Commissioner Andrew Seward responded that they can build it but not occupy. If they want to build but not occupy that is on them. Mr. Paquette stated there seems to be no teeth in this body. Who will tell them that they cannot occupy it? Town or state? Chair stated it will not be the town. There is no approval process (or certificate of occupancy) for development in Mount Holly. The only permitting for development that Mount Holly has, is if it is in a flood plain. This is not in a flood hazard area. Anything related to the waste water plan would have to be done by the state.
- vii. Mrs. Paquette stated if she was the owner and built a six-bedroom home that she could not occupy she would want to come back and sue the town because the town approved the building permit request for six-bedrooms. Chair stated that the Building Construction Registration is not a building permit. He agreed there is often confusion about that and that is one reason the Commission has recently attempted to clarify this by redesigning the form and by having the Administrative Officer sign it instead of the Planning Commission. The Commission wants to be clear this is not a permit to build and does not constitute approval from the Commission. The reason they exist is so the Town Listers have some idea they are going to have to change the assessment of the property.

- viii. Mr. Michel stated that twenty years ago he was looking for a house. One house had a septic issue, and his attorney stated that if the septic went bad and there was not a replacement, the state would force them to move. So, if state has not approved the septic, the state will not allow them to live there.
- ix. Mrs. Paquette asked if the Chair will be notified by the state if there are updates to the permitting. Chair stated currently the State does not notify the Commission directly when an application is submitted, but does require the applicant to record any approved permit in the town records. Town clerk will provide a copy to the Planning Commission at that time, and it is looked at as part of the regular meeting agenda. Chair suggested the concerned citizens may not want to wait for this approval, and may want to periodically check the State permit search.

7. New business

a. State permitting of boundary line changes

- i. Chair referred to information sent to the Commission about the State boundary line change approval process.
- ii. According to Vermont Wastewater System and Potable Water Supply Rules §1-304(9) some boundary line adjustments are automatically exempt from any State permit requirements.
- iii. If property owner has a boundary line change that meets the automatic exemption criteria, at minimum, they need to fill out a Boundary Line Adjustment Exemption Form (<https://dec.vermont.gov/sites/dec/files/dwgwp/ro/Boundary%20Line%20Adjustment%20Form.pdf>) and submit it to the Regional Office in Rutland and record in the Town Land Records. A new survey is also required, by [27 V.S.A § 341](#).
- iv. Other adjustments that do not meet the automatic exemption, will need to request a "Case by Case" determination from Regional Office staff.
- v. Chair has asked the Town Clerk to provide the Commission copies of such forms as they come in for recording.
- vi. It is currently somewhat ambiguous whether there is any local review of boundary line changes. The Chair shared the opinion that our current Subdivision Regulations offer no provision for such review.
- vii. Commissioner James Seward shared that the Commission has reviewed boundary line changes in the past.
- viii. It was agreed to resolve this ambiguity in the Subdivision Regulations when they are eventually revised.

8. Public comments: Mr. Michel shared his opinion that the Commission should review boundary line changes.

9. Upcoming meetings

- a. Special working meeting (housing): May 4th, 2022 at 7pm
- b. Regular meeting: May 18th, 2022 at 7pm

10. The meeting adjourned at 8:11pm

For the Commission,
Renee Sarmento, Planning Commission Clerk
In draft form until approved on May 18th, 2022

MOUNT HOLLY RAILROAD HISTORY

Mount Holly was the setting for two significant events in Vermont railroad history. In 1848 workers were digging in a swampy area, searching for bedrock to support the railroad tracks. Nearly ten feet down they found a mammoth tusk and tooth, as well as several ribs. The workers were likely unaware of what they had unearthed. The tusk, declared our state's Terrestrial Fossil in 2014, is on permanent loan from the University of Vermont and is displayed at the Perkins House Museum in Belmont along with an old cast of the tooth.

In December 1849 the last spike was driven not far from the discovery site, completing the railroad from Burlington to Boston. This area, the highest elevation along the route, became known as the summit. A railroad station was later built for freight and passenger service at a crossing that became Summit Road. The two mayors traveled by train from their respective cities and met for a ceremony where they poured water on their locomotives' cowcatchers. Celebrants toasted the occasion with local cider and Boston rum.



William Jon McCann <william.jon.mccann@gmail.com>

4623 Route 155 Concerns

William Jon McCann <william.jon.mccann@gmail.com>

Fri, Apr 8, 2022 at 12:55 PM

To: Andrew Seward <aseward@rssu.org>, Andy Schulz <schulz.andrew@gmail.com>, Brigid Sullivan <brigid526@gmail.com>, Jim Seward <redtruck06@gmail.com>

Hello,

I just spoke with Walter Siegordner by phone. Here is what we discussed:

1. Lot size listed on BCR as 7.79 acres

He made a mistake and it is indeed the lot closest to route 155 and is actually 11.91 acres.

2. Confirm there were 2 lots deeded

He confirmed that they acquired two lots and he believes that the Bolalek's son has acquired the third.

3. Confirm BCR shows a 6 bedroom and 4 bath dwelling

He confirmed he intends to build a 6 BR and 4 bath home.

4. Confirm knowledge of septic design approved for 4 BR

He intends to apply for a new State permit. Kevin Hollebeek is doing the design. They will begin after May 15 because he needs equipment that is in Cavendish on a posted road.

5. Confirm residential use

He confirmed that he intends for the dwelling to be used for residential use and not an inn or bed and breakfast.

I told him I can't speak for the Commission but I believe that are satisfactory answers and will get back in touch with him if needed. He is not available for our April 20 meeting.

We can't really discuss this matter in more detail outside of a meeting. But let me ask you this. Does anyone feel there is need for a special meeting to discuss this or can it wait until April 20?

Jon

WARRANTY DEED
KNOW ALL MEN BY THESE PRESENTS

THAT We, **ANDRZEJ BOLALEK and TERESA BOLALEK**, both of Belmont, a Village in the Town of Mount Holly, County of Rutland, State of Vermont, Grantors, in consideration of One Dollar and other good and valuable considerations, paid to our full satisfaction by **WALTER SIEGORDNER**, of South Hackensack, County of Bergen, and State of New Jersey, Grantee, by these presents, do freely **GIVE, GRANT, SELL, CONVEY AND CONFIRM** unto the said Grantee, **WALTER SIEGORDNER**, and his heirs and assigns forever, a certain piece of land in Mount Holly, in the County of Rutland, and State of Vermont, described as follows, viz:

Being Lot 1 (11.91 acres with two building sites) and Lot 2 (8.32 acres with one building site) on a survey entitled "Subdivision in Mount Holly Rutland County Vermont for Andrzej & Teresa Bolalek (4623 Vermont Route 155)" by Rose Land Surveying dated 08/25/2021, Drawing #20007-SU4, approved by the Mount Holly Planning Commission on November 17, 2021 and recorded on December 2, 2021 in Map Book 4, Page 31 of the Mount Holly Land Records. The property is conveyed subject to the matters depicted on the survey and the notes thereon.

Being a portion of the same lands and premises as conveyed to Andrzej Bolalek and Teresa Bolalek by Warranty Deed of Raymond A. Dana and Clarise B. Dana dated March 23, 2006 and recorded March 27, 2006 in Book 69, Page 410 of the Mount Holly Land Records. Also, being a portion of the lands and premises as conveyed to Andrzej Bolalek and Teresa Bolalek by Warranty Deed of Leslie A. Deyette and Linda L. Deyette dated December 10, 2008 and recorded December 15, 2008 in Book 74, Page 619 of the Mount Holly Land Records.

Lots #1 and #2 are subject to and benefitted by a thirty-foot wide right-of-way running from Route 155 and providing access to Lot 1, Lot 2 and Lot 3 and more particularly described on the above-mentioned survey. Said right-of-way is for all purposes, including but not limited to ingress, egress and the running of utilities, both above and below ground, the replacement of any necessary conduit or other infrastructure reasonably necessary to facilitate such purpose. The customary maintenance and plowing costs shall be shared equally between the Grantors and the Grantee and their heirs and assigns proportionate to the number of homes constructed and shall begin upon the initiation of construction of a structure. In the event that a lot owner or their agents cause damage to the right-of-way (for example, during the construction process), the costs to repair the right-of-way shall be solely the responsibility of the lot owner who caused the damage.

Subject to a thirty-foot wide right-of-way (30') as described in an Easement Deed from Andrzej Bolalek and Teresa Bolalek to Leslie A. Deyette and Linda L. Deyette dated December 10, 2008 and recorded on December 15, 2008 in Book 74, Page 621 of the Mount Holly Land Records and more particularly depicted on the above referenced Subdivision

survey recorded in Map Book 4, Page 31 of the Mount Holly Land Records.

Subject to the terms and conditions of the Wastewater System and Potable Water Supply Permit WW-1-1820-1 for a three-lot subdivision to be recorded in the Mount Holly Land Records.

Subject to the conditions contained in the Findings of Fact of the Town of Mount Holly Planning Commission dated November 17, 2021, including the condition that "no parcel may be further subdivided within one year of its creation by the Mount Holly Subdivision process" and that "the 30' Wide Access Right-of-way shall be constructed and maintained to town standards and shall not become a town highway."

The parties hereby further agree that all development on Lot # 1 and Lot #2, shall be for residential use only, unless otherwise agreed to with the owners of Lot #3.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, **WALTER SIEGORDNER**, and his heirs and assigns, to their own use and behoof forever; And we, the said Grantors, **ANDRZEJ BOLALEK and TERESA BOLALEK**, for ourselves and our heirs and assigns, do covenant with the said Grantee, **WALTER SIEGORDNER**, and his heirs and assigns, that, until the ensealing of these presents, we are the sole owners of the premises and we have good right and title to convey the same in manner aforesaid; that they are **FREE FROM EVERY ENCUMBRANCE**, except as aforesaid; and we hereby agree to **WARRANT and DEFEND** the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 25th day of January 2022.

Andrzej Bolalek by
Amy-Sue Fletcher His Attorney-In-Fact
ANDRZEJ BOLALEK, by Amy-Sue Fletcher, his Attorney in Fact

Teresa Bolalek by
Amy-Sue Fletcher Her Attorney-In-Fact
TERESA BOLALEK, by Amy-Sue Fletcher, Her Attorney in Fact

State of VERMONT,
Windsor County, SS:

At Ludlow, this 25th day January, AMY-SUE FLETCHER, personally appeared, as Attorney in Fact for **ANDRZEJ BOLALEK and TERESA BOLALEK**, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed and the free act and deed of **ANDRZEJ BOLALEK and TERESA BOLALEK**.

Before me *Alicia A. Saunders*
My commission expires: 01/31/2023

JAMES A. YOUNG, PC
P.O. BOX 99
LONDONDERRY, VT 05148
(802) 824-5200

Vermont Property Transfer Tax Acknowledgment,
Returned Received

Signed *Carl Hanover-Woolley* Clerk

Date Jan 26, 22 Return No. 22-006

Alicia A. Saunders
Notary Public, State of Vermont
My Commission Number: 167.0014003
My Commission Expires Jan 31, 2023

Mount Holly Town Clerk's Office January 26, 2022 2:03pm
Received Warranty Deed of which the foregoing is a true copy.

Attest: *Carl Hanover-Woolley* Town Clerk

Right of First Refusal

Andrzej Bolalek and Teresa Bolalek, their heirs and assigns, (Grantors), hereby grant a right of first refusal in connection with the sale of their retained Lot #3 (the "Cabin"), in the Town of Mount Holly, County of Rutland, State of Vermont to Walter Siegardner (Grantee). This Right of First Refusal is personal to the Grantee herein or an entity owned and controlled by the Grantee. Further, the Right of Refusal is not triggered by a conveyance to any of the Grantors children.

In the event that Grantors receive a bonafide offer from a third party to purchase Lot #3, which offer is acceptable to the Grantors, the Grantors shall give notice to the Grantee of the terms and conditions of said offer by mailing to the Grantee a copy of the offer by certified mail at the address below. The Grantee shall have ten (10) business days, following the receipt of the notice to provide notice to the Grantors that Grantee is willing to purchase the property upon the same terms.

The terms shall be identical to the offer the Grantors accepted and transmitted to the Grantee, with one exception. Grantee shall have sixty (60) days from the Grantees' delivery of the notice of offer, to arrange financing and close. If Grantee fails to timely provide notice of his intent to exercise his right by giving the Grantor(s) signed written notice at the address below, or if Grantee fails to close within sixty (60) days of the Grantor(s) delivery of said notice, then the Right of First Refusal shall forever expire and shall be of no further force and effect.

GRANTEE
Walter Siegardner
62 Leuing Street
South Hackensack, NJ 07606

GRANTORS
Andrzej Bolalek
Teresa Bolalek
533 Straight Road
Belmont, VT 05730

Dated this 25th day of January 2022

By Andrzej Bolalek by Amy-Sue Fletcher His Attorney-In-Fact
Andrzej Bolalek by Amy-Sue Fletcher, his Attorney in Fact
By Teresa Bolalek by Amy-Sue Fletcher Her Attorney-In-Fact
Teresa Bolalek by Amy-Sue Fletcher, her Attorney in Fact

State of Vermont,
Windsor County, SS:

At Ludlow, this 25th day January 2022, Amy-Sue Fletcher, Attorney in Fact for Andrzej Bolalek and Teresa Bolalek and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed and the free act and deed of Andrzej Bolalek and Teresa Bolalek.

Before me

Alicia A. Saunders
Notary Public

My Commission expires on: 01/31/2023

Alicia A. Saunders
Notary Public, State of Vermont
My Commission Number: 157.0014003
My Commission Expires Jan 31, 2023

Mount Holly Town Clerk's Office January 26, 2022 2:03pm Received
Right of First Refusal of which the foregoing is a true copy.

Attest:

Carol Ann Woolley

Town Clerk