

Town of Mount Holly Planning Commission

Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday, May 15th, 2024

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Andrew Seward, Andrew Schulz (Secretary, via Zoom), Stephen Michel

Also present: Faith Tempest, Robert Garrow, Carol Garrow-Woolley, Gary Norton, Lori Norton, Tiffany Norton, Nic Stark, Billy Austin, Vincent Turco, Peggy Turco

1. Chair called the meeting to order at 7:00 pm
2. Changes to agenda: None
3. Approval of minutes
 - a. The minutes of the regular meeting held on April 17th, 2024, and the public hearing on the Turco subdivision held on April 17th 2024 were approved without objection.
4. Reports & Announcements
 - a. Administrative Officer. BCRs received:
 - o Passmore 24 Tarbellville Road, renovation including new dormer
 - o Rizza 3241 Shunpike Road, finishing garage, adding heat
 - o Garrow 1250 Maple Hill Road, 54x48 new garage
 - o Towne 1814 Rte 103, 12x28 deck
 - o Porter 150 Bowlsville Road South, 36x48 workshop/dwelling. A WW permit was issued for this in 2022
 - o Rasmus 1503 Belmont Road, 34x40 new garage
 - o Filskov 805 Frost Hill Road, 30x40 addition to existing residence
 - o BL Capital Holdings 3395 Old Turnpike Road, 70x30 new residence. No WW permit issued yet, but the landowner is working with a septic engineer on this.
 - b. Planning Commission Chair
 - o The Belmont Village designation has been approved by the Department of Housing and Community Development.
 - o Act 250 application for new construction at 31 Station Road. The State is still seeking further information before the application is considered complete.

5. Correspondence

a. Subdivision proposals:

i. Garrow sketch plan review:

- o The Chair noted he was not able to attend the Select Board meeting on May 14th but understood this matter was discussed there. He asked Mr. Garrow to outline what happened. Mr. Garrow responded that he asked the Select Board to ensure that subdivision applications clearly stated that the first step was to approach ANR and that the Town subdivision regulations were outdated. He also added that he objected to being required to relinquish a portion of his property to make the application process go smoothly. He stated that there are encroachments that he has known about for years and chose not to confront anyone about. He further stated that he does not see why the encroachment should have any bearing on his subdivision application. Finally, he also asserted that a commissioner had insisted that he get another wastewater permit, which is unnecessary since the state has swept everything under their guidelines.
- o Chair noted that one of the reasons why the state's permit navigator results are required as part of the subdivision application is to avoid the very situation that Mr. Garrow raised, where he is confused about what permits are required. Chair noted that the subdivision application form Mr. Garrow completed was an old one and asked where Mr. Garrow had received it. Mr. Garrow stated at first that he didn't, but then said that he picked up the subdivision package in the town office. Then he said that his surveyor, the engineering firm that he had hired, had filled out the form and submitted it.
- o Chair also explained that the deferral provisions of the permit process are not obsolete, that in fact the permit he got from the state contains the deferral language.
- o Chair took exception to Mr. Garrow publicly criticizing a single Commissioner, as he had done at the Select Board meeting. In fact, the entire Commission was and is in agreement on each of the suggestions made to him last month, and those suggestions offered several options for resolving the boundary line conflict with his neighbors so that the application could move forward. However, the Chair emphasized that the Commission did not tell him what to do or make any demands on what he needed to do. He had told this Commission that his neighbors had violated the law by moving survey monuments, and the Commissioners unanimously agreed that that was an obstacle to moving forward with the application because the Commission would

not accept a new survey for recording where there is so much dispute about it.

- o The Chair asked Mr. Garrow if he was aware of an Act 250 permit on the property. Mr. Garrow confirmed he was aware, and the Chair asked if he was aware that the Act 250 jurisdiction is ongoing? Mr. Garrow replied that his contractor was supposed to be delving into getting a release from that. The Chair asked Mr. Garrow whether he had ever disclosed before now that his property is subject to Act 250, and Mr. Garrow replied that only the building, not the property is subject to Act 250. The Chair informed Mr. Garrow that he is incorrect, that his entire acreage is subject to Act 250 jurisdiction. Mr. Garrow stated he was not aware of that.
- o Chair asked for an update on the status of the boundary dispute. Mr. Garrow noted that boundaries are as noted in the deeds in the Town records.
- o The Chair noted that the Commission had received a set of updated plats that seemed to have been modified to resolve the boundary line dispute, but during the meeting, Mr. Garrow removed them from consideration by the Commission. The Chair asked Mr. Garrow to confirm that the Commission no longer had any sketch plan before them. Mr. Garrow confirmed, and the Chair asked if there is a reason. Mr. Garrow expressed confusion because he thought he was being required to start all over again. The Chair explained that the Commission does need him to complete the correct application form, but it also needs plats and surveys. Mr. Garrow explained that he is withdrawing the survey because he talked with his counsel and he felt he would be relinquishing his right to enforce his boundaries. The Chair reiterated that Mr. Garrow is not being required to take part in a boundary line adjustment with his neighbors, but that the Commission is not comfortable moving forward until the boundary line issue is resolved.
- o The Chair summarized that at this juncture the Commission has no plats for this application, and that the correct form needs to be filled out.
- o The Chair next noted that the Commission had received an email from the Act 250 coordinator for this district, and that the Chair's reading of it is that a subdivision of Mr. Garrow's property may not move forward until there is an amendment to the existing Act 250 permit. The Commissioners agreed with the Chair's understanding of the correspondence.

- o Chair said that the Commission would accept Mr. Garrow's statement that he was not aware that his property was subject to Act 250 jurisdiction. Mr. Garrow stated that he was not, but that his contractor had referenced it and so had the woman he spoke with at ANR's Rutland office, and they had said that all that was necessary was some application.
 - o The Chair concluded by saying that Mr. Garrow will fill out the correct application form, and the Commission will wait to hear back from either him or his surveyor when the form is completed, and that the Commission will be a party to the Act 250 amendment process.
 - o Mr. Garrow then asked whether the Commission's clerk would provide the form, and she replied that she would. Mr. Garrow then added that he had no part in completing the original form, that the company he hired did all of that. [Mr. Garrow then left the meeting before the discussion concluded.]
 - o The Chair noted that a wetlands permit also may be required before any access road could be constructed through the wetlands area where the neighbors' water source is.
- b. Email / Other:
- o Although not on the agenda, Vincent and Peggy Turco were present and asked about the status of their subdivision application. Chair gave an update, noting that the applicants should expect to receive the decision shortly.
6. New Business:
- a. Rutland Regional Asset Mapping Project (RAMP), Nic Stark (RRPC): Mr. Stark brought a draft map of Cultural, Recreational and Historical assets in Mount Holly which he had prepared using publicly available data. Chair noted that the Recreation Map, and the Utilities and Facilities maps which had been prepared for the Town Plan would provide useful information and that he would share electronically with Mr. Stark. Commissioners also provided more specific information to Mr. Stark, who will share his next draft with the Planning Commission for comments.
7. Unfinished Business
- a. Belmont Village Center Designation Renewal status: renewed.
8. Public Comments: None
9. Upcoming meetings
- a. Regular meeting: June 19th, 2024 at 7:00 pm

10. Meeting adjourned at 8.17 pm.

For the Commission,

Faith Tempest, Planning Commission Clerk

In draft form until approved on June 19th, 2024