



Town of Mount Holly Planning Commission

Findings and Decision

Applicants: Vincent J. Turco & Maurice C. Turco
Location: 961 Branch Brook Road
Landowners: Vincent J. Turco & Maurice C. Turco
Hearing: Public Hearing for a Minor Subdivision Permit
Hearing Date: April 17, 2024
Application No.: PC-2024-01

INTRODUCTION AND PROCEDURAL HISTORY

1. This matter concerns the application for subdivision of land submitted by Vincent J. Turco and Maurice C. Turco for approval under the Town of Mount Holly Subdivision Regulations.
2. The application and sketch plan were received by the Town Clerk on January 31, 2024.
3. The subject property is not within 500 feet of a municipal boundary. (24 V.S.A. § 4463 (a)).
4. On January 31, 2024, the application fee was received.
5. On February 21, 2024, in a regular meeting of the Mount Holly Planning Commission, a Sketch Plan Review of the application and plat was conducted. The application was determined to be a Minor Subdivision. There are two existing single-family residences on the property, with a recorded wastewater permit for each residence (WW-1-3785). There is existing access to both lots and power is accessible. The Commission went through the subdivision checklist and requested the following changes be made to the plat: insert the sizes of each lot alongside the total size of the subdivision, insert lot identifiers (based on wastewater permit), insert the owner's address and surveyor's address in title block, show all existing buildings and structures, show the stream running through the property and indicate where the stream crosses the road.
6. On March 20, 2024, in a regular meeting of the Commission, the Commissioners reviewed the updated plat and found that all the requested information had been added. The plat was missing the standard endorsements (Mount Holly Subdivision Regulations §I K) and the Commission requested the final plat include them when it is produced for the hearing. The application was found to be complete. A public hearing was scheduled.
7. On March 28, 2024, notice of a public hearing for final plat review was posted at the following places:
 - a. The Mount Holly Town Office.
 - b. The Mount Holly Post Office.
 - c. The Belmont Post Office.
8. On March 28, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Mata, Christian & Corina
 - Johnson, Robert & Roy
 - Manley, Eric and Alberty, Jessica
 - Farrington, Arthur & Janet
 - Turco, Dennis & Sandra
 - Mugovero, George and Hodges, Lisa
 - Stowell, George & Barbara
 - Okulewicz, Guy & Susan

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- State of Vermont
9. On April 3, 2024, a notice of the public hearing for the final plat review was published in the Vermont Journal.
 10. The application and plat were considered by the Planning Commission at a public hearing on April 17, 2024. The Planning Commission reviewed the application and plat under the Town of Mount Holly Subdivision Regulations, adopted March 3, 1998.
 11. The hearing was held in person at the Mount Holly Town Office and via Zoom.
 12. Audio and video of the hearing were recorded and broadcast by Okemo Valley TV.
 13. Present at the hearing were the following members of the Planning Commission:
 - Jon McCann
 - James Seward
 - Stephen Michel
 - Andrew Seward
 - Andrew Schulz
 14. The applicants/owners were present in person at the hearing, and their agent, Christopher Corsones, was present via Zoom.
 15. The final plats were received in paper and mylar form at the hearing.
 16. At the outset of the hearing, the Chair read the hearing notice and outlined the procedure that will be followed.
 17. The Chair invited the Commissioners to disclose any conflicts of interest or ex parte communications. There were none.
 18. The Chair allowed persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. Robert Johnson requested and was granted interested person status.
 19. The Chair confirmed that the following exhibits were submitted to the Planning Commission:
 - Gilmore, Ethan. *Subdivision Survey: Land of Vincent J. & Maurice C. Turco*. Holt Gilmore Survey Associates LLC: April 15, 2022 (Revised March 4, 2024).
 - WW-1-3785-1 Permit (Mount Holly Land Records Vol. 103, Page 396)
 - *Excerpted Decree of Final Distribution, in re the Estate of Rita D. Turco* (Mount Holly Land Records Vol. 83, Pages 804–806).
 20. The Chair invited any comments from interested persons. Robert Johnson, adjoining property owner and interested party, stated that he fully supports the application.
 21. The Chair invited any public comments. There were none.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Planning Commission makes the following findings:

1. The applicants/owners seek a permit to subdivide land. The subject property is an approximately 134-acre parcel located at 961 Branch Brook Road in the Town of Mount Holly (tax map parcel no. 10B2025). The property is more fully described in an Excerpted Decree of Final Distribution dated January 31, 2013, and recorded in Book 83, Pages 804–806, of the Town of Mount Holly Land Records and a Quit Claim Deed from Luke D. Turco to Maurice C. Turco recorded in Book 98, Page 333.
2. Subdivision approval is requested for the project pursuant to review under the following sections of the Town of Mount Holly Subdivision Regulations: §II D. Minor Subdivision.
3. A public hearing was convened at the Town Office and via Zoom at 6:30 PM on April 17, 2024.
4. A quorum existed for the hearing.

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5. The applicants/owners wish to create 2 lots:
 - a. 89.20 ± acres, identified as “Lot A”, with existing dwelling, to be retained by Maurice C. Turco.
 - b. 44.80 ± acres, identified as “Lot B”, to be retained by Vincent J. Turco.
6. Vermont DEC issued WW-1-3785-1 to the applicants/owners for the Project on December 5, 2023.
7. The two existing single-family residences, one per each of the proposed lots, are located within the Rural Residential land use area of the Town Plan Future Land Use Map. The applicants/owners use the portion of their land within the Forest and Conservation land use areas for forestry and agriculture purposes. No Wetland and Riparian areas are mapped on either of the proposed lots. The owners have not submitted evidence of any plans for new development.
8. The evidence presented seems to be in conformance with the current Mount Holly Town Plan.
9. Both lots have access to a town highway, as required by Mount Holly Subdivision Regulations §II D. 1. a.
10. Both lots have a state-approved wastewater permit.
11. The submitted survey plat, titled “*Subdivision Survey: Land of Vincent J. & Maurice C. Turco*” and dated April 15, 2022 (and revised March 4, 2024), was prepared for the applicants/owners and is complete and satisfactory.
12. The subject property is not adjacent to a State highway and therefore a letter from the Agency of Transportation is not required (24 V.S.A. § 4463 (e)).
13. Robert Johnson, adjoining property owner and interested party, stated that he fully supports the application.
14. There were no additional comments or concerns from the commissioners or the public.

DECISION AND CONDITIONS

Based upon these findings, the Planning Commission **approves** the application and plats for Subdivision identified as PC-2024-01 **subject to the following conditions:**

1. The applicants/owners are responsible for signing and recording this permit in the Mount Holly Land Records within 30 days of its issuance and before any conveyance of or construction on any lot subject to the jurisdiction of this permit. Failure to do so renders this permit invalid.
2. The applicants/owners are responsible for recording the following signed and approved final plats in the Mount Holly Land Records within 180 days as per 24 V.S.A. § 4463 (b):
 - a. Gilmore, Ethan. *Subdivision Survey: Land of Vincent J. & Maurice C. Turco*. Holt Gilmore Survey Associates LLC: April 15, 2022 (revised March 4, 2024).
3. This project approval is based, in part, on the plans submitted for the continuation of current land use practices, namely, the residential use of the land within the Rural Residential land use area, and forestry and agricultural uses of the land in the Forest and Conservation areas.
4. Any material modifications to this project, as approved herein, shall require an amendment to this permit.
5. This project shall be completed in accordance with the foregoing Findings and Decision, and in accordance with the application and approved plans on file with the Town of Mount Holly.

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6. By acceptance of this permit, the applicants/owners agree to allow representatives from the Town of Mount Holly access to the subject property, at reasonable times, to assure compliance with the permit.
7. By accepting this permit and its conditions without appeal, the applicants/owners confirm for themselves and all of their heirs, successors, and assigns that the conditions of this permit shall run with the land uses herein permitted, and shall be binding upon and enforceable against the applicants/owners, and their heirs, successors, and assigns.
8. The Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that any owner(s) of the subject property file an affidavit certifying that the conditions of the permit are being adhered to.
9. This approval is conditional upon the approval of any other permits required by local, state, and federal agencies. (As per 24 V.S.A. § 4463 (d)). The applicants/owners are responsible for obtaining any and all required permits.
10. Any material modifications to any permit required by or referenced from this permit shall require an amendment to this permit. Any conditions of other permits are automatically made a part of this permit and shall be included as conditions of this permit.
11. The applicants/owners shall provide any prospective purchasers of the subject property with a copy of this decision and relevant plans.
12. No parcel created pursuant to this permit may be further subdivided within one year of its creation (as required by Mount Holly Subdivision Regulations §II D. 1. a).
13. Failure to comply with any of the above conditions shall constitute a violation of this permit and shall constitute grounds for revocation of the permit.

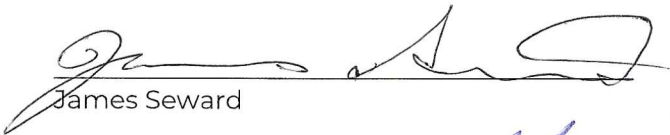
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RESOLVED BY THE PLANNING COMMISSION

On May 15, 2024.

 [Chair]
Jon McCann


James Seward


Andrew Schulz


Stephen Michel


Andrew Seward

Under penalties of perjury we, I do hereby attest that we have read and understand these Town of Mount Holly Planning Commission Findings and Decision, and all applicable sections of the Town of Mount Holly Regulations, Bylaws, and Ordinances, and do hereby agree to abide by these Findings and Decision as written and approved by the Commission.

Date: _____ APPLICANT'S SIGNATURE: _____
Vincent J. Turco

Date: _____ APPLICANT'S SIGNATURE: _____
Maurice C. Turco

NOTICE: This decision may be appealed to the Vermont Environmental Division by an interested person who participated in the proceeding(s) before the Planning Commission. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.