



Town of Mount Holly Planning Commission

Findings and Decision

Applicants: Keith, Dawn, and Dawson Cole
Location: 961 Branch Brook Road
Landowners: Keith, Dawn, and Dawson Cole
Hearing: Public Hearing for a Minor Subdivision Permit
Hearing Date: February 19, 2025
Application No.: PC-2024-03

INTRODUCTION AND PROCEDURAL HISTORY

1. This matter concerns the application for the subdivision of land submitted by Keith, Dawn, and Dawson Cole for approval under the Town of Mount Holly Subdivision Regulations.
2. The application and sketch plan were received by the Town Clerk on June 11, 2024.
3. The subject property is not within 500 feet of a municipal boundary. (24 V.S.A. § 4463 (a)).
4. On March 6, 2025, the application fee was received.
5. On June 19, 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. Two sketch plans were presented. Neither showed the full extent of the existing single parcel or the proposed configuration of lots. The Commission confirmed that a single complete plat that meets the criteria identified in the minor subdivision regulation checklist will be required before moving forward.
6. On December 11, 2024, the Commission received a revised plat from the applicants.
7. On December 18, 2024, in a regular meeting of the Mount Holly Planning Commission, a second Sketch Plan Review of the application and the revised plat was conducted. The Commission discussed the parts of the property that were within a river corridor and lands identified as wetland and riparian. The applicants did not have any development planned for those areas and didn't see any problem with reasonable limits on development there. The Commission reviewed the minor subdivision checklist of requirements 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. The Commission agreed to schedule a public hearing contingent on the Commission receiving an updated mylar ahead of time. A hearing was scheduled for February 19, 2025, at 6:30 PM.
8. On January 14, 2025, 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.
9. On January 14, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Jeffery & Annette Smith
 - Peter & Valerie Perrino

Town of Mount Holly Planning Commission

- Randy & Tammy Hawkins
 - Darrell Huges
 - John & Teresa Cole
 - Jonathan & Christina Turin
10. On January 15, 2025, a notice of the public hearing for the final plat review was published in the Vermont Journal.
 11. On February 1, 2025, a notice was placed on the subject property.
 12. The Planning Commission considered the application and plat at a public hearing at 6:30 PM on February 19, 2025, under the Town of Mount Holly Subdivision Regulations, adopted March 3, 1998.
 13. The hearing was held in person at the Mount Holly Town Office and via Zoom.
 14. Audio and video of the hearing were recorded and broadcast by Okemo Valley TV.
 15. Present at the hearing were the following members of the Planning Commission:
 - Jon McCann
 - James Seward
 - Stephen Michel
 - Andrew Seward
 - Andrew Schulz (via Zoom)
 16. Keith and Dawn Cole were present in person at the hearing, and Hunter Cole was present via Zoom.
 17. The final plats were received in mylar form at the hearing. The Commission reviewed the updated plat and found that all the requested information had been added.
 18. At the outset of the hearing, the Chair read the hearing notice and outlined the procedure that would be followed.
 19. The Chair invited the Commissioners to disclose any conflicts of interest or ex parte communications. There were none.
 20. The Chair allowed persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria outlined in that subsection are met. No one requested interested person status.
 21. The Chair confirmed that the following exhibits were submitted to the Planning Commission:
 - Hicks, Cody Andrus. *Subdivision Survey: Showing the Lands of Keith R. Cole, Dawn M. Cole, & Dawson Cole*. CAH Land Surveying: November 14, 2024 (revised February 10, 2025)
 - DEC permit WW-1-2366-2
 22. The Chair reviewed the minutes from the December meeting, which included the requested corrections on the final plat.
 23. The Commission reviewed the final plat.
 24. The Chair asked the applicants if they wanted to make a statement supporting the application. They declined to make a statement.
 25. The Chair presented a portion of the Mount Holly Town Plan Future Land Use map with superimposed property boundaries.
 26. The Commission discussed the possibility of future development on the lands within “Wetland and Riparian” and “Forest and Conservation” areas, as defined on the Future Land Use Map appended to the Mount Holly Town Plan adopted February 13, 2024, and the land designated as a “Wildlife corridor” on the Wildlife Habitat and Connectivity Map. The applicants indicated they had no plans for development in those locations and would be agreeable to adding conditions on that.
 27. The Chair invited any public comments. There were none.
 28. The hearing was adjourned at 7:00 PM.

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 a 43.52 ±acre parcel located at 726, 750, and 840 Cole Road in the Town of Mount Holly (tax map parcel no. 06D3065.02).
2. The property is more fully described in two Quit Claim deeds. One was recorded in Book 100, page 28, of the Town of Mount Holly Land Records on December 23, 2021. And another was recorded in Book 78, page 122, of the Town of Mount Holly Land Records on September 9, 2010.
3. 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.
4. A public hearing was convened at the Town Office and via Zoom at 6:30 PM on February 19, 2025.
5. A quorum existed for the hearing.
6. The applicants/owners submitted a final survey plat titled “Hicks, Cody Andrus. *Subdivision Survey: Showing the Lands of Keith R. Cole, Dawn M. Cole, & Dawson Cole*. CAH Land Surveying: November 14, 2024 (revised February 10, 2025),” which was prepared on their behalf.
7. Commissioners reviewed the final survey plat and found that all the requested information had been added, and that it is complete and satisfactory.
8. The applicants/owners wish to create three (3) lots as depicted on the above-mentioned survey plat:
 - a. 21.78 ±acres, identified as “Parcel 1,” with existing single-family residence, to be retained by Dawson K. Cole.
 - b. 20.31 ±acres, identified as “Parcel 2,” with proposed 3-bedroom residence, to be retained by Keith R Cole and Dawn M. Cole.
 - c. 1.43 ±acres, identified as “Parcel 3,” with proposed 2-bedroom residence, to be conveyed to Hunter J. Cole.
9. Vermont DEC issued WW-1-2366-2 to the applicants/owners for the Project on August 21, 2023. Recorded in Book 103, pages 133–135.
10. The existing and proposed residences, one per each of the proposed lots, are located within the Rural Residential land use area of the Mount Holly Town Plan Future Land Use Map. Portions of the property are within “Wetland and Riparian” and “Forest and Conservation” areas, as defined on the Future Land Use Map appended to the Mount Holly Town Plan adopted February 13, 2024, and another portion is land designated as a “Wildlife corridor” on the Wildlife Habitat and Connectivity Map.
11. The owners have not submitted evidence of any plans for new development apart from the proposed residences on “Parcel 2” and “Parcel 3” as noted on the above-mentioned survey plat.
12. The evidence presented seems to conform with the current Mount Holly Town Plan.
13. All lots have access to a town highway, as required by Mount Holly Subdivision Regulations §II D. 1. a.
14. All lots have a state-approved wastewater permit.
15. The subject property is adjacent to a State highway, but the survey plat shows access from a town highway, and therefore, a letter from the Agency of Transportation is not required (24 V.S.A. § 4463 (e)).

16. 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 plat for Subdivision identified as PC-2024-03 **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 plat in the Mount Holly Land Records within 180 days as per 24 V.S.A. § 4463 (b):
 - a. Hicks, Cody Andrus. *Subdivision Survey: Showing the Lands of Keith R. Cole, Dawn M. Cole, & Dawson Cole*. CAH Land Surveying: November 14, 2024 (revised February 10, 2025).
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. The premises to be subdivided include lands designated as “Wetland and Riparian” on the Future Land Use Map appended to the Mount Holly Town Plan adopted February 13, 2024, and lands designated as a “Highest priority riparian connectivity” on the Wildlife Habitat and Connectivity Map appended to the aforesaid Town Plan. The applicants/owners and their heirs, successors, and assigns shall maintain such designated lands in an undisturbed, naturally vegetated condition. The term “undisturbed” means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal; plowing or disposal of snow, grazing, or mowing.
5. The premises to be subdivided also include lands designated as “Forest and Conservation” on the Future Land Use Map appended to the Mount Holly Town Plan adopted February 13, 2024. The applicants/owners and their heirs, successors, and assigns shall maintain such designated lands in a natural and undeveloped condition. Responsible forest management of such designated lands is encouraged, except where such lands overlap with areas designated in paragraph 4, in which case the protections outlined therein shall apply.
6. Any material modifications to this project, as approved herein, shall require an amendment to this permit.
7. 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.
8. 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.
9. 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, and shall be binding upon and enforceable against the applicants/owners, and their heirs, successors, and assigns.

Town of Mount Holly Planning Commission

10. The Commission maintains continuing jurisdiction during the lifetime of the permit. It may periodically require that any current or future owner(s) of the subject property file an affidavit certifying that the conditions of the permit are being adhered to.
11. 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.
12. Any material modifications to any permit required by or referenced in 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.
13. The applicants/owners shall provide any prospective purchasers of the subject property with a copy of this decision and the relevant plans.
14. 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).
15. 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.

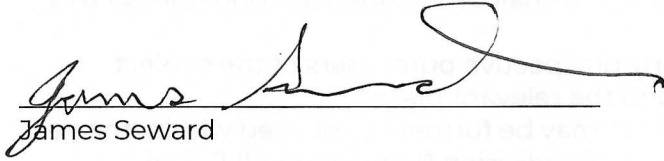
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

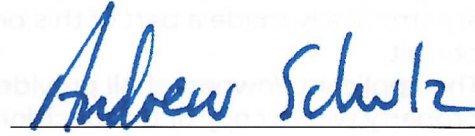
Town of Mount Holly Planning Commission

RESOLVED BY THE PLANNING COMMISSION

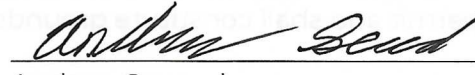
On March 19, 2025.

 [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: _____
Keith R. Cole

Date: _____ APPLICANT'S SIGNATURE: _____
Dawn M. Cole

Date: _____ APPLICANT'S SIGNATURE: _____
Dawson Cole

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.