



Town of Mount Holly Planning Commission

Findings and Decision

Applicants: Robert Garrow
Location: 929 Packer Road
Landowners: Robert Garrow
Hearing: Public Hearing for a Minor Subdivision Permit
Hearing Date: June 17, 2025
Application No.: PC-2025-01

INTRODUCTION AND PROCEDURAL HISTORY

1. This matter concerns the application for the subdivision of land submitted by Robert Garrow 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. The application fee was received.
5. Mr. Garrow withdrew his application last year when it was discovered that the subject property was subject to a State Act 250 Land Use Permit and any subdivision would require approval through a Land Use Permit Amendment.
6. During the review of the earlier application, several adjacent landowners attended regular Planning Commission meetings to express concerns about the potential impact of the proposed subdivision on their spring-fed water supply.
7. During the same period, a boundary dispute emerged between Mr. Garrow and his adjoining neighbors, Gary and Lori Norton. Mr. Garrow publicly accused the Nortons of relocating boundary monumentation. The Commission determined that it would be inappropriate to act on the subdivision application, which would require approval of a final plat identifying boundary lines, while some of those boundary lines remained in dispute and asked that the parties resolve the matter by agreement prior to any final determination on the application.
8. On March 7, 2025, Mr. Garrow received Land Use Permit Amendment 1R0841-1, and Mr. Garrow then resubmitted his application for a subdivision permit.
9. On April 23, 2025, 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. The Commission reviewed the minor subdivision checklist and requested several changes to the plat.
10. On May 20, 2025, 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 plat included a note that the boundary line dispute with the Nortons was in the process of being resolved through a boundary line agreement. The Commission determined that the plat was satisfactory except where the text obscured part of one of the features. The Commission agreed to schedule a public hearing, contingent upon receiving an updated plat in advance. A hearing was scheduled for June 17, 2025, at 6:00 PM.
11. On May 29 and 30, 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.

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12. On May 29, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Randy & Tammy Hawkins
 - Doug & Ann Rose
 - Gary & Lori Norton
 - Estelle Adams
 - Tiffany, Lori, & Gary Norton
 - Elissa Scully
 - Charles Driscoll-Gleason
 - Clinton & Carol Wooley
13. On June 4, 2025, a notice of the public hearing for the final plat review was published in the Vermont Journal.
14. On June 2, 2025, a notice was placed on the subject property.
15. The Planning Commission considered the application and plat at a public hearing at 6:00 PM on June 17, 2025, under the Town of Mount Holly Subdivision Regulations, adopted March 3, 1998.
16. The hearing was held in person at the Mount Holly Town Office and via Zoom.
17. Audio and video of the hearing were recorded and broadcast by Okemo Valley TV.
18. Present at the hearing were the following members of the Planning Commission:
 - Jon McCann
 - James Seward
 - Stephen Michel
 - Andrew Seward
 - Andrew Schulz
19. Robert Garrow was present in person at the hearing without representation.
20. The final plat was received in paper form at the hearing.
21. At the outset of the hearing, the Chair read the hearing notice and outlined the procedure that would be followed.
22. The Chair invited the Commissioners to disclose any conflicts of interest or ex parte communications. There were none.
23. The Commission 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.
24. The following people requested and were granted interested person status:
 - Doug & Ann Rose
 - Gary & Lori Norton
 - Carol Garrow-Wooley
25. The following exhibits were submitted to the Planning Commission:
 - Stockman, Gerald M. *Subdivision of Lands of Robert Garrow (No Construction Proposed)*. Bowman: May 16, 2024 (revised July 16, 2025), hereafter referred to as the “final plat”.¹
 - DEC permit WW-1-0766-1
 - Town Highway Access Permit for Parcel 4 dated December 16, 2024
 - Land Use Permit Amendment 1R0841-1 and associated plans and exhibits referenced therein
 - Property Line Agreement dated June 10, 2025, between Robert Garrow and Gary Norton and Lori Norton, recorded in the Mount Holly Land Records at Volume 105, Page 630.
26. The Commission reviewed the minutes from the May regular meeting, which included the requested corrections on the final plat.

¹ Revised after hearing by request of Commission to correct the printed revision date, but incidentally also shows monuments had changed from “to be set” to “set”.

27. The Commission reviewed the final plat and found it to be satisfactory.
28. Mr. Garrow declined to make a statement in support of the application.
29. The Commission discussed several alternative routes for access to Parcel 4 from the town highway, including access through its frontage on the town highway to the northwest of the property owned by Gary and Lori Norton; access via an existing farm drive through Parcel 3; and a potential new access from Parcel 2 via an existing shared driveway.
30. The Commission discussed the possibility that future development on the land might require the renovation of the fire suppression pond and hydrant located on parcel 3. Mr. Garrow stated that he had no plans for development but voiced no objection.
31. There were no comments from interested parties.
32. There were no public comments.
33. The hearing was adjourned at 6:17 PM.

FINDINGS

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

1. Mr. Garrow, the applicant/owner, seeks a permit to subdivide land. The subject property is a 71 ±acre parcel located at 929 Packer Road in the Town of Mount Holly (tax map parcel no. 06C1040).
2. The property is more fully described in the following deeds:
 - a. Book 52, page 606, of the Town of Mount Holly Land Records on April 15, 1998.
 - b. Book 100, page 425, on April 25, 2022.
 - c. Book 100, page 428, on April 25, 2022.
 - d. Book 105, page 630, on June 10, 2025 (property line agreement)
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. The applicant/owner wishes to create three (3) lots as depicted on the above-mentioned survey plat:
 - a. 51.65 ±acres, identified as “Parcel 4,” open land.
 - b. 13.66 ±acres, identified as “Parcel 3,” with existing structures, a fire suppression pond, and an access drive to Parcel 4 via an existing farm drive as depicted on the above-mentioned final plat. (The farm drive is labeled “Existing Access Drive” on the Site Map identified as Exhibit 015 to the applicant/owner’s Land Use Permit Amendment 1R0841-1; Exhibit 015 identifies these Parcels as “Lots” and numbers them differently than the final survey plat).
 - c. 5.35 ±acres, identified as “Parcel 2,” with existing residence.
5. The existing structures 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.
6. The applicant/owner stated he has no plans for new development, but rather intends to sell Parcels 3 and 4.
7. A central obligation of the Planning Commission in reviewing any subdivision proposal is to ensure that newly created lots are reasonably capable of supporting lawful development. This obligation must be balanced with the recognition that not

all future development scenarios can be anticipated at the time of subdivision. Accordingly, the Commission evaluates subdivision proposals not only based on stated current use, but also with consideration of the parcels' configuration, physical characteristics, and potential future demands on infrastructure and public services.

8. The size, shape, and configuration of the proposed parcels make them potentially suitable for commercial or other higher intensity uses, even if no such use is currently proposed. This potential intensifies the Commission's responsibility to consider long-term planning implications, especially with respect to access, environmental protections, and public safety infrastructure.
9. The Commission finds that there are no proximate, year-round water sources currently suitable for fire suppression. Although no development is proposed at this time, the creation of these lots and the intention to sell them imply future development, which may result in increased demands on emergency services. In the absence of existing infrastructure capable of meeting those demands, the Commission has determined that proactive planning for fire suppression capacity is both warranted and necessary. Given the critical importance of maintaining reliable fire suppression infrastructure to protect public safety in this rural area, the Commission finds that the long-term availability of and accessibility to the existing fire pond on Parcel 3 is necessary to ensure public safety. This finding is consistent with and supported by the Mount Holly Town Plan (Adopted February 13, 2024), which provides that
 - a. *"The town shall require that proposals for development must address the impacts of growth on fire, emergency and other public safety services...."* (Town Plan, p. 24)
 - b. *"The town should require a grant of easement for all new public [safety/fire suppression] water supplies."* (Town Plan, p. 45)
10. The evidence presented appears to conform to the current Mount Holly Town Plan.
11. All lots have access to a town highway, as required by Mount Holly Subdivision Regulations §II D. 1. a. The town granted a provisional Town Highway Access Permit for Parcel 4 on December 16, 2024. However, while Parcel 4 technically abuts the town highway, its only direct frontage lies within or adjacent to a mapped wetland and associated buffer zone, which may render direct access impracticable or impermissible. The Commission finds that the existing farm drive across Parcel 3 provides a practical and historically established means of access to Parcel 4 and that this access is sufficient to satisfy the requirements of the Subdivision Regulations. While the existing farm drive also lies within or adjacent to a mapped wetland, any necessary improvements to the farm drive to allow its use as a driveway for Parcel 4 may have less adverse impact on the wetland than construction of a new driveway where the Parcel directly abuts the town highway. The Commission also finds that construction of a new driveway to Parcel 4 from the existing shared driveway on Parcel 2 would have no impact on any mapped wetlands.
12. Accordingly, the Commission finds that, based on current conditions—including the mapped wetlands along Parcel 4's frontage and the practical viability of the existing farm drive—an access easement across Parcel 3 should be formally established and recorded to preserve lawful and practicable access for future development. Alternatively, an access easement could be established across Parcel 2.
13. All lots are subject to a state-approved wastewater permit, WW-1-0766-1. Parcel 2 has an operational state-approved wastewater system, and Parcels 3 and 4 are subject to

a deferral of permit. Parcels 3 and 4 may not be developed without first obtaining an amended wastewater permit in addition to a Land Use Permit Amendment.

14. The Commission notes the presence of a spring, the possible location of which is shown on the final plat. Testimony and evidence indicate that this spring is a known water source historically used by multiple property owners in the area. The Commission finds that the spring location is of shared utility and public interest and should be protected from disturbance to preserve water quality and continued availability. Accordingly, a protective radius of 50 feet around the identified spring and its associated wetlands shall be designated as a source protection area. None of the potential access routes identified above appear to pose any risk to the water source.
15. The Commission finds that on June 10, 2025, the applicant/owner and adjoining landowners, Gary and Lori Norton, executed and recorded a property line agreement in the Mount Holly Land Records at Book 105, Page 630. The agreement was signed and recorded on the same day, reflecting both parties' consent to the property boundary as depicted on the final plat associated with this application, thereby resolving a longstanding property line dispute.
 - a. It should be noted, however, that Mr. Garrow's testimony before the Commission was inconsistent with the terms of the recorded agreement. He represented that the agreement would affirm the boundary as it existed on the ground, based on existing monumentation. Similarly, the above-mentioned final plat states, in Note 13, that the property line dispute would be resolved "based on the monumentation as it currently exists." The recorded agreement does not adopt that standard.
 - b. Although Mr. Garrow's testimony and the final plat both misstated the nature of the agreement, the Commission declines to make a formal adverse finding on that basis, and instead relies on the written, recorded instrument to resolve the issue.
16. The subject property is not adjacent to a State highway.
17. The subject property is the subject of a State Land Use Permit Amendment 1R0841-1, which approves the proposed subdivision but does not allow any development of any of the proposed lots without first obtaining a further amendment of the permit.
18. 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-2025-01 **subject to the following conditions:**

A. Procedural and Administrative Requirements

1. The applicant/owner is 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 comply with this requirement renders this permit invalid.
2. The applicant/owner is responsible for providing a mylar copy of the approved final plat for signing and recording in the Mount Holly Land Records within 180 days as per 24 V.S.A. § 4463 (b).

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3. 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.
4. By accepting this permit, the applicant/owner agrees to allow representatives from the Town of Mount Holly access to the subject property at reasonable times to ensure compliance with the terms of this permit.
5. By accepting this permit and its conditions without appeal, the applicant/owner confirms for himself and all of his heirs, successors, and assigns that the conditions of this permit shall run with the land, and shall be binding upon and enforceable against the applicant/owner, and his heirs, successors, and assigns.
6. The Commission maintains continuing jurisdiction over all land subject to this permit. It may periodically require that any current or future owner(s) of any portion of the subject property, including the parcels created pursuant to this permit, file an affidavit certifying that the conditions of the permit are being adhered to.
7. 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 applicant/owner is responsible for obtaining any and all required permits.
8. Any material modifications to this project, as approved herein, shall require an amendment to this permit.
9. 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 incorporated into this permit and shall be included as conditions of this permit.
10. The applicant/owner shall provide any prospective purchasers of the subject property, including the parcels created pursuant to this permit, with a copy of this decision, along with the relevant plans and State permits.
11. 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).
12. Failure to comply with any condition of this permit shall constitute a violation and shall constitute grounds for revocation of the permit.

B. Land Use Conditions

13. 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 applicant/owner and his 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.
14. There shall be no development within the lands marked on the final plat as within the “Proposed Future Wetland Buffer”.

C. Public Safety and Future Development Conditions

15. No development of any kind is permitted on any of the parcels created by this subdivision—including but not limited to the construction of new structures, roads, or access improvements. Any such activity must first be authorized by a Land Use Permit Amendment and an amendment to this subdivision permit from the Mount Holly

Planning Commission. This requirement applies to all development activities, regardless of scale or use.

16. Consistent with Finding 9, and as a condition of this subdivision approval, the applicant/owner and all heirs, successors, and assigns shall grant and record a permanent easement to the Town of Mount Holly for the purpose of access to the fire pond and associated fire suppression infrastructure located on Parcel 3, including but not limited to the dry hydrant, water lines, and related plumbing. The easement shall be used exclusively for fire suppression purposes and shall authorize ingress, egress, maintenance, repair, replacement, restoration, testing, operation, and water withdrawal by the Town or its designee. The easement shall be recorded in the Mount Holly Land Records concurrently with this permit and shall be in a form and content acceptable to the Planning Commission. The present and future owner(s) of Parcel 3 shall take no action that impairs or impedes access to or the use of the fire pond and its associated infrastructure for fire suppression purposes.
17. Also consistent with Finding 9, and pursuant to continuing jurisdiction, any future proceeding for a Land Use Permit Amendment or for a subsequent amendment of this permit shall review the need to restore or upgrade the fire pond and its associated fire suppression infrastructure. Such review shall make findings and determinations based on consideration of, among other matters, the nature and extent of the proposed development, both on the parcel triggering review and the other parcels created pursuant to this permit; the scope of the necessary restoration and upgrades; the applicable fire suppression standards; and the responsibilities of all parcel owners with respect to such restoration and upgrades, including the obligation, if any, to share in the costs thereof.
 - a. Any restoration or upgrade work must comply with applicable fire suppression standards and shall require approval by the Town of Mount Holly or its designee. The Town agrees to act as a party to, or proxy applicant for, eligible grant funding opportunities (e.g., programs offered by the Vermont Rural Fire Protection Task Force) to help offset restoration or long-term maintenance costs.
18. As a condition of this subdivision approval, the applicant/owner, or his heirs, successors or assigns, shall grant and record a permanent access easement in favor of Parcel 4, either across Parcel 3 or, alternatively, across Parcel 2. If the easement is granted across Parcel 3, it shall follow the alignment of the existing farm drive as shown on the final plat and on Exhibit 015 to Land Use Permit 1R0841-1. In either case, the easement shall provide for year-round vehicular access suitable for lawful development of Parcel 4. The easement shall be recorded in the Mount Holly Land Records prior to the conveyance of any of the affected parcels and shall be in a form acceptable to the Planning Commission or its designee.
 - a. This condition is imposed to preserve lawful and practicable access to Parcel 4 for future development. Based on current conditions—including the mapped wetlands along Parcel 4's frontage and the practical viability of the existing farm drive on Parcel 3 and the existing shared driveway on Parcel 2—the Commission finds that formalizing access across Parcel 3 or Parcel 2 is necessary to ensure the long-term developability of Parcel 4 and to avoid reliance on potentially infeasible or impermissible access points.
 - b. This condition is further supported by Finding 11, which acknowledges both the environmental constraints on direct frontage and the superior feasibility of access via Parcel 3 or Parcel 2.
 - c. In accordance with the Commission's continuing jurisdiction over each of the parcels created pursuant to this permit, the Commission may waive this requirement or authorize the revocation of an easement that has already been

granted if a Land Use Permit authorizes direct access to Parcel 4 from the town highway.

19. Consistent with Finding 14, the applicant/owner and his heirs, successors and assigns shall maintain the area within a 50-foot radius of the "Possible Spring Location" and its associated wetlands as identified on the final plat in an undisturbed and naturally vegetated condition. No construction, excavation, grading, storage of materials, clearing of vegetation, or other disturbance shall occur within this source protection area. This condition is imposed to protect a historically shared water source and is consistent with the Town Plan's objectives for safeguarding groundwater and rural water infrastructure.

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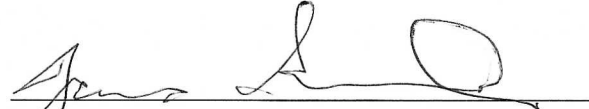
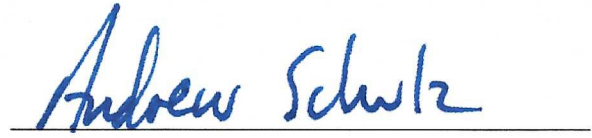
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RESOLVED BY THE PLANNING COMMISSION

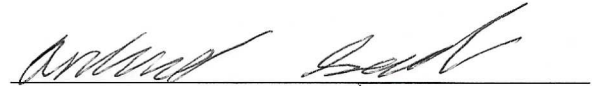
On July 29, 2025.



_____[Chair]
Jon McCann


James Seward
Andrew Schulz

Stephen Michel


Andrew Seward

Under penalties of perjury, I do hereby attest that I 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: _____
Robert Garrow

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.