



Town of Mount Holly Planning Commission

Findings and Decision

Applicants: Johnny Wagner
Location: 300 Hastings Lane
Landowners: David Wagner Trust
Hearing: Public Hearing for a Minor Subdivision Permit
Hearing Date: November 18, 2025
Application No.: PC-2025-02

INTRODUCTION AND PROCEDURAL HISTORY

1. This matter concerns the application for the subdivision of land submitted by Kaitlyn Golden P.E., of Enman Kesselring Consulting Engineers, authorized agent for Johnny Wagner, power of attorney for the David Wagner Trust, for review under the Town of Mount Holly Subdivision Regulations.
2. The application and sketch plan were received by the Administrative Officer on August 20, 2025.
3. The subject property is within 500 feet of a municipal boundary and consequently the Town of Plymouth was notified as per 24 V.S.A. § 4463(a).
4. On December 10, 2025, the application fee was received.
5. On October 21, 2025, in a regular meeting of the Mount Holly Planning Commission, a Sketch Plan Review was conducted. The application was determined to be a Minor Subdivision. The Applicant presented a boundary survey / proposed subdivision plan and a supplementary site plan that contained additional details. They proposed that both documents be recorded but that the boundary survey be considered the plat of record. The Commission asked that each be revised with additional information before consideration at a hearing.
6. On October 23, 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.
7. On October 28, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - George Wood
 - Ninevah Foundation
 - Wagner Joint Revocable Trust
 - Wendy S. Ernst and David S. Ernst
8. On October 29, 2025, a notice of the public hearing for the final plat review was published in the Vermont Journal.
9. Due to an oversight, a notice was not placed on the subject property.
10. The Planning Commission considered the application at a public hearing at 5:30 PM on November 18, 2025, 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

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- Andrew Seward
14. Commissioner Andrew Schulz was present via Zoom but recused himself from the proceedings and did not participate.
 15. Kaitlyn Golden P.E. was present in person at the public hearing, and Johnny Wagner was present via Zoom.
 16. The Final Plat was received in duplicate, in paper form, at the public hearing. The Commission reviewed the updated Final Plat and found that all the requested information had been added.
 17. At the outset of the hearing, the Chair read the hearing notice and outlined the procedure that would be followed.
 18. The Chair invited the Commissioners to disclose any conflicts of interest or ex parte communications. There were none.
 19. 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. David Ernst requested and was granted interested person status.
 20. The Chair confirmed that the following exhibits were submitted to the Planning Commission:
 - ANR Permit Navigator Results PRN-0000007731
 - Steven Lorenz Subdivision Plan recorded in Map Book 1, page 122 of the Town of Mount Holly Land Records on December 20, 1988.
 - Page, Raymond. *Boundary and Subdivision Survey of: Wagner Joint Revocable Trust Property*. Vermont Survey Consultants LLC: June 20, 2025 (revised October 24, 2025)
 - Kesselring, Nicole. *Lands of Wagner: Proposed Subdivision Site Plan*. Enman/Kesselring Consulting Engineers: January 3, 2025 (revised April 28, 2025).
 - Letter from Kaitlyn Golden, P.E., Project Engineer, dated August 20, 2025.
 - Letter from Debbie Pelkey, Plymouth Assessors, dated November 4, 2025.
 - DEC permit WW-1-1021-3
 21. The Chair reviewed the minutes from the October regular meeting, which included the requested corrections on the Final Plat.
 22. The Commission reviewed the Final Plat.
 23. Interested party David Ernst noted no objections to the application.
 24. The Chair invited any public comments. There were none.
 25. The hearing was adjourned at 6:05 PM.

FINDINGS

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

1. The Applicant seeks a permit to subdivide land. The subject property is a 3.2 ±acre parcel located at 300 Hastings Lane in the Town of Mount Holly (tax map parcel no. 03G8033.00).
2. The property is more fully described in a warranty deed recorded in Book 91, page 678–681, of the Town of Mount Holly Land Records on January 22, 2018.
3. The existing lots were created by a previous subdivision of land recorded in Map Book 1, page 122 of the Town of Mount Holly Land Records on December 20, 1988.
4. 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.
5. A public hearing was convened at the Town Office and via Zoom at 5:30 PM on November 18, 2025.

6. A quorum existed for the hearing.
7. The Applicant submitted a Final Plat titled “Page, Raymond. *Boundary and Subdivision Survey of: Wagner Joint Revocable Trust Property*. Vermont Survey Consultants LLC: June 20, 2025 (revised October 24, 2025)” which was prepared on their behalf.
8. The Applicant also submitted a supplementary Site Plan titled “Kesselring, Nicole. *Lands of Wagner: Proposed Subdivision Site Plan*. Enman/Kesselring Consulting Engineers: January 3, 2025 (revised April 28, 2025)” that they wish to have recorded along with the Final Plat.
9. Commissioners reviewed the Final Plat and found that all the requested information had been added, and that it is complete and satisfactory.
10. The Applicant wishes to create two (2) lots as depicted on the Final Plat:
 - a. 1.32 ±acres, identified as “Lot 3 B,” with existing single-family residence, to be retained.
 - b. 1.86 ±acres, identified as “Lot 3 C,” with existing single-family residence, to be retained.
11. A portion of the subject property lies across the municipal boundary and within the Town of Plymouth.
12. The Town of Plymouth was duly notified but did not take part in the proceedings and in a letter dated November 4, 2025 disclaimed any interest.
13. Vermont DEC issued WW-1-1021-3 to the Applicant for the Project on April 30, 2025. Recorded in Book 106, pages 450–452. The property is subject to the conditions therein.
14. 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.
15. The Applicant testified that no new development is planned.
16. During the sketch plan review the Applicant stated that the property is not part of the Wilderness Community homeowners association and so is not bound by Wilderness Community restrictions.
17. The property deed states that the “premises shall not be used for any commercial purposes.”¹
18. The evidence presented conforms with the current Mount Holly Town Plan.
19. The historic stone wall depicted on the Final Plat forms the municipal boundary between the Towns of Mount Holly and Plymouth and defines the northern boundary of proposed Lot 3C. Testimony and site evidence indicate that portions of the wall have been removed or disturbed for engineering purposes. The Mount Holly Town Plan (p. 67) provides that “Historic stone walls shall be maintained and preserved unless there is a strong evidence-based case that the benefits of removing the walls outweigh the costs of losing irreplaceable historic assets.” The Commission recognizes the wall’s dual importance as a municipal boundary monument and a contributing cultural landscape feature consistent with the Town Plan’s preservation policies. During the hearing, the Chair asked whether the Applicant would be agreeable to a condition requiring preservation of the town-line stone wall, and the Applicant stated that they would.

¹ Mount Holly Land Records Volume 91, Page 679

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20. The premises to be subdivided do not include lands designated on the maps of the Mount Holly Town Plan, adopted February 13, 2024 as: "Wetland and Riparian", "Highest priority riparian connectivity", or "Forest and Conservation".
21. All lots have access to a town highway, as required by Mount Holly Subdivision Regulations §II D. 1. a. Access is provided by a deeded right of way.
22. All lots have a state-approved wastewater permit.
23. 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)).
24. 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-2025-02 **subject to the following conditions:**

A. Procedural and Administrative Requirements

1. The Applicant 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 do so renders this permit invalid.
2. The Applicant shall submit one mylar of the Final Plat for the Chair's signature prior to recording.
3. The Applicant is responsible for recording the signed and approved Final Plat and the Site Plan in the Mount Holly Land Records within 180 days as per 24 V.S.A. § 4463(b).
4. Prior to (or concurrent with) recording any such plat in the Town Land Records, the Applicant (or their surveyor) shall submit a digital copy of the plat to the Vermont Land Survey Library in PDF, consistent with 27 V.S.A. §§ 1401, 1403(f). Proof of submission shall be provided to the Town.
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.
6. By accepting this permit, the Applicant 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.
7. By accepting this permit and its conditions without appeal, the Applicant 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, and his heirs, successors, and assigns.
8. The Commission maintains continuing jurisdiction over all land subject to this permit. It may periodically require any current or future owner(s) of any portion of the subject property to 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 Applicant is responsible for obtaining any and all required permits.
10. Any material modifications to this project, as approved herein, shall require an amendment to this permit.
11. Any material modifications to any other permit required by or referenced in this permit shall require an amendment to this permit. Any conditions of other permits

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are automatically incorporated into this permit and shall be included as conditions of this permit.

12. The Applicant shall provide any prospective purchasers of the subject property with a copy of this decision, along with the relevant plans and State permits.
13. 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).
14. Failure to comply with any condition of this permit shall constitute a violation and shall constitute grounds for revocation of this permit.

B. Land Use Conditions

15. 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.
16. Consistent with the subject property's deed restrictions and the above findings, the lots shall not be used for any commercial purposes.

C. Historic Preservation

17. The existing town line stone wall shall be preserved and maintained in place as a visible monument to the municipal boundary, and no further removal, burial, or alteration of intact sections shall occur. The Applicant and subsequent landowners shall ensure that future site work, grading, or construction within ten (10) feet of the wall is performed in a manner that prevents damage to or destabilization of the remaining sections of the wall.

D. Public Safety and Future Development Conditions

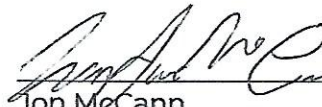
18. The private way serving the subject property shall be maintained to town and emergency services standards and shall remain a private way; it shall not constitute, nor be eligible for acceptance as, a town highway.

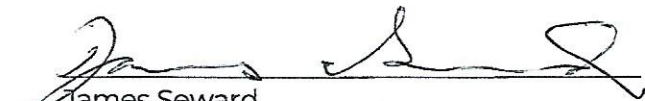
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RESOLVED BY THE PLANNING COMMISSION

On December 22, 2025.

 _____ [Chair]
Jon McCann

 _____
James Seward

Recused

Andrew Schulz

 _____
Stephen Michel

 _____
Andrew Seward

Under penalties of perjury, 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: _____
Johnny Wagner

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.