



Town of Mount Holly Planning Commission

Findings and Decision

Applicants: Gregory Kelley
Location: Bowlsville Road North
Landowners: Gregory Kelley
Hearing: Public Hearing for a Minor Subdivision Permit
Hearing Date: December 16, 2025
Application No.: PC-2025-03

INTRODUCTION AND PROCEDURAL HISTORY

1. This matter concerns the application for the subdivision of land submitted by Lisa Kelley, authorized agent for Gregory Kelley, for review under the Town of Mount Holly Subdivision Regulations.
2. The application and sketch plan were received by the Administrative Officer on August 12, 2025.
3. On November 24, 2025, the application fee was received.
4. On November 18, 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 Commission asked that the plat be revised with additional information before consideration at a hearing.
5. On November 26, 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.
6. On November 26, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - Glenys Contreras and Christopher Valvo
 - Gregory Fuhrman
 - John Tirico
 - Susan Zabranski Trust
 - Thomas Gates
 - John Manning
7. On November 28, 2025, a notice of the public hearing for the final plat review was published in the Vermont Journal.
8. Due to an oversight, a notice was not placed on the subject property.
9. The Planning Commission considered the application at a public hearing at 5:30 PM on December 16, 2025, under the Town of Mount Holly Subdivision Regulations, adopted March 3, 1998.
10. The hearing was held in person at the Mount Holly Town Office and via Zoom.
11. Audio and video of the hearing were recorded and broadcast by Okemo Valley TV.
12. Present at the hearing were the following members of the Planning Commission:
 - Jon McCann
 - James Seward
 - Stephen Michel
 - Andrew Seward
 - Andrew Schulz (via Zoom)
13. At the outset of the hearing, the Chair read the hearing notice and outlined the procedure that would be followed.

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14. The Chair invited the Commissioners to disclose any conflicts of interest or ex parte communications. There were none.
15. The Commission identified the Applicant and the Applicant's agent.
16. 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.
17. The Applicant's agent was invited to present the application.
18. The document evidence and exhibits presented were confirmed.
19. The Commission reviewed the evidence.
20. Commissioners asked the Applicant's agent questions about the proposal.
21. Interested parties were each given the opportunity to speak.
22. The Applicant's agent was offered the opportunity to respond.
23. The public was invited to make comments.
24. The hearing was adjourned at 6:02 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 ±54.8-acre parcel located at an unnumbered property on Bowlsville Road North in the Town of Mount Holly (tax map parcel no. 05H8068.00).
2. The property is more fully described in a warranty deed recorded in Mount Holly Land Records Book 105, page 185 on February 6, 2025.
3. The existing lots were created by a previous subdivision of land recorded in Map Book 2, page 88 of the Town of Mount Holly Land Records on October 16, 2000.
4. The property was also subject to a boundary line adjustment recorded in Map Book 3, page 67.
5. 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").
6. A quorum existed for the public hearing.
7. The following exhibits were admitted:
 - a. Ethan Gilmour. *Subdivision Survey: Land of Gregory J. Kelley*. Holt Gilmour Surveys: December 16, 2023 (revised November 13, 2025), hereinafter referred to as the "Final Plat."
8. The parties to the proceeding were identified as follows:
 - a. Lisa Kelley was present in person at the public hearing on behalf of and as agent for Gregory Kelley, the Applicant.
 - b. John Tirico, John Manning, and Thomas Gates were present via Zoom and requested and were granted interested party status.
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. 27.4 ±acres, identified as "Parcel 1," with camp, to be conveyed as a gift.
 - b. 27.4 ±acres, identified as "Parcel 2," unimproved, to be conveyed as a gift.
11. 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)).
12. The subject property is not within 500 feet of a municipal boundary (see 24 V.S.A. § 4463(a)).
13. The subject property does not contain any approved water supplies or wastewater systems.

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14. Applicant's agent testified that the requested subdivision meets the State's requirements for exemption § 1-304(4) from the permit requirements of the *Vermont Wastewater Systems and Potable Water Supply Rules*.
15. The Commission finds that exemption from the wastewater permitting requires inclusion of the language specified in *Vermont Wastewater Systems and Potable Water Supply Rules* § 1-304(4)(A) in all deeds describing the property.
16. Applicant's agent testified that no development is planned at this time, and that both parcels will be conveyed as a gift, i.e., without payment of any consideration, to members of the Kelley family.
17. Applicant's agent requested review of the application under Mount Holly Subdivision Regulations § II D. 1. b. ("minor subdivision for the sole purpose of a gift").
18. The Commission finds that the sole purpose of the subdivision is conveyance of land as a gift.
19. All lots have access to a town highway, as required by Mount Holly Subdivision Regulations § II D. 1. a.
20. The Commission makes no findings regarding the suitability of any development on this property as no land use changes are permitted at this time under the § II D. 1. b gift exemption.
21. The evidence presented conforms with the current Mount Holly Town Plan.
22. Interested party Thomas Gates testified about his concerns about improvements to the class 4 town highway serving the property and expressed an objection to it being upgraded to class 3.
23. Applicant's agent responded that they have no plans to improve the class 4 highway and share the same concerns.
24. Interested party John Tirico testified about his concern that a new well on the property could affect the water table on his adjacent property. [I can't recall whether he also expressed concern about the effects of a septic system on his water quality].
25. Applicant's agent responded that the size of the property and the likely location of any development means that any well and wastewater system on the subject property would be located several hundred feet from Mr. Tirico's property line.
26. There was no testimony from Interested parties or the public objecting to the proposal.
27. There were no comments from the public.

DECISION AND CONDITIONS

Based upon these findings, the Planning Commission **approves** the application and plat for Subdivision identified as PC-2025-03 **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 in the Mount Holly Land Records within 180 days as per 24 V.S.A. § 4463(b).

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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).
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)), including but not limited to permits under the State wastewater system and potable water supply rules. 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 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. Standard of Review

15. The proposed Minor Subdivision is approved on the condition that the subject conveyance is made as a gift (see Findings ¶¶ 15-17, above), consistent with the application and with § II, D(1)(b) of the Town of Mount Holly Subdivision Regulations.

C. Land Use Conditions

16. Based on Findings ¶¶ 13-14, above, the approval of this application is subject to the permit requirements of the *State of Vermont Wastewater Systems and Potable Water Supply Rules*, specifically the exemption in § 1-304(4) thereof. Accordingly, with respect to each lot created pursuant to this subdivision permit, the Applicant shall record and index in the Town of Mount Holly Land Records the notices required by said exemption.
17. Based on Findings ¶¶ 15-17, above, this application is approved pursuant to § II, D(1)(b) of the Town of Mount Holly Subdivision Regulations. See Decision and Conditions ¶ 15. Accordingly, no development of any kind is permitted on any of the parcels created

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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 an amendment to this subdivision permit from the Mount Holly Planning Commission. This requirement applies to all development activities, regardless of scale or use.

18. The following requirements apply to each lot created pursuant to this subdivision permit, and shall be included in each deed conveying such a lot:

“Pursuant to § II, D(1)(b) of the Town of Mount Holly Subdivision Regulations, concerning a Minor Subdivision for the sole purpose of forestry, agriculture, open space, or gift, no person shall construct or erect any structure or building on the lot described in this instrument without first complying with the Town of Mount Holly Subdivision Regulations. Any owner must complete the Town's subdivision process before any development may occur. The owner acknowledges that this lot may not be able to meet the Town's subdivision requirements and therefore may not be able to be improved.”

D. Public Safety Conditions

19. The class 4 town highway serving the subject property shall be maintained by the property owner to town and emergency services standards only to the extent necessary to access the parcels created by the subdivision.

E. Performance Conditions

20. In addition to recording and indexing the deeds with the foregoing notices in the Town of Mount Holly Land Records, a copy of the recorded deed must be filed with the Planning Commission.
21. Confirmation of submission of a digital copy of the plat to the Vermont Land Survey Library shall be emailed the Planning Commission as soon as practicable.

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RESOLVED BY THE PLANNING COMMISSION

On January 28, 2026.

 [Chair]
Jon McCann


James Seward


Andrew Schulz


Stephen Michel

Vacant

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: _____
Gregory Kelley

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.