



Town of Mount Holly Planning Commission

FINDINGS AND DECISION

Applicant: Stephen McDonald
Location: 66 Loop Road
Parcel ID: 03G8036.00
SPAN: 417-130-10477
Landowners: McDonald Family Trust; Marina Huyler; Gerald Carney
Hearing: Public Hearing for Two Lot Mergers and a Boundary Line Adjustment
Hearing Date: June 16, 2026
Application No.: PC-2026-01

INTRODUCTION AND PROCEDURAL HISTORY

1. Stephen McDonald, with Jason C. Burt of Philo Surveying, LLC as agent, submitted this application for review under the Town of Mount Holly Subdivision Regulations ("Regulations").
2. The application concerns Parcel 03G8036.00, SPAN 417-130-10477, comprising approximately 1.56 acres on Loop Road (the "Subject Property"). It proposes to divide the Subject Property into three portions identified on the Final Plat as Parcels 5A-2, 6A-1, and 6A-2. Each portion would be conveyed to and merged with, incorporated into, or permanently associated with an adjoining or adjacent parcel. Upon completion, the Subject Property would cease to exist as a separate parcel, no residual parcel would remain, and no additional independently conveyable or developable lot would be created.
3. The Subject Property and the adjoining or adjacent receiving parcels are within the Wilderness Community, Inc. ("WCI") and are subject to the restrictive covenants described below.
4. The application was received on March 31, 2026, deemed complete on May 14, 2026, and presented for Sketch Plan Review on May 19, 2026. At Sketch Plan Review, the Commission, Applicant, and affected landowners or their representatives discussed the proposed allocation of the three portions of the Subject Property and revisions needed to depict the intended configuration.
5. The revised survey plat, titled "Map of Boundary Line Adjustment and Subdivision of Parcel 03G8036.00, Loop Road, Mount Holly, Vermont," prepared by Jason C. Burt, L.S. No. 109618, Philo Surveying, LLC, Project No. 26010, dated April 6, 2026 and revised May 23, 2026, was received on May 27, 2026 and is referred to in this decision as the "Final Plat."
6. Notice of the public hearing was mailed to adjoining landowners on May 27, 2026; posted on the Town website and at the Town Office, Mount Holly Post Office, and Belmont Post Office on May 28, 2026; published in the Rutland Herald on May 29, 2026; and posted on the Subject Property on June 1, 2026. Notice was also provided to the Plymouth Town Clerk because the affected land lies within 500 feet of the Mount Holly–Plymouth municipal boundary.
7. The property notice was not posted within view from the public right-of-way most nearly adjacent to the Subject Property, as required by 24 V.S.A. § 4464(a)(1)(B). The hearing notice also identified the property as 99 Loop Road, although the correct E911 address is 66 Loop Road. The notice otherwise correctly identified the Applicant,

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- Parcel ID, SPAN, Loop Road location, proposed transactions, hearing date, time, and location.
8. The Planning Commission convened the public hearing on June 16, 2026, at 5:30 p.m. at the Mount Holly Town Office and by Zoom. Commissioners Jon McCann, James Seward, Stephen Michel, and Ron Unterman participated. Andrew Schulz recused himself and did not participate in the hearing, deliberations, or decision.
 9. Also present were Administrative Officer Faith Tempest, Applicant Stephen McDonald, surveyor Jason C. Burt, and landowner Gerald Carney. No person requested recognition as an interested person, and no member of the general public participated.
 10. The Chair disclosed that Mr. Burt is an acquaintance of his brother, that no discussion of the application had occurred outside the hearing, and that the circumstance did not affect his impartiality. No participating Commissioner disclosed a conflict of interest, inability to be impartial, or disqualifying ex parte communication.
 11. The Applicant testified that neither the incorrect E911 address nor the location of the property posting prejudiced presentation of the application. No other person claimed confusion, inadequate notice, material misstatement, or prejudice.
 12. The record included the application and attachments; the Final Plat; the prior WCI surveys recorded in Map Book 3, Pages 75 and 77; the deed recorded in Book 99, Pages 503–505; WCI's Amended and Restated Covenants and Restrictions recorded in Volume 80, Pages 201–238 ("Amended Covenants"); the Administrative Officer's hearing checklist; Permit Navigator Results PNR-0000014049; hearing notices and proofs of notice; the February 16, 2026 approval from the WCI Review Board; and the adopted 2023 Mount Holly Town Plan Future Land Use Map.
 13. The Administrative Officer authenticated the application-file materials and testified concerning notice, the correct E911 address, the Review Board correspondence, the Town Plan map, and access from Loop Road to the public road network.
 14. Mr. McDonald and Mr. Burt testified concerning the purpose and implementation of the proposal; ownership and legal description of the affected land; the prior WCI lot pattern; the proposed disposition of Parcels 5A-2, 6A-1, and 6A-2; the existing deed restriction affecting former Lots 5A and 4A; the relationship of the parcels to Loop Road and the receiving properties; the absence of proposed development; wetlands shown on the Final Plat; and the intended recording sequence.
 15. The Applicant and surveyor testified that the deeds and other implementing instruments would be recorded simultaneously as a coordinated transaction and would establish the proposed merger, boundary-line adjustment, and permanent ownership arrangement consistent with the applicable WCI Amended Covenants. The Applicant further testified that he did not request an additional municipal restriction prohibiting development and relied on the existing WCI Amended Covenants for that purpose.
 16. Mr. Burt testified that the incorrect Town Plan designation on the Final Plat could be corrected before preparation of the recordable plat. He also testified that the point shown near the approximate Mount Holly–Plymouth boundary is a calculated corner, is not physically monumented, and could not be confirmed as lying precisely on the municipal boundary.
 17. No participant requested additional evidence or a continuance. The Commission closed the evidentiary record at the conclusion of the hearing.

FINDINGS

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

A. Authority and Scope of Review

1. The Vermont Planning and Development Act is codified at 24 V.S.A. chapter 117. Section I.C of the Regulations authorizes the Planning Commission to perform the activities provided for in that Act, including approval, conditioning, or disapproval of plats and approval or modification of development shown on plats previously filed with the Town Clerk. Under 24 V.S.A. § 4418, municipalities may regulate the division of a lot or parcel into two or more lots, or any other division of land for sale, development, or lease, and may establish standards and procedures for approval, modification, or disapproval of plats.
2. Section V of the Regulations defines “subdivision” as “[a] division of a parcel of land for the purpose of conveyance, gift, lease or rent for development, or sale” and provides that the subdivision consists of the remainder of the original parcel together with all newly created lots. A division for conveyance or gift therefore falls within the Regulations, whether or not money is paid and whether or not physical development is proposed.
3. A boundary line adjustment divides and conveys or gifts a portion of one existing parcel for incorporation into an adjoining parcel and legally relocates the common boundary between the affected parcels. Because it involves a division of land for conveyance or gift and changes recorded parcel boundaries, a boundary line adjustment is a subdivision subject to review under the Regulations.
4. The Regulations contain no provision under which adjoining lots automatically merge upon coming into common ownership. Section I.L instead recognizes existing land-record lots as lots for purposes of the Regulations. A merger, therefore, requires an affirmative transaction that combines previously separate land, eliminates the separate legal effect of the intervening boundary, and prevents the merged land from thereafter being separately conveyed or independently developed without further subdivision approval required under the Regulations. Because a merger changes the configuration and legal status of recognized lots, it is subject to subdivision review.
5. Section II.D provides that a Minor Subdivision consists of the creation of one, two, or three lots from an existing parcel, while a Major Subdivision consists of four or more lots. Read together with Section V, these numerical classifications refer to the total resulting lot configuration. A merger resulting in one lot and a conventional boundary line adjustment resulting in two lots are therefore reviewed as Minor Subdivisions.

B. General and Procedural Findings

6. The application proposes to divide the approximately 1.56-acre Subject Property into three portions—Parcels 5A-2, 6A-1, and 6A-2—and allocate all land comprising the Subject Property among the three corresponding ownerships, leaving no residual parcel and creating no additional independently conveyable or developable lot.
7. The proposed deeds and other implementing instruments are intended to establish the approved merger, boundary-line-adjustment, and coordinated-conveyance arrangements, incorporate the applicable restrictions in WCI’s Amended Covenants, and be recorded simultaneously as one coordinated transaction.
8. The correct E911 address of the Subject Property is 66 Loop Road. The record does not show that the incorrect address in the hearing notice caused confusion or prejudice.

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9. The property notice was posted on the Subject Property but was not within view from the public right-of-way most nearly adjacent to the property, as required by 24 V.S.A. § 4464(a)(1)(B). The record does not show that the posting location caused confusion or prejudice.

C. Classification

10. The application divides the Subject Property into three portions for conveyance: Parcel 6A-1 for incorporation into the adjoining Parcel 03G8035.00 by boundary line adjustment; Parcel 5A-2 for merger with the adjoining Parcel 03H8039.00; and Parcel 6A-2 for permanent association with Parcel 03H8042.00. These transactions are within the Commission's authority under Sections I.C, I.L, II.A.1, II.D, and V of the Regulations.
11. The proposal allocates the entire Subject Property among the three corresponding ownerships, leaves no fourth or residual lot, and creates no additional independently conveyable or developable lot. It therefore constitutes a Minor Subdivision under Section II.D, with the boundary line adjustment, lot merger, and permanent tying approved as components of that Minor Subdivision.

D. Suitability

12. The affected land within Mount Holly is within the Residential future land use designation shown on the adopted 2023 Mount Holly Town Plan Future Land Use Map. The Final Plat incorrectly identifies the affected properties as lying within the Rural Residential Future Land Use Area, and the plat note shall be corrected before endorsement.
13. Because the proposal would eliminate the Subject Property as an independently conveyable or developable parcel within the Residential designation, the Commission considered whether the transaction would remove a realistic opportunity for housing. That determination requires consideration of the parcel's legal status, size and configuration, access, water and wastewater feasibility, natural constraints, recorded restrictions, prior approvals, existing infrastructure, and relationship to the Town Plan's housing objectives.
14. The Final Plat depicts approximate wetlands across substantial portions of Parcels 5A-2, 6A-1, and 6A-2. The Subject Property contains no dwelling, approved building site, approved wastewater disposal area, potable-water system, driveway, independent utility service, or other established residential development infrastructure, and has not been approved or represented by the present owners as an independent residential building lot. Its size, configuration, wetland conditions, relationship to Loop Road and the receiving ownerships, and lack of development infrastructure substantially constrain its potential for independent residential development.
15. The deed recorded in Book 99, Pages 503–505, restricts the portion of former Lot 5A adjoining former Lot 4A to one single-family permanent residence structure for the combined area. This restriction independently limits the residential development potential of Parcel 5A-2.
16. The WCI Amended Covenants generally prohibit subdivision of member lots except as expressly permitted. Article IV.B.8(a) permits owners of lots adjoining an undeveloped lot to divide that lot among themselves, provided each resulting portion is associated with the adjoining lot, may not be sold separately, remains subject to the covenants, and does not increase the total dwelling or outbuilding capacity otherwise permitted on the adjoining lot.
17. Each receiving parcel already contains one dwelling. Together with the WCI Review Board's written approval, Article IV.B.8(a) supports the proposed coordinated

ownership and conveyance arrangement and limits the transaction's ability to increase dwelling or outbuilding capacity. The Applicant does not request an additional municipal development restriction and instead relies on the existing covenants to accomplish that purpose.

18. Based on the land's size and configuration, approximate wetlands, absence of residential development infrastructure, the existing deed restriction affecting Parcel 5A-2, and the WCI Amended Covenants limiting separate sale and additional dwelling and outbuilding capacity, the Commission finds that Parcel 03G8036.00 does not represent a demonstrated realistic opportunity for additional housing and that the proposed transactions will not remove such an opportunity. This finding is specific to this property and does not mean that eliminating other lots in the Residential designation would have no effect on housing.
19. Based on the physical characteristics of the affected land, its existing restrictions, the absence of approved development infrastructure, and its intended relationship to the receiving ownerships, the Commission finds that the land is suitable for the proposed merger, boundary line adjustment, and permanent tying arrangement, subject to the conditions of this decision.

E. Configuration

20. The Final Plat references the prior WCI surveys recorded in Map Book 3, Pages 75 and 77, including the survey titled "Lot Plan Wilderness Corporation, Mount Holly & Plymouth, VT., Second & Third Surveys," prepared by G.E. Darcy and dated December 14, 1963 and August 17, 1965, and the survey titled "Lot Plan Wilderness Area Lake Ninevah Plymouth & Mount Holly, VT.," prepared by G.E. Darcy and dated August 7, 1962.
21. The Final Plat was prepared from the recorded deeds and surveys, field measurements, recovered monuments, and other survey evidence shown or referenced on the plat. The deed recorded in Book 99, Pages 503–505 separately describes Lot 6A and one-half of Lot 5A, as depicted on the survey recorded in Map Book 3, Page 77.
22. The Book 99 deed and prior survey materials establish that the Subject Property originated as separately described parcels or portions of parcels within the historic WCI lot pattern. Mr. McDonald and Mr. Burt testified that they were unaware of any later recorded instrument merging those lands into the receiving parcels or otherwise eliminating their separate legal descriptions, and the record contains no evidence that such an instrument exists.
23. Parcel 5A-2 is the affected portion of former Lot 5A, and the adjoining Carney parcel corresponds to former Lot 4A.
24. Parcel 6A-1 is proposed to be conveyed to and incorporated into the adjoining Parcel 03G8035.00 by boundary line adjustment. The transaction will relocate the common boundary and create no additional lot.
25. Parcel 6A-2 and Parcel 03H8042.00 lie on opposite sides of Loop Road, which is depicted as owned in fee by WCI. Parcel 6A-2, therefore, cannot become physically contiguous with Parcel 03H8042.00 through a conventional boundary line adjustment or lot merger and instead must be conveyed to and thereafter held and conveyed together with that parcel.
26. Because Parcel 6A-2 will remain physically separate from Parcel 03H8042.00, the implementing instrument must establish its coordinated ownership and conveyance and ensure that Parcel 6A-2 does not remain an independently conveyable residual parcel.

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27. The WCI Amended Covenants and the Review Board's approval support the proposed allocation of the Subject Property among the adjoining or adjacent ownerships.
28. The deeds and other implementing instruments for Parcels 5A-2, 6A-1, and 6A-2 shall be recorded simultaneously as one coordinated transaction. Simultaneous recording is necessary to allocate all land comprising the Subject Property as approved, leave no unallocated residual land, and prevent any of the three portions from remaining independently conveyable during implementation.
29. The resulting parcel configuration is rational and coherent, does not create an impractical lot-line arrangement, and satisfies the applicable lot-size and arrangement requirements of the Regulations.

F. Community Services and Facilities

30. No new dwelling, building lot, road, driveway, utility service, water-supply system, wastewater system, or other development is proposed or approved.
31. Because the proposal creates no new independently developable lot and authorizes no development, it will not create an unreasonable burden or undue adverse impact on municipal facilities or services.

G. Roads and Access

32. Loop Road connects to Lake Ninevah Road through Dam Road and to Townsend Barn Road, providing the existing means of access from the affected ownerships to the public road network.
33. No new road, driveway, access point, or alteration of existing access is proposed or approved. The affected land does not abut a state highway, and no state-highway notice is required.
34. The Commission finds that the resulting ownership arrangements retain access to the public road network and that the proposal creates no additional access demand, access deficiency, or undue adverse impact on public or private roads.

H. Transportation and Trails

35. The record identifies no mapped public trail, public transportation facility, transportation corridor, or other transportation resource that would be affected by the proposed transactions, and no new transportation infrastructure is proposed.
36. The Commission finds that the proposal will not cause an undue adverse effect on transportation facilities or trails.

I. Water Supply and Wastewater Disposal

37. No potable-water supply, wastewater-disposal system, building site, or associated easement is proposed or approved, and the Final Plat identifies no approved water-supply or wastewater-disposal facilities serving Parcel 5A-2, Parcel 6A-1, or Parcel 6A-2.
38. Because this approval authorizes no development, the Commission need not find that Parcel 5A-2, Parcel 6A-1, or Parcel 6A-2 independently supports water-supply or wastewater-disposal facilities. Any future development of a receiving property remains subject to all applicable State and local water-supply and wastewater requirements.

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J. Stormwater and Hazards

39. No new impervious surface, clearing, grading, drainage alteration, or land disturbance is proposed or approved, and the record identifies no mapped flood hazard, river corridor, steep slope, or other hazard that would be adversely affected by the land transactions.
40. The Commission finds that the proposal will not create an undue adverse stormwater or hazard impact.

K. Natural Resources and Constraints

41. The Final Plat depicts approximate wetland areas on Parcels 5A-2, 6A-1, and 6A-2 and the surrounding wooded land. These areas indicate apparent natural constraints but are not represented as a formal wetland delineation or jurisdictional determination.
42. Permit Navigator Results PNR-0000014049 identify potential wetland permitting concerns based on mapped location or historical activity and advise consultation with the Vermont Department of Environmental Conservation. The Town Plan calls for the protection of wetlands and recognizes that wetlands not shown on the State inventory may still be regulated.
43. This approval authorizes no clearing, filling, grading, construction, road work, utility work, or other disturbance in a wetland or wetland buffer. Incorporating or permanently associating Parcels 5A-2, 6A-1, and 6A-2 with the corresponding adjoining or adjacent properties, without approving development, is consistent with avoiding fragmentation and protecting the approximate wetland areas shown on the Final Plat.
44. The record identifies no other mapped natural resource or environmental constraint under the Town Plan that would be adversely affected by the approved parcel reconfiguration.

L. Historic and Cultural Resources

45. The record identifies no known historic structure, archaeological site, or physical cultural resource that would be adversely affected by the proposed transactions.

M. Overall Compliance and Town Plan Consistency

46. The affected land is within the Residential future land use designation shown on the adopted 2023 Mount Holly Town Plan Future Land Use Map.
47. The Commission finds that the proposal, as conditioned, is consistent with the Residential future land use designation and applicable Town Plan policies concerning housing, orderly land use, wetlands and natural resources, historic and cultural features, and avoidance of fragmented or impracticable parcel configurations.
48. The proposed division, merger of Parcel 5A-2 with Parcel 03H8039.00, boundary line adjustment involving Parcel 6A-1 and Parcel 03G8035.00, and permanent tying of Parcel 6A-2 to Parcel 03H8042.00 satisfy the applicable requirements of the Regulations, subject to the conditions of this decision.

CONCLUSIONS

Based upon the foregoing findings, the Planning Commission concludes:

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1. The Commission has authority under Sections I.C, I.L, II.A.1, II.D, and V of the Regulations to review the proposed division, boundary line adjustment, lot merger, and permanent tying arrangement.
2. The application is properly reviewed as a Minor Subdivision because it allocates the entire Subject Property among Parcels 5A-2, 6A-1, and 6A-2, leaves no residual lot, and creates no additional independently conveyable or developable lot.
3. In accordance with Section II.D.2.b, the Commission has considered lot size and arrangement, access, utilities, water supply, wastewater disposal, drainage, wetlands, the historic lot pattern, and conformity with the Mount Holly Town Plan, and finds no undue adverse impact in those respects, subject to the conditions of this decision.
4. The proposed elimination of the Subject Property as an independently conveyable or developable parcel will not materially impair a demonstrated housing opportunity, based on its size, configuration, approximate wetlands, lack of residential development infrastructure, existing deed restriction, and permanent incorporation into or association with the identified receiving ownerships.
5. The application satisfies the applicable requirements of the Regulations and is consistent with the Mount Holly Town Plan, subject to the conditions of this decision.

DECISION AND CONDITIONS

The Planning Commission hereby **approves** the application PC-2026-01 and the Final Plat for the division of Parcel 03G8036.00, merger of Parcel 5A-2 with Parcel 03H8039.00, boundary line adjustment involving Parcel 6A-1 and Parcel 03G8035.00, and permanent tying of Parcel 6A-2 to Parcel 03H8042.00, subject to the following conditions:

A. Preconditions to Endorsement

1. As a condition precedent to endorsement and recording of the Final Plat, all persons and entities then holding record title to the Subject Property, and the Applicant if not among them, shall sign this written approval acknowledging receipt and acceptance of the approval and its conditions.
2. Before endorsement, the Final Plat shall be revised to correct the note stating that the affected properties are within the Rural Residential Future Land Use Area. The revised plat shall identify the affected land within the Town of Mount Holly as being within the Residential future land use designation shown on the adopted 2023 Mount Holly Town Plan Future Land Use Map.
3. The Applicant shall submit one recordable mylar or other recording form of the revised Final Plat acceptable to the Town Clerk.
4. The Final Plat shall not be endorsed until the 30-day appeal period has expired and the Town has not received notice of a timely appeal.
5. Upon satisfaction of the preceding requirements, the person then serving as Chair of the Mount Holly Planning Commission shall endorse the Final Plat. If the office of Chair is vacant or no Chair has been duly elected when the plat becomes eligible for endorsement, the person then serving as Vice Chair shall endorse the plat.

B. Required Merger and Conveyance Instruments

6. Parcel 5A-2 shall be conveyed to and merged with Parcel 03H8039.00. The deed shall reference the recorded restrictions that limit the combined property to a single-family permanent residence.

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7. Parcel 6A-1 shall be conveyed to and incorporated into Parcel 03G8035.00 by boundary line adjustment.
8. Parcel 6A-2 shall be conveyed to and thereafter held and conveyed together with Parcel 03H8042.00. The implementing instrument shall provide that Parcel 6A-2 may not be separately conveyed from Parcel 03H8042.00 without first obtaining any approval required under the Regulations.

C. Recording and Post-Recording Requirements

9. The Applicant and affected landowners shall cause the endorsed Final Plat to be recorded in the Mount Holly land records within 180 days after approval. Failure to record the endorsed Final Plat within that period shall result in expiration of the approval as provided by 24 V.S.A. § 4463(b), unless a valid extension has been granted under applicable law.
10. No deed conveying Parcel 5A-2, Parcel 6A-1, or Parcel 6A-2 shall be recorded separately or in advance of the endorsed Final Plat and the instruments necessary to complete the other approved transactions.
11. When the Final Plat is recorded, the surveyor who created it shall submit a digital copy of the plat in Portable Document Format to the Vermont Center for Geographic Information, as required by 27 V.S.A. §§ 1401(c) and 1403(f). The Applicant shall provide the Administrative Officer with confirmation that the required submission has been made.

D. Scope and Effect of Approval

12. This approval authorizes only the parcel reconfiguration shown on the approved Final Plat and no physical development.
13. The conditions governing the approved parcel configuration, conveyance, recording, and future separation shall run with the affected land and bind the Applicant, landowners, and their respective heirs, successors, and assigns.

E. Future Changes

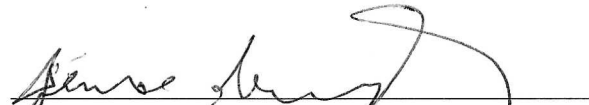
14. Parcel 5A-2 may not be separated from Parcel 03H8039.00, Parcel 6A-1 may not be separated from Parcel 03G8035.00, and Parcel 6A-2 may not be conveyed separately from Parcel 03H8042.00 without first obtaining any further approval required under the Regulations. The lands comprising Parcels 5A-2, 6A-1, and 6A-2 may not be used to recreate Parcel 03G8036.00. This condition does not prohibit otherwise lawful development of a receiving property.
15. Any material change to the approved boundaries, receiving parcels, merger, permanent tying, or other approved parcel arrangement shall require amendment of this approval before implementation.

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RESOLVED BY THE PLANNING COMMISSION

On July 10, 2026.


Jon McCann, Chair


James Seward


Stephen Michel

Recused

Andrew Schulz


Ron Unterman

The undersigned acknowledge receipt of this decision, accept the approval subject to its terms and conditions, and agree to comply with all applicable conditions of approval. This acknowledgment may be signed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

Date: _____ OWNER SIGNATURE: _____
Stephen McDonald, Trustee

Date: _____ OWNER SIGNATURE: _____
Nancy McDonald, Trustee

Date: _____ OWNER SIGNATURE: _____
Marina Huyler

Date: _____ OWNER SIGNATURE: _____
Gerald Carney

NOTICE OF APPEAL RIGHTS: This decision may be appealed to the Vermont Superior Court, Environmental Division, by an interested person who participated in the proceeding before the Planning Commission. Any 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.

STATE PERMIT NOTICE: State permits may be required for this project. The permittee should contact the appropriate State agencies to determine what permits must be obtained before any construction may commence.