

**APPROVAL OF  
A MINOR SUBDIVISION  
OF PARCEL #1601007  
ISSUED TO  
Harvey and Kathleen Plimpton**

**Permit Application:** #1601007-S Official Submission dated January 31, 2024

**Land Owner:** Harvey and Kathleen Plimpton (Deed at Book 62 Page 210)

**Applicant:** Harvey and Kathleen Plimpton

**Identification of Parcel to be subdivided:** Lot 1601007 (Stratton parcel identification)

**Summary of the Project:** This is a Minor Subdivision of parcel 1601007, a parcel totaling 37 acres, located on the *Stratton-Arlington Rd.* in Stratton, which is to be subdivided into three large buildable lots, with construction of a private road.

**Finding of Facts and Conclusions of Law:**

The informal and Formal Sketch Plan Reviews were waived, following reviews by the Planning Commission Chair and the Zoning Administrator. The applicants submitted an application to the Town on January 31, 2024 and a Public Hearing was warned on February 1, 2024 for 7:05pm on February 21, 2024 at the Stratton Town Office as follows:

***Town of Stratton  
Planning Commission***

*Pursuant to law, notice is hereby given that the Stratton Planning Commission will hold a Public Hearing in the Stratton Town Office, 9 W. Jamaica Rd., Stratton, VT @ 7:05 p.m. on Wednesday, February 21, 2024. The purpose of this hearing is to consider Application #1601007-S, submitted by Harvey and Kathleen Plimpton of parcel 1601007, totaling 37 acres, to be subdivided into three buildable lots, with construction of a private road to adjoin Leon Stocker Rd., as access for two lots. The third lot has access onto Stratton-Arlington Rd. in Stratton.*

*Participation in the local proceedings is prerequisite to the right to take any subsequent appeal. All documents submitted with the application are available to be reviewed at the Town Office Monday through Thursday from 9 a.m. to 3p.m.*

*Dated February 1, 2024*

*David Kent Young, Chair, Planning Commission*

**Certificate of Service:**

Copies of the Notice of Public Hearing for this Minor Subdivision (final plat) application were properly posted within the Town of Stratton on February 1, 2024, published in the Brattleboro Reformer (February 3, 2024) and sent on February 1, 2024 to the owner, the applicant, all Planning Commissioners, the Zoning Administrator, the Board of Selectmen and the following abutters and organizations, as required by law:

Charles W. Capes, III  
45 Hollywood Ave.  
Milford, CT 06460

John and Christine Canosa  
3 Meadow CT.  
Pennington, NJ 08534

Chris and Rebecca Mann  
215 Kerri Ann Ln.  
Stratton, VT 05360

Stephen and Constance Gessay  
PO Box 68  
W. Wardsboro, VT 05360

Jay and Michele Simard  
40 South Helderberg Parkway  
Slingerland, NY 12159

Henry and Beth Danziger  
297 Church St., Suite 1  
Haugatuck, CT 06770-2841

Charles G. Whitney, III  
114 Heather Dr.  
New Hope, PA 18938

Clement Coburn  
307 Stratton-Arlington Rd.  
Stratton, VT 05360

Mark and Robin Wilson  
972 Bartholomew Rd.  
Middletown, CT 06457

Linda Center  
277 Stratton-Arlington Rd.  
Stratton, VT 05360

Mary Reney  
PO Box 1406  
Flagler Beach, FL 32136

Jennifer Dr. LLC  
C/O Richard Cammarano  
63 Lincoln Ave.  
Milford, CT 06460-5135

66 Orchard St. Partners, LTD  
28 Oakland Place  
Summit, NJ 07901

## The Hearing proceeded as follows:

*Town of Stratton  
Planning Commission Meeting Minutes  
Stratton Town Office  
Wednesday, February 21, 2024*

*Attendance:* Planners: Kent Young - Chair, Ray Hawksley, Chris Mann and George Rigoulot, property owners – Kathleen and Mitch Plimpton and surveyor Ben Joyce.  
7:00 p.m.: The meeting was called to order by Kent Young.

*Subdivision Hearing:* At 7:05pm, the chair asked for a motion to open the Public Hearing for a subdivision of lot 1601007 – 37 acres – owned by Harvey and Kathleen Plimpton. Ray Hawksley so moved. Chris Mann seconded – all concurred and the Public Hearing commenced. The Chair read the NOTICE for said hearing, which had been published in the Brattleboro Reformer, posted and mailed out to all abutting property owners. He noted that no one from the public was in attendance for said meeting.

A survey of the proposed subdivision was presented to the board and Mitch Plimpton summarized the project, which is a three-lot subdivision. Two upper lots – Lot 2 of 11.65 acres and Lot 3 of 9.49 acres are proposed to be separated out from the main lot – Lot 1 of 15.84 acres. Currently Lot 1 has road frontage on Stratton-Arlington Rd.. Lots 1 and 2 require that a Private Road be built into it to meet the 200ft of required road-frontage on each lot. The majority of these back lots are located on higher ground and they are adjacent to the Snow Mountain Farms West subdivision. The intent is to provide access to these two lot (Lots 1 and 2) from that subdivision's private roads – specifically to be connected to Leon Stocker Dr., via a right-of-way through property owned by Chris Mann. The chair confirmed and presented documents which show that an easement across the Mann property has been recorded in the Stratton Land Records, as well as a letter of Agreement and Road Maintenance Agreement with the Snow Mountain Farms West Homeowners Assoc.. Additionally, a road easement into 1601007 was created for the road, meeting the private road requirements of the Town. It includes a turn-around adequate for emergency vehicles. The above conditions satisfy lot requirements for subdivision.

Ray Hawksley questioned the lack of Water Wastewater plans. Ben Joyce explained that the intent is to include deferral language in the deeds. This will allow prospective buyers to design their sites. An Engineer did do test-pits and was confident that site plans could be developed for single family homes, as these are all large lots, although Lot 2 is somewhat restricted due to the steep grade down to the brook. Ray Hawksley, who is the Town's Zoning Administrator and Health Officer, was skeptical of the lack of site plans and thought they should accompany the subdivision. The Plimptons assured the board that the deeds will have deferral language so that in the unlikely event that building sites cannot be created, the owner / purchaser of said lot will have been informed that the possibility exists that the lot cannot be developed. The Chair did not believe that this was an unreasonable approach and that the deferral language should be stipulated among the conditions for this permit, if approved. Kent Young also noted that the gate across the entrance of Lot 1 will need to be removed or brought into compliance with the Town Ordinance. Additionally, it was noted that, in regard to fire protection, a fire pond already exists adjacent to the upper lots on Chris Mann's land.

Following the discussion, the Chair asked for a motion to close the hearing. Chris Mann so moved. George Rigoulot seconded – all concurred and the hearing closed.

The chair then asked for a motion to tentatively approve the subdivision as presented. Chris Mann so moved. George Rigoulot seconded. Discussion: The Chair stated that the board should determine the conditions for this subdivision, which will be included in the approval / report to be finalized at a subsequent meeting. The following conditions were determined to be included by the board: 1) The gate for lot one shall be removed or brought into compliance with the Town of Stratton Regulation of Private Fire Alarm and Security Gate Systems. 2) Water / Wastewater deferral language shall be included in the deeds for any lot within this subdivision, which may be sold out prior to the development of the site plan for said lot. 3) An easement from the Manns connecting PID 1601007 to Leon Stocker Dr., must be recorded in the Stratton Land Records (already completed). 4) An Easement and Road Maintenance Agreement with Snow Mountain Farms West Homeowners Assoc. with and between owners of Lots 1 and 2, to be recorded in the Stratton Land Records (already completed). 5) Before any of the three lots are sold out from the others, the private road proposed between lots 2 and 3, and across the Mann easement to Leon Stocker Dr., must be properly permitted, constructed under the supervision of the Zoning Administrator, completed, and have issued a Certificate of Completion recorded in the Stratton Land Records. 6) Before construction on lots 1 or 2 can begin, the owner must apply for and get approval of a road name by the Stratton Selectboard. 7) A mylar of said subdivision as shown on "A Subdivision Plat prepared for Harvey M. Plimpton and Kathleen G. Plimpton Stratton-Arlington Rd. Parcel 16-01-007 Stratton, Vermont" dated January 30, 2024 by Benjamin A. Joyce shall be submitted to the Town of Stratton for recording in the Land Records within 180 days of the final approval of said subdivision or said subdivision shall be voided in accordance with statute.

Following the discussion, the Chair asked for a vote to tentatively approved the subdivision with the above conditions. All concurred.

The Chair said that he will complete the Subdivision Report for Final Approval at the next meeting, which he intends to schedule for Wednesday, March 6, 2024 at 7:00pm.

**Adjourn:** The Chair asked for a motion to adjourn. George Rigoulot so moved. Chris Mann seconded. All concurred and the meeting adjourned at 8:00p.m.

Minutes by:

David Kent Young

## **Conclusion:**

This subdivision is in conformance with the existing Town Plan (2020) adopted December 14, 2020, the Stratton Zoning Ordinance (2016), adopted Feb 8, 2016, and the Stratton Subdivision Regulations (2017) adopted October 2, 2017.

## Conditions:

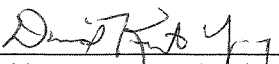
- 1) The gate for lot one shall be removed or brought into compliance with the Town of Stratton Regulation of Private Fire Alarm and Security Gate Systems.
- 2) Water / Wastewater deferral language shall be included in the deeds for any lot within this subdivision, which may be sold out prior to the development of the site plan for said lot.
- 3) An easement from the Manns connecting PID 1601007 to Leon Stocker Dr., must be recorded in the Stratton Land Records (already completed).
- 4) An Easement and Road Maintenance Agreement with Snow Mountain Farms West Homeowners Assoc. with and between owners of Lots 1 and 2, to be recorded in the Stratton Land Records (already completed).
- 5) Before any of the three lots are sold out from the others, the Private Road proposed between lots 2 and 3, and across the Mann easement to Leon Stocker Dr., must be properly permitted, constructed under the supervision of the Zoning Administrator, completed, and have issued a Certificate of Completion recorded in the Stratton Land Records.
- 6) Before construction on lots 1 or 2 can begin, the owner must apply for and get approval of a road name by the Stratton Selectboard.
- 7) A Mylar of said subdivision as shown on "*A Subdivision Plat prepared for Harvey M. Plimpton and Kathleen G. Plimpton Stratton-Arlington Rd. Parcel 16-01-007 Stratton, Vermont*" dated January 30, 2024 by Benjamin A. Joyce shall be submitted to the Town of Stratton for recording in the Land Records within 180 days of the final approval of said subdivision or said subdivision shall be voided in accordance with statute, unless an extension has been granted by the Zoning Administrator [per the Stratton Subdivision Regulations (2017), Section 3-112].

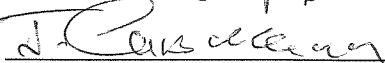
### Additional mandated Conditions include:

- 1) Any development upon the resultant parcels created here must be permitted in accordance with State of Vermont Water / Wastewater regulations, as applicable, the Stratton Zoning Ordinance and any other requirements established by any jurisdiction within which this property exists.

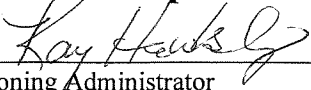
## Final Subdivision Permit Decision by Planning Commission:

Approved: March 6, 2024  
Date

  
\_\_\_\_\_  
David Kent Young, Planning Chair

  
\_\_\_\_\_  
Planning Secretary

## Permit Report reviewed and Final Plat Approval granted:

  
\_\_\_\_\_  
Zoning Administrator

3/6/24  
Date

(See Stratton Subdivision Regulations (2017) 3-114 for distribution requirements)

September 2, 2024  
Mylar Due-by Date

**Right to Appeal:**

ZBA or Planning Commission decisions may be appealed to the Environmental Court. Appeals must be submitted to the Environmental Court within 30 days after a written decision has been issued.

Vermont Superior Court, Environmental Division  
32 Cherry Street, 2nd Floor, Suite 303  
Burlington, VT 05401  
Phone: 802-951-1740 - Hours: Monday–Friday, 8:00 AM–4:30 PM

**Recording:**

(at least 30 days after date of approval – no Appeals submitted)