TOWN OF CHARLOTTE
PLANNING COMMISSION
TOWN HALL
DECEMBER 1, 2016

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MEMBERS PRESENT: Jeff McDonald, Chair (arrived 7:58 p.m.); Peter Joslin, Acting Chair, Gerald Bouchard, Puspa Luitel, David Kenyon, Charlie Pughe (arrived 7:06 p.m.), Marty Illick.
ADMINISTRATION: Daryl Benoit, Town Planner/Zoning Board Staff.
OTHERS: Andrew Thurber, Susan Krasnow, Jane Krasnow, Britney Tenney, George McCain, Gunner McCain, Michael Krasnow, Eddie Krasnow, Mark Moser, Tom Walsh, Isaiah Kiley, Michael Russell, Margaret Russell, Laurie Thompson, John Calcagni, Nancy Calcagni, Emily Greenberg, Roeluf Boumans, Linda Radimer, Susan Blood, Jason Stockwell, and others.

Minutes are subject to correction by the Charlotte Planning Commission. Changes, if any, will be recorded in the minutes of the next Planning Commission meeting.

AGENDA ITEMS:

- PC-16-161- SK Thurber, Sketch Plan
- PC-116-137-SD KR Properties, LLC – Major Subdivision Amendment
- Continuation of 2016 Town Plan Review

CALL TO ORDER
Mr. Joslin, Acting Chair, called the meeting to order at 7:01 p.m.

AGENDA
Approved.

PUBLIC COMMENTS
None.

APPROVAL OF MINUTES: November 3, 2016
Deferred.

PC-16-161- SK Thurber, Sketch Plan
Andrew Thurber, owner, appeared on behalf of the application.

STAFF NOTES
Mr. Joslin, Acting Chair, reviewed staff notes. A site visit was conducted at the property, located at 2848 Greenbush Road, this date at 6:00 p.m.

APPLICANT COMMENTS
Mr. Thurber reviewed that the main house was built in the 1800s and there are three major outbuildings built from 1880s-1920s. Changes were made to the house in the

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1990s. The use of the house changed from residential to a mix of residential and commercial uses. He has lived at the property from 2009-2011 and worked on the house in 2009. He is proposing office spaces in the main house and the existing 2-story one bedroom apartment in the el will stay as is, said Mr. Thurber.

Mr. Thurber explained proposed changes as follows:

- A first floor front office, and a proposed office in the former dining room
- A downstairs bathroom to be shared by the office tenants
- A small exterior sign by the existing mailbox on Greenbush Road
- A larger "house name" sign at the Greenbush Road/Ferry Road corner as a location/destination landmark
- Proposed parking for up to 14 potential spaces that would stay within the character of the neighborhood
- Office and residential uses are permitted uses within the Village Commercial district and the proposal meets the density requirements for an office use

PLANNING COMMISSION QUESTIONS/COMMENTS

Ms. Illick reported that at the site visit the Planning Commission members observed potential lighting and parking considerations regarding local traffic and neighbors.

Mr. Joslin asked if the house use has been residential. Mr. Thurber explained that the Deer Path Day Care was the commercial use from 1991 to 2001. The day care owners lived in an apartment next door. Prior to that use it was a residential house. The daycare required a higher septic capacity then what will be needed for the proposed office use. There is a shared well for the house, apartment and the Adler property next door to the south. It is a high volume well with high sulfur content. The water needed for a mixed use would be less since there will be no showers, dish washers, or laundries, said Mr. Thurber.

Ms. Illick asked when Mr. Thurber needed to start the project. Mr. Thurber replied as soon as possible. The main house tenant left a month ago and the house is vacant, said Mr. Thurber.

Mr. Joslin noted that at the site visit Mr. Thurber said that there is one office tenant. Mr. Thurber replied that a primary tenant wants the front downstairs office space, which is 2/3rd of the first floor space. The 'dining room' could be another office. There are 4 bedrooms upstairs, of which two bedrooms are connected and could be one office space, suggested Mr. Thurber.

Ms. Illick asked if there is a traffic projection. Mr. Thurber replied that the residential use currently has 7-8 parking spaces. They park in an angle. For the office use he would expect that the daytime number of cars would be higher at around 10 cars. At night the only cars would be 1-3 if the apartment is rented to a couple without children, said Mr. Thurber.

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Ms. Illick asked what the parking capacity is today. Mr. Thurber said that there is one space for the apartment. There is potential for 7 employee parking spaces to the south near the smaller historic shed. That seems adequate, said Mr. Thurber.

Mr. Russell, potential office tenant, explained that he and two employees would require all day parking. He sees 1-2 clients per day. In the spring may be up to 3 clients a day. When he has a real estate closing that could translate into parking spaces for 4-5 cars for a few hours, said Mr. Russell.

Mr. Thurber said that people who have lived at the property have parked on an angle. People come in on the south driveway and go out the north driveway. It makes sense to come in on the north driveway and depart from the south driveway. At the site visit the neighbor to the south expressed concerns regarding head light glare that could be addressed with a low fence. It is a question on how close a fence could go to the roadway. There is more space along the roadway to the south and space to the roadway gets tighter at the north. He might require some relief if he puts in a fence at the north, said Mr. Thurber.

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Ms. Moore, a southerly abutting neighbor, asked Mr. Thurber to address the parking space needs and stormwater issues if the parking lot was expanded, and possible lighting pollution. Will there be landscaping between the parking lot and Greenbush Road. There was an 8' hedge there at one time, noted Ms. Moore. Mr. Thurber said that there were no plans for landscaping at this time. This is Sketch Plan review and as per the Land Use Regulations he could have 14 parking spaces maximum. He would prefer not to have 14 spaces although he would be flexible. Regarding lighting and screening, it might be possible to work something along Greenbush Road, said Mr. Thurber.

In response to questions, Mr. Thurber explained that parking for employees and office tenants would be located south of the 1880 shed. The well is out further toward the southerly property line. Currently the roadway runoff flows into the driveway and drains down through the property. The property is well drained. He would have an engineer look at stormwater mitigation issues. There is no proposal assigned parking; that would be left up to the tenants. The parking lot surface may be the same as exists. He is trying to keep things simple, stated Mr. Thurber.

Mr. Stockwell, a neighbor across the road, expressed concerns related to lighting and parking. The installation of motion detection lights could address night time light pollution, suggested Mr. Stockwell.

Mr. Joslin reviewed that as per Section 4.1.2, the proposed use fits the area, which is proposed as 1 residential use and mixed commercial uses. The main house would have the commercial uses, clarified Mr. Joslin.

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Ms. Illick asked if there were good soils at the parking lot. She agreed that if down-shielded lighting is carefully done that would minimize impacts to the area, said Ms. Illick.

Mr. Joslin asked for more details regarding the flow of stormwater and land grades at the parking lot. Mr. Thurber explained that the property to the south sits below Greenbush Road and flattens out. The house is the transition point where Greenbush Road drops off. The edge of the lawn to the north of the house is higher than the road and water flows into the driveway and drains onto the lawn by the swings, said Mr. Thurber.

MOTION by Ms. Illick, seconded by Mr. Bouchard, to classify a change of use from a single use to a multiple use regarding PC-116-161-SK Thurber Sketch Plan Review.
VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.

PC-16-137- SD KR PROPERTIES, LLC – MAJOR SUBDIVISION AMENDMENT
Gunner McCain, George McCain and Britney Tenney, McCain Consulting, Inc., and Michael Krasnow, applicant, appeared on behalf of the application.

Mr. Joslin recused himself as an abutting neighbor, and joined the assembly.

STAFF NOTES
Mr. Bouchard, Acting Chair, reviewed staff notes.

APPLICANT COMMENTS
Mr. (Gunner) McCain reviewed a site visit with the Planning Commission. The people attending the site visit drove up an existing farm road through the field and parked at the top of the field. The party walked a proposed development road, viewed proposed house sites, a leach field for Lot 6 and a community septic location on Lot 5, viewed Lots 3 and 4, and went to the Ball's property to view Lots 1 and 2 and land features. Lots 3 and 4 would have an access off the Ball's existing driveway, said Mr. McCain.

PLANNING COMMISSION QUESTIONS/COMMENTS
Ms. Illick reported that a new informational packet, dated 12/01/2016, was received that included memos from the Charlotte Conservation Commission and from Isaiah Kiley. A question is how to deal with that information, which the applicant and representatives have not seen or reviewed, said Ms. Illick.

Ms. Illick said that she attended the site visit, and stated that she is familiar with the evidence and testimony. There are more issues regarding the high public value areas, which are addressed in the Town Plan and Jeff Parsons report. The proposal doesn't fully recognize the Parsons' report, which was an incomplete site assessment. The new information makes a point that this might be the time to get a full assessment from Parsons to address identified concerns, suggested Ms. Illick.

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Mr. (Gunner) McCain said he received a copy of the Parsons report and the applicant paid for a separate wildlife assessment that addressed the items in the Parsons report. The applicant may not agree with everything in the Parsons report. The Krasnow's have made attempts to address those concerns, and have not seen the new information, said Mr. McCain.

Ms. Illick said that the Planning Commission needs to do a better job of delineating areas of high public value and protecting those areas. For example, she has concerns for a house proposed in the middle of core habitat. The Planning Commission has letters from Jeannine McCrumb, former Town Planner, and staff regarding these matters, said Ms. Illick. Mr. (Eddie) Krasnow replied that he would like to hear other Planning Commission member's comments on the issue. It is a recovering forest, and not old pasture. He has lived there for 40 years. There are two professional wildlife assessment reports. There is not that much discrepancy, it is just opinions. He didn't see any wildlife or plant protection needed. We live there and want a vibrant wildlife and human community, said Mr. Krasnow.

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Mr. Boumans, Conservation Commission member, said that the commission has reviewed the application plans. There are areas of significant wildlife habitat. The subject property is in the middle of a wildlife corridor and core habitat that comes over from the Green Mountains and to Pease Mountain. There is a high public value mostly from the west side of Mt. Philo. There are two properties that contain a wildlife corridor on Mt. Philo. There are concerns that the proposed Krasnow lots would cut Pease Mountain off as illustrated by wildlife habitat maps in the Conservation Commission memo. The commission had sent a letter to Jeannine McCrumb a year ago and she didn't receive it. The commission has now entered it as testimony, said Mr. Boumans.

Mr. Kiley read his written memo into the record, and explained the differences between the definitions of "minimizing" versus "mitigation" as terms regarding protecting or reducing adverse impacts, and quoted the Town Plan, Section 5.1.1. There will be impacts from Lots 5, 6, 7 and 8 in a vital zone of connectivity and animal movement through core habitat. He has listed resources in his report. There are PRD requirements in the Town regulations related to minimizing adverse impacts and preserving core habitat, stated Mr. Kiley.

Mr. Joslin asked to view an Agency of Natural Resources ortho-photograph of the Krasnow property.

Mr. (Michael) Krasnow pointed out that a farm road was built through core habitat and if that would permanently effect wildlife movement then it would have happened already. The road was put in years ago, and recently donated to the State Park. Regarding lot impact concerns, a building envelop has been moved to the edge of the meadow to address those concerns, said Mr. Krasnow.

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Mr. (Gunner) McCain related that a requirement for a 300' buffer from the edge of agricultural field or human activity is not that relevant. How to address all the human activity in the State Park may be more relevant. The Krasnow's have tried to minimize the project impacts. The parcel has a 17 lot density. The Krasnow's are proposing 9 lots, pointed out Mr. McCain.

Ms. Illick said the Town Plan includes language regarding areas of high public value. When the Planning Commission reviews an application for a property with high public value we can call for a PRD. The Planning Commission asks applicants not to have an impact on areas of high public value, and can steer applicants away from areas, explained Ms. Illick.

Mr. (Eddie) Krasnow said that the Planning Commission and Town Plan say the family has a right to a 17-lot density. If there is sufficient septic soils and water then we can do the subdivision. His family is trying to balance family interests for estate planning, goals and be respectful of the town and neighbors. Regarding preserving high public value – tried for two years to get the Charlotte Land Trust and Vermont Land Trust interest. Didn't want to commit.

Mr. Joslin reiterated that he has recused himself. The Town regulations allows for a potential of 17 lots. The Krasnow's have done a good job compromising the placement of the houses. He has lived in the area for 23 years. He has seen the patterns of wildlife movement along hedge rows inside of Mountain's Edge and into the woods. Animals come northeast to southeast along a brook, and coyotes travel there at night. He attended the first site visit when it was cold and windy. The Krasnow's have reduced the number curb cuts by two. There are good views in the areas north and south of Mt Philo Road and One Mile Road. The proposal retains that view shed and west on Mt Philo Road, said Mr. Joslin.

Mr. Boumans stated that a corridor habitat that's already impacted shouldn't mean more impacts.

Ms. Radimer, Conservation Commission member, said she was also at the first Planning Commission site visit and trekked up hill. As soon as she got into the wooded area it was loaded with animal tracks. Lower parcels skirt the lower region of the core habitat. Deer don't yard up in Vermont, but migrate westerly into the trees for shelter. Wooded areas are crucial for animal habitat of all kinds. Coyotes feed on those animals. Homes should be kept out of core corridor habitat. Regarding density, if you have a wetland on a property that is 90 percent of that property you still have density. You might not be able to realize that density. The State of Vermont is trying to keep core habitat from fragmentation. Also song birds are affected by roads. Dogs, cats and predators are brought in by roads and that affects wildlife. This area is one of few remaining in the Champlain valley. The Planning Commission decides what has to be protected regarding density. It is not to keep someone from developing a property. It is a matter of least impacts. Some parcels can't sustain lots all spread out. Development could be concentrated in a smaller area with lesser areas of impact, suggested Ms. Radimer.

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Ms. Thompson, Trails Committee Co-chair, said the committee is coming into the application process late. The members didn't hear about this subdivision until recently.

Ms. Thompson reviewed sections of the Town Plan and read trails definitions into the record. The committee is requesting to discuss a potential trail easement over the subdivision. A trails goal is to create a major corridor of integrated trail systems from Mt Philo to the Town Beach, and long term goal from Mt Philo to the East Charlotte Village. There is a trail easement over the Nichols' farm and a potential easement over the Hinsdale/Preston property. Ms. Thompson read a Burlington Free Press article regarding a trails study that found home values increased when they are located near a trail.

Mr. (Gunner) McCain replied that a wildlife corridor through the middle of the Krasnow property is protected now. A trail easement would be a non-starter for the Krasnow's. Regarding Eddie's response to Marty related to a wildlife analysis, the applicant has submitted one at the Krasnow's expense and has responded to the Parsons report, said Mr. McCain.

Ms. (Jane) Krasnow said that she appreciates Ms. Illick's and the Planning Commission's review. The Planning Commission has a responsibility to protect the interests of the Town and that is part of the Planning Commission's mission. She would like to know what the other Planning Commission member say, said Ms. Krasnow.

Mr. Pughe asked how to define core habitat. Ms. Illick explained that it is mapped, delineated, and defined on Town and state habitat maps. Mr. (Gunner) McCain reiterated that if it includes a 300' buffer from an agricultural field where human activity occurs, then a question is where the line is drawn on the Park land. People wander all over, dogs run unleashed. People don't follow a definition by those maps, said Mr. McCain. Mr. Kiley said that it doesn't mean land untouched by humans. Open land is used by people to hunt, or hike, for example. He doesn't know how the corner of Krasnow's agricultural field is represented. There is a state report that says a buffer zone is somewhat flexible to activity. There is a difference from agricultural activity versus residential homes, said Mr. Kiley.

Mr. (Michael) Krasnow said the field is used regularly for haying with machinery. The maps being quoted didn't change for that road that was built. Now the State Park has stopped the use of the road. That core habitat is small in size. We made changes in our plans minimizing encroachment to areas previously identified as core habitat, stated Mr. Krasnow.

Mr. Bouchard asked how much width would be gained for core habitat based on moving the building envelopes house sites. Mr. (Gunner) McCain said that if those changes were made then that changes what the Krasnow's are trying to create. Mr. (Eddie) Krasnow said that it gets more expense month by month if the hearings are continued. We need to know what can be done so we can plan as a family. How do the Planning Commission members feel about the proposal, asked Mr. Krasnow.

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Ms. Russell, a Trails Committee member speaking as a resident, said in general in Charlotte there are only so many large parcels. She lives on a large parcel. She pays taxes on her land. Does every large parcel have core habitat on it, and what is core habitat, asked Ms. Russell. Ms. Illick suggested that it is a great conversation to have. As a Planning Commission there is a careful review of areas of high public value. The commission is here to apply regulations by 'the book', said Ms. Illick. Ms. (Jane Krasnow stated that is as the Planning Commission interprets it. Ms. Illick replied of course, the Planning Commission has knowledge and relies on professionals for assessments. The commission didn't spend the money for a full blown assessment, said Ms. Illick. Mr. (Gunner) McCain replied that the Krasnow's spent money to do a full assessment. Ms. Illick said that it didn't jibe with Parsons' assessment and she had read both.

Mr. Bouchard said that the Krasnow's have put a lot of thought into the proposal. It is a tough math problem figuring out what could be built and where. He preferred this plan versus the last plan; especially two less two curb cuts.

(Mr. McDonald assumed Chairmanship at 8:23 p.m.)

Mr. McDonald explained to the Trails Committee that the Planning Commission has held two Sketch Plan hearings that the Trails Committee had not attended. This is the first time. The application is a Major Subdivision Preliminary hearing and the Planning Commission will accept more feedback. The State Park should be looked at and where it fits in. The Krasnow's have taken Planning Commission suggestions into account regarding the proposed subdivision. Lot locations have been moved and building envelopes reduced in size. The applicant has made refinements, said Mr. McDonald.

Mr. Pughe said he is struggling with the core habitat. The two experts say different things. One expert said that there was nothing of significance there. Charlotte has been developed and there is a lot of 'blockage' of continuous habitat parcel to parcel. There is development on One Mile Road, development on Pease Mountain, and the bottom of Mt Philo is all built up. He doesn't see connectivity, said Mr. Pughe.

Mr. Kenyon said he agreed with Mr. Pughe regarding the two different expert opinions. The proposal does strike a balance and minimizes impacts. He appreciates that balance, said Mr. Kenyon.

Mr. McDonald suggested that the building envelopes could be smaller. The area of cedar trees is a sensitive area. The State Park has a donated buffer and the Krasnow's have protected an area that links to that along the south border. The middle lot could be reduced in size. The applicant has a density of 14-17 lots and is proposing 9 lots. Once that is built out there will be no more subdivision of the parcel, said Mr. McDonald.

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Mr. Luitel said he agrees with David (Kenyon). It is hard to strike a balance. The Krasnow's have paid taxes for a long time. It is a tough math problem as Mr. Bouchard said earlier. The process must be fair for all parties, said Mr. Luitel.

Ms. Illick pointed out areas of core habitat and open land in Charlotte and how those areas relate on the ANR map. There is connectivity of animal movement along the hedge row. The core habitat area may need field delineation which the Parsons report has highlighted. There is forest connection in patches. Ms. Illick pointed out Kimball Brook and tributaries going to the Brook on the map. Kimball Brook is a river. Animals follow water ways and into core wooded areas to Pease Mountain from Mt Philo. The Town has supported spending money into keeping that functionality. She agrees with Isaiah Kiley regarding Lots 6, 7, 8 and 1 should not impact those areas. There are definitions for "minimizing" versus "mitigating". Mitigating means to do something else to fixing something. Minimizing is to reduce adverse impacts. For this application the building envelopes can encroach a little bit. Yes, Champlain Valley habitats are fragmented. There are federal, state, and Town regulations for the potential to have a good built out. Ms. Illick pointed to areas that should be protected and possible buffers on the site map. Language should be written into an Open Space Agreement, said Ms. Illick.

Mr. (Gunner) McCain, said that the subdivision site map depiction shows that core habitat stops on Krasnow's property borders. It doesn't stop, the habitat daylights out to open areas beyond the property, said Mr. McCain. Ms. Illick replied yes, the wooded habitat areas are like stepping stones that animals feel safe in and then will skip quickly through open areas. The open space is not a high quality habitat. The wooded natural features are the strongest habitat areas and that is where your road is proposed, noted Ms. Illick.

Mr. Boumans stated that the more fragmented habitat become it works less and less. It is death by 1,000 cuts, said Mr. Boumans.

Ms. (Susan) Krasnow said she would address the "minimizing" word. Her family has been proactive to minimize impacts on the land, and to be respectful of neighbors. She feels like the family has been minimized by the process when say we need to look to our future. She thanks the Planning Commission for recognizing the compromises. We as a family co-own the property. We are not leaving this up to our children to do. We have responded to our neighbor's needs and Town needs, stated Ms. Krasnow.

Mr. Kenyon asked for clarification of the size of the building envelope in the meadow. Mr. (Gunner) McCain replied that it is 1.6 acres. This lot could have an outbuilding, and the Planning Commission could apply conditions, such as screening, which would be reasonable, said Mr. McCain.

Mr. McDonald said that the pasture is overgrown now. If cleared that would open the view. Concerns regarding lighting has come up and would be reviewed. There is an issue of a shared driveway to Lots 2 and 1 using the Ball's existing driveway, said Mr. McDonald. Mr. (Eddie) Krasnow replied that there is an agreement with the Ball's that

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only trees that have to be cut would be cut. None of us want to see each other. The agreement details are not public yet, said Mr. Krasnow.

Mr. McDonald said that a proposed road would need to be constructed to Town specifications so that it is not built piece meal. Mr. (Eddie) Krasnow said that the proposed 5-lot community septic system needs to be built as well.

Mr. Joslin reiterated that he is recused. Subdivisions of these kinds are difficult and balancing the rights of the land owner and following Town Plan and Land Use Regulations are required. The applicant has done a good job. Water is a huge issue in the area. His own well is 1,300' deep. Mountain's Edge homes have re-drilled wells, noted Mr. Joslin.

Ms. Radimer asked if there is a way to mitigate, or minimize impacts from the lower section to accommodate habitat and linkages. When she walked the property it was a miserable day and cold. She didn't get up to the east section, or lower section, said Ms. Radimer. Mr. (Gunner) McCain replied that the applicant feels that the plan meets the goals of the Krasnow's and addresses the Town's issues. Ms. (Jane) Krasnow said that the family has worked on this plan for 5 years now and are good stewards of the land.

Mr. McDonald noted that missing turnouts on roads. Every 800' needs pullout and turn out. Mr. (Gunner) McCain said there are plenty of places for turnouts.

Mr. (Eddie) Krasnow reviewed that there will be plan for a centrally located trash area as a shielded concept.

Mr. (Gunner) McCain reviewed the well is dug and has more than sufficient flows. A plan is needed to build a delivery system to serve all 9 lots, said Mr. McCain.

Ms. Illick reiterated that an Open Space Agreement should be signed versus in the covenants as proposed. Mr. (Gunner) McCain said that there has been discussion regarding open space. Is an Open Space Agreement a document that the Krasnow's would sign with the Town, asked Mr. McCain. Mr. McDonald explained that it is a standard document that would be reviewed by the Town Attorney. An agreement would be an overlay that the Town would be a party to, said Mr. McDonald. Mr. McCain pointed out that the Krasnow's have set aside 50.1 percent of open space on the parcel. Mr. (Eddie) Krasnow said that will it be in the deeds. He was fine with an open space document, said Mr. Krasnow.

Mr. Pughe asked if Lots 3 and 4 were close to the existing Krasnow driveway. Mr. (Eddie) Krasnow said a goal is to keep that driveway for family use only. He didn't want to deal with more people. It is an expense to ourselves, and retains privacy and uninterrupted use of family property. There is a proposed road to Lots 3 and 4 on the other side of the hedgerow. He acknowledges that it is not the most efficient use of the property. Those two lots would share the proposed road, said Mr. Krasnow.

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MOTION by Mr. Bouchard, seconded by Mr. Kenyon, to close the hearing regarding PC-116-137-SD KR Properties, LLC – Major Subdivision Amendment. VOTE: 7 ayes; motion carried.

Mr. Joslin rejoined the Planning Commission.

CONTINUATION OF 2016 TOWN PLAN REVIEW

Starting at 9:00 p.m. the Planning Commission held a discussion regarding a proposed draft 2016 Town Plan.

OTHER BUSINESS

None.

ADJOURNMENT

MOTION by , seconded by , to adjourn the meeting.
VOTE:

The meeting was adjourned at p.m.

Minutes respectfully submitted, Kathlyn Furr, Recording Secretary.

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