

# CHARLOTTE PLANNING COMMISSION

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October 11, 2002

Mr. Clark Hinsdale, Jr.  
286 Prindle Road  
Charlotte, VT 05445

Mr. Clark Hinsdale, III  
173 State Park Road  
Charlotte, VT 05445

Dear Mr. Hinsdale and Mr. Hinsdale,

The Charlotte Planning Commission makes the following statements and recommendations concerning the Hinsdale Large Farm application under its Site Plan Approval criteria §6.5 of Zoning By-Laws.

As a preliminary statement, the Town of Charlotte, as articulated in the Town Plan approved on March 5, 2002, supports the continuation of its rural character and seeks "to maintain and enhance the scenic beauty and open land of the Town through protection of working farmland and the creation of conservation areas." (*TP Pg. 1.*) A primary goal of the Town is to "support and enhance a viable farming community within the Town and to preserve an agricultural land base for this purpose." (*Goal 1, Objective 1.1.*)

Furthermore, the Town recognizes that the continued presence of a farming population within the Town contributes to its relatively low population density and explains why Charlotte continues its rural character to this day. (*TP Pg. 14.*) It is also recognized that where farms and forestlands are no longer in active production, that they are being developed into residential "neighborhoods" forever removing the lands from agricultural use. (*See, TP §4.4.3.*) "Fragmentation of farmland reduces the potential for extensive agricultural operations such as hay and crop production and dairying." (*TP Pg. 48.*) It is this balance and concern of the Town that has contributed to the significant debate and public meetings held in connection with the Hinsdale Large Farm application.

The Town has an abundance of soils well suited to agriculture. Significant land in the Town has been identified as "primary agricultural soil" worthy of preservation under Vermont's Act 250. (*TP Pg. 33.*) Moreover, greater than fifty (50%) percent of the soils in the Town are such soils of which a significant portion are in active agricultural use. Virtually all of the Hinsdale properties are included as "Farmlands of Statewide Importance" and are located in "Area C-Central Charlotte." (*See, TP Maps 4 & 5.*) Clearly, it is the Town's objective to continue these properties as active farms. Furthermore, the Town has designated the "Central Charlotte" area as "having the potential of providing the Town with a permanent "critical mass" of agricultural land." (*TP Pg. 49. See also, TP 5.4.3.1 Agricultural Planning Area Strategies.*) The strategy for conserving Charlotte's biological diversity in agriculture is as follows:

Charlotte's policy of encouraging the maintenance of agricultural land use is set forth previously in this Plan (*see Section 4.4.4*). Charlotte is and should continue to be "farm friendly". While some farm consolidation seems inevitable, family farms are likely to be more nature-friendly. Large industrial type "factory farms" with no farmed land base and most inputs imported, are not a desirable direction for agriculture in Charlotte. Rather, Charlotte desires to continue its tradition of family farms and encourages biodiversity through the use of agro-biodiversity, crop diversification, "heritage" strains, and beekeeping and similar means

*TP Pg. 58.*

Furthermore, the Town has adopted as its policy:

The community understands the importance of agriculture to the Town and recognizes that agricultural practices may create conditions, including noise and odors, that can impact their desired lifestyle. Neighbors will try to resolve any problems among themselves; however, it is understood that reasonable agricultural practices, which are defined by State policy, are necessary for viable farming operations and contribute to a working landscape and community pride.

*TP. 5.4.1 Agricultural General Policy #3*

On its face, the Hinsdale Large Farm application generally falls within the parameters as specified in the Town Plan and as covered above. The Planning Commission does not have specific articulable criteria as to what would be an appropriate size and scale of farming operations within the Town. However, it is the consensus of the Planning Commission that, given the existing symbiotic agricultural and residential components of the area, the current proposed scale is at the upper limits of what could conceivably be considered appropriate for this area, and very likely for the Town. Finally, it is the expertise of the State Department of Agricultural, and other relevant governmental agencies, that the Town is relying upon to insure the health and safety of the community, given the size and scope of the Hinsdale Large Farm proposed operation.

General Comments of Application: It is the consensus of the Planning Commission that:

1. The northern proposed site is a preferred location of the farm buildings for a number of reasons. These reasons include: improved vehicular access and use; the total structures are set lower in the overall landscape; and the manure pond is in a better location, based upon the testimony of the applicant. The Planning Commission recognizes that the Hinsdales want the Town to "throw up" Thornton's Trace, a Town owned Class IV road, in order to make this alternate location viable. The Planning Commission does not support the Town giving up a Class IV road that is part of its overall trail system unless an alternate location of such a by-way can be established in the general vicinity and maintain the integrity of the trails system.
2. Since the Hinsdales have now made it clear that the present application is all that is under consideration, the area to be excavated for the farming complex and the size of the structures should be reduced. In particular, the "milking parlor wing" and "heifer area" can be significantly reduced in size given the changes in the plans.
3. The "farm buildings" should be redesigned in their overall appearance, shape and size, in order to conform with "traditional" looking farm structures. This would reduce the visual impact to the landscape caused by the proposed metal "factory-like" looking structures that are proposed.

4. The Hinsdales should further develop their plans, and the placement of manure pits, location of farm structures, location of food bunkers, location of storage facilities, and farming equipment in order to reduce the overall impact to the neighborhood.
5. All of the land base that supports the proposed or continuing operation of Hinsdale Farms should be declared “dedicated farmland” (for agricultural use) and preserved in perpetuity as open space.

The Planning Commission specifically addresses the issues in its Site Plan Approval standards of Section 6.5 of the Charlotte Zoning Bylaws as follows:

***D.1. Route 7 Access:*** Not Applicable

***D.2. Maximum safety of vehicular circulation between the site and the road network:***

1. Northern site is preferred. This would allow one 4-way intersection with Bingham Brook Road and Guinea Road.
2. A single site access is preferred, ie: at the 4-way intersection. Eliminate the circular driveway. Employees and visitor could use the same driveway.
3. Thornton’s Trace can be “relocated” to run adjacent to the wetland associated with Mud Hollow Brook (staying out of the wetland and setback) or along the northern and western property lines.
4. Additional cautionary, low impact, signs should be installed along Bingham Brook Road (between the proposed barn and feed bunk near Spear Street) providing appropriate warning to motorists of the farming operations underway.
5. Farming field equipment should use farm roads rather than town highways except when absolutely necessary. In particular, attention should be paid to the use of manure spreaders during the spring when the roads are soft and heavy equipment is being used.
6. The Hinsdales should consult with the Town Road Commissioner regarding the proper installation of culverts.
7. The Hinsdales are requested to consult with their employees about reducing speed on Town roads, and also to make them aware that the tractor lights make it difficult for automobile drivers to see at night.

***D.3. Adequacy of circulation, parking and loading facilities:***

Although not specifically related to circulation and parking, noise has been raised as a concern. Of the equipment in the barn, apparently the vacuum pump is the loudest. Distance to dwellings would be in the range of 2,000 feet, so this will help to dissipate the noise. Baffles should be used if noise becomes a problem.

***D.4. Adequacy of landscaping and screening:***

1. The plan by Distinctive Landscaping entitled “Hinsdale Barn, Concept A, Hinsdale Farms, Charlotte, VT” dated July 31, 2002 includes elms along the south and west sides of the milking barn and cow barn, oak trees in the center of the circular drive, maple trees around the outside of the circular drive, and ash trees along Guinea Road.
2. The Planning Commission recommends amending the plan by Distinctive Landscaping as follows:
  - a. Randomly alternate species in the tree-line along Guinea Road with a mixture of native species in addition to the proposed ash trees, keeping all trees a minimum of fifty (50) feet from the proposed access drive (at the current location of the Thornton’s Trace). Vary the spacing between trees to minimize the look of a planted row of street trees.

- b. Add at least one other species to the proposed elm rows along the south side of the cow and milking barns.
  - c. With the removal of the circular entrance, randomly locate the sugar maple and burr oak trees in the front of the barns.
3. The existing hedgerows throughout the farm should all be maintained and where possible, strengthened by adding a mix of trees to insure year round screening and continuing development. The existing hedgerows, namely, to the west of Meadowside Drive, within the farmfields to the west of Guinea Road, and between the proposed farm buildings and Quarter Mile Road are beneficial for several reasons: they can assist with erosion control and water quality protection, they provide windbreaks and wildlife habitat, and they help screen the barn (and noise, light and other affects) from neighbors. The Planning Commission has already required (as part of the Quarter Mile Road subdivision approval) that the existing hedgerow between the proposed farm buildings and Quarter Mile Road be maintained.
  4. The Zoning Bylaws states that to control soil erosion, clearing and grading should be kept to a minimum, and should not take place within streambank setback areas. Disturbance should be avoided between October 15 and May 1. Seed and mulch should be applied as soon as possible to disturbed soils.
  5. The applicant has indicated that the primary reason for exterior lighting at the barn is for employees arriving and departing at the night-time shift change. Minimal lighting is needed for this purpose. A few lights in the vicinity of the parking and entrance area are all that should be needed. These should at a low height (less than six feet), low level (less than 100 watts), with downward directed fixtures, and triggered by timers or motion-detectors.
  6. The applicant has indicated that interior lighting will be reduced at night.
  7. For safety reasons, the manure storage pit should be fenced. According to the applicant, the State will likely require barbed-wire fencing; this is acceptable to the Planning Commission.

***D.5. Adequacy of recognition of historic structures:*** Not Applicable

***D.6. The overall aesthetics of the development and structures:***

1. The site of the proposed barn is listed in Section 4.4.6 of the Town Plan (V9 on page 47) as having exceptional views in all directions; this quality is also indicated on Map 12 and Map 13.
2. One of the reasons for the exceptional views at the site is the agricultural use of the land in the vicinity of the site.
3. The continuation of agricultural use in the vicinity of the site will help to protect the vistas.
4. The proposed site that is more northerly will result in the structures having a somewhat lower profile, as this site is approximately twenty feet lower in elevation than the southerly site.
5. The implementation of landscaping and retention of hedgerows, as recommended above, will help the proposed structures fit within the landscape.
6. The use of “traditional” looking farm structures would be more in keeping with the aesthetics of the area, and should be used.
7. All power and other utilities shall be installed underground.

***D.7. Adequacy of recognition of important natural features:***

1. There are wetlands and ephemeral streams associated with Mud Hollow Brook on the property. Buffering these and retaining hedgerows is important for water quality. Buffers of fifty- feet on each side of the wetland and ephemeral streams should be maintained.
2. The Zoning Bylaws indicate that sewage disposal systems shall be set back a minimum of 100 feet from the edge of the streambed of all unnamed streams. The applicant has indicated that a

septic system (which hasn't been sited) will be needed for the barn. Structures should be set back a minimum of 75 feet from the edge of the streambed.

***D.8. Adequacy of water supply and sewage treatment and disposal:***

1. The applicants have indicated that they will need 17.6 gallons per minute for the operation of the barn. The applicants have indicated that their well currently yields 35 gallons per minute. The applicant needs to verify the safe yield capacity of the proposed well.
2. The applicants have indicated that they are doing pre-construction well monitoring, in order to have base-line data on the yield of neighbors' wells. The Planning Commission encourages all neighbors to participate.
3. The applicants are required to install monitoring wells to test for groundwater contamination. It's the Planning Commission's recommendation to continue monitoring after the barn begins operation, and continue thereafter on at least a quarterly basis. Should any neighbor ever incur a problem with a well, whether it be contamination or inadequacy of source below current tested levels, an immediate and continuous monitoring and remediation program shall be implemented in order to ascertain the cause of the problem. The monitoring/remediation program shall continue until the problem is remediated.
4. Monitoring of Bingham Brook should be conducted on a quarterly basis throughout the life of the operation.
5. To reduce the impacts of manure storage and manure spreading on water quality, it is desirable to implement composting or comparable waste management program. Such programs reduce the potential for groundwater contamination, and also reduce the potential for surface water contamination from manure spreading.

We want to thank you for providing the Planning Commission with the opportunity to comment on your proposed development. The Planning Commission hopes the comments are received with the spirit with which they were written, that is with the good of the town in mind, using the town's land-use regulations as a guide. It is our hope that you will implement these recommendations when proceeding with the farm project.

Sincerely,

Jeffrey McDonald, Chair  
Charlotte Planning Commission

Cc: Mr. Leon Graves, Commissioner, Vermont Department of Agriculture  
Charlotte Selectboard