

**TOWN OF CHARLOTTE
PLANNING COMMISSION
AUGUST 15, 2013**

APPROVED

MEMBERS PRESENT: Jeff McDonald, Chair (arrived 7:06 p.m.); Gerald Bouchard, Peter Joslin, Linda Radimer, Jim Donovan, Donna Stearns. Absent: Marty Illick.

ADMINISTRATION: Dean Bloch, Town Planner.

OTHERS: Jonathan Fisher, John Pitrowski, Nate Howells, Rich Nurczynski, Lynn Nurczynski, Thomas Hergenrother Jr, Liam Murphy, Steven Milbank, George Aube, Joann Cummings, Heather McKim, Charlotte Citizen, and others.

AGENDA ITEMS:

- **Schnopp Living Trust/Hergenrother Construction; Sketch Plan Review; 3 lot subdivision; 487 Guinea Road**
- **James and Theresa Hudziak; Final Plat Hearing; 2 lot subdivision; 4368 Lake Road**
- **George and Claire Aube; Final Plat Hearing; 2 lot subdivision; 1052 Carpenter Road**
- **Michael and Barbara McGinnis; Continued Sketch Plan Review; 2 lot subdivision; 4658 Mt Philo Road**

SITE VISIT: to 487 Guinea Road to inspect location of proposed 3 lot subdivision

CALL TO ORDER - Mr. Donovan, Acting Chair, called the meeting to order at 7:02 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The Regular Agenda was approved.

Consent Agenda: None.

PUBLIC COMMENT

Mr. Fisher, the abutting neighbor to the proposed 2788 Spear Street Associates subdivision, pointed out that the application was within a 30 day appeal period. The application was changed following the PC written decision. As per the Stuart Morrow Plat filed the Lot 1 and the Halverson lot boundary adjustment line now encroached 60'x200' into the farm field and was at odds with what was approved. That line was not reflected by the decision. Had this been discussed by the Planning Commission, asked Mr. Fisher.

Mr. Bloch explained that the Plat showed that the line was moved to the west, which was an improvement. Mr. McDonald and staff felt that the change complied with the decision. The Plat was signed and filed with the Town, said Mr. Bloch. Mr. Donovan said that if the Plat was looked at and signed then he was not sure there was any recourse. Mr. Bloch said that it could be appealed.

(NOTE: Mr. McDonald arrived and resumed the Chair.)

APPROVE MINUTES FROM: April 4, May 2, July 18 and August 1, 2013

MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the Planning Commission minutes of April 4, 2013, as written.

VOTE: 3 ayes, 2 abstentions (Ms. Stearns, Mr. Donovan), 1 absent (Ms. Illick); motion carried.

MOTION by Mr. Joslin, seconded by Ms. Radimer, to approve the Planning Commission minutes of August 1, 2013, as written, with edits.

VOTE: 3 ayes, 2 abstentions (Mr. Donovan, Mr. Bouchard), 1 absent (Ms. Illick); motion carried.

SCHNOPP LIVING TRUST/HERGENROTHER CONSTRUCTION; SKETCH PLAN REVIEW; 3 LOT SUBDIVISION; 487 GUINEA ROAD

Mr. Pitrowski and Mr. Howells, Trudell Consulting Engineers, and Mr. Hergenrother, owner, appeared before the Planning Commission on behalf of the application.

STAFF NOTES

Mr. McDonald reviewed staff notes. A site visit was conducted this date.

APPLICANT COMMENTS

Mr. Pitrowski explained a proposal to subdivide an existing 26.7 parcel into three residential lots as follows:

- Lot 1 of 5.01 acres with an existing house;
- Lot 2 of 10.96 acres and 407' of frontage, and
- Lot 3 of 10.75 acres and 370' of frontage.

Mr. Pitrowski explained a septic plan for Lots 2 and 3 as shown on Sheet C2-01 that consisted of mound systems and a pump station, and drilled water wells. Separate driveways all have good visibility and sight lines. Alan Quackenbush confirmed the findings of a wetlands study done on the parcels. Mr. Hergenrother was agreeable that there would be no further future subdivision of the parcels. Steve Revel, consultant, worked with Spencer on a peer review of a hydrologic analysis study done, said Mr. Pitrowski.

PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. McDonald asked if there was any flexibility in moving the mound locations by 5'. His concern was that they might impact the house locations, said Mr. McDonald. Mr. Pitrowski replied that the mound locations were ridged. It was a tight squeeze on the hill side slope. The slopes were gentle and the mounds would blend into the slopes on the front side, said Mr. Pitrowski.

Ms. Radimer noted that the house sites followed the existing house location patterns in the area. Would the mounds be mowed, asked Ms. Radimer. Mr. Pitrowski explained that the mounds were not designed for any farm activity, but the grass could be mowed as if it were a lawn.

Mr. Joslin asked if there would be open space to the east. Mr. Pitrowski asked what purpose open space would have for a small subdivision. The building envelopes would be restricted in size and could be drawn on the site map. Nothing would be done in the back, which was a Class 2 wetlands, said Mr. Pitrowski.

Ms. Stearns suggested moving the Lot 3 house over to create a buffer from the adjoining neighbor. Mr. Pitrowski said he could argue for a greater side yard setback.

PUBLIC COMMENT

Mr. Nurczynski, an abutter, said that the Lot 3 house would be close to his yard. Mr. Bloch explained that the Town regulations called for a 50' side yard set back. Mr. Nurczynski expressed concern that there were wild animals - geese, moose, and bobcat that run through that area and across the road. Ms. Nurczynski clarified that the animals ran across Guinea Road and between two houses. It was a wildlife corridor, stated Ms. Nurczynski.

Ms. Radimer suggested that the developer could plant shrubs or trees as a wildlife buffer. The southerly house could be moved more to the north, suggested Ms. Radimer. Mr. Pitrowski said that there would be 400' between the two proposed houses. The proposed Lot 3 house could be moved further north from the neighbor, said Mr. Pitrowski.

Mr. Bloch suggested moving the lot 2 building envelope further east and the Lot 3 building envelope north.

Mr. Bloch asked for clarification regarding the Lot 3 zone of influence. Mr. Pitrowski said that the zone of influence was to protect the two lots from impacts to the wells. Mr. Bouchard suggested putting the driveways on the opposite side of the wells.

Mr. McDonald asked if it was possible for a shared driveway. Mr. Pitrowski said that it had been explored. However, separate driveways reflected the rural nature of the area. A shared driveway would create other legal issues, pointed out Mr. Pitrowski.

Mr. Pitrowski said that Mr. Hergenrother was fine with creating a smaller building envelope, but a buyer might want more. There was not much leeway for moving the Lot 2 house site and it had to go where it was put. The septic and treatment were normal, but the septic soils were limited. The leach fields could be put close to the road. He was not an advocate of that, said Mr. Pitrowski.

Following further discussion regarding creation of a wildlife corridor, Mr. Pitrowski said that there was nothing there but a boundary line now. Something could be created for wildlife, said Mr. Pitrowski.

Mr. Donovan asked if the back property could be hayed. There was extensive hayfield. Would there be potential for an agricultural easement, asked Mr. Donovan. Mr. Pitrowski replied that it was a Class 2 wetland with not much area for haying. He was not sure he wanted to establish easements around the mounds and wetlands where the ground was soft, said Mr. Pitrowski.

Ms. Nurczynski said that Jeff Hall has hayed there for years and drives in beside the Schnopp house.

Ms. Nurczynski asked if the houses would share a water well, or would there be individual wells. Mr. Hergenrother said that there would be individual wells. Mr. Pitrowski explained that water yields were looked at and there were reasonable water sources. One well recorded 1.4 gpm, said Mr. Pitrowski. Mr. Nurczynski said his well was 208' deep and had 50 gpm.

MOTION by Mr. Joslin, seconded by Mr. Donovan, to classify the Schnopp Living Trust/Hergenrother Construction Sketch Plan for a 3 lot subdivision located at 487 Guinea Road as a minor subdivision. VOTE: 6 ayes, 1 absent (Ms. Illick); motion carried.

Mr. Donovan noted that the cone of influence for the wells went across the road and onto adjoining properties. Hergenrother would need permission from those land owners. The site map should address that Lot 1 water well already exists, said Mr. Donovan. Mr. Pitrowski said he would look into it.

JAMES AND THERESA HUDZIAK; FINAL PLAT HEARING; 2 LOT SUBDIVISION; 4368 LAKE ROAD

Ms. Hudziak, owner, and Liam Murphy, attorney, appeared on behalf of the application.

STAFF NOTES - Mr. McDonald reviewed staff notes.

APPLICANT COMMENTS

Mr. Murphy explained a purposed building envelope as defined on a site map, which was a little irregular in shape to preserve a cluster of favorite Hop hornbeam trees. Wetlands delineation buffers would be covered by a state general wetlands buffer permit. Due to the wetlands a driveway has to go as depicted. A wastewater system has been designed, but the permit was not applied for yet. Approval could be conditioned upon applying for a permit. A replacement waste water system and an easement to maintain the area was shown on the site map, said Mr. Murphy.

PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. McDonald said that the building envelope dimensions were well done.

Mr. Murphy explained that a house could be built on the western or eastern part of the 0.6 acre building envelope at end of the driveway.

Ms. Radimer asked if plants would be put in as a screen from the adjoining neighbor. Mr. Murphy replied that the north boundary was the septic field, which was shared system to benefit both parcels. The applicant could agree to let it go since neither needs it anymore, said Mr. Murphy.

Mr. Milbank explained that the preserved trees were 24" hop hornbeams and were favorite trees that have names.

Mr. Bloch asked if Civil Engineer Associates would delineate the wetlands. Mr. Milbank said that Jeff Severson conducted a study. This year was the wettest as recorded by his consulting ecologist, who did a good job within the time frame. Soils were saturated, stated Mr. Milbank.

Mr. Bloch asked if the 50' well and buffers were in Class 2 wetlands. Mr. Milbank replied that the wetland regulations were reviewed. The easterly wetland was avoided. It was a Class 2 wetland with a 50' buffer. The new Vermont wetland regulations say if it was one-half acre in area it would automatically be a Class 2 wetland. The westerly land was considered a Class 2 wetland, said Mr. Milbank.

In response to a question regarding a 3,000 square foot driveway impact for wetlands, Mr. Milbank replied no. It was not a wetland. He was only talking about a 50' buffer under the new Vermont General Wetland permit regulations. The wetland was 2,400-3,000 square feet. The driveway was 14' wide with 4' minimum shoulders and space for utilities and a force main from the house, explained Mr. Milbank.

Mr. Bloch asked if a well was proposed on Lot 4B. The well shield was off the property, noted Mr. Bloch. Mr. Milbank said that the well shield could be moved. All the adjoining land owners were notified as per Charlotte regulations. There was a shared a waste water system, said Mr. Milbank. Mr. Murphy said that the septic was on the east side and the replacement area was on the west. It was hard to place everything on Lot 4B, said Mr. Murphy. Mr. Bloch suggested that it could be on another lot if necessary. Mr. Donovan said that an easement would be needed under the Town regulations.

Ms. Radimer asked if there was a management plan for the trees or wildlife. Ms. Hudizak said that she would be open to one, but she had not talked to the Conservation Commission.

MOTION by Mr. Donovan, seconded by Mr. Joslin, to close the public hearing regarding the James and Theresa Hudziak Final Plat hearing for a 2 lot subdivision located at 4368 Lake Road.

VOTE: 6 ayes, 1 absent (Ms. Illick); motion carried.

GEORGE AND CLAIRE AUBE; FINAL PLAT HEARING; 2 LOT SUBDIVISION; 1052 CARPENTER ROAD

George Aube, owner, appeared on behalf of the application.

STAFF NOTES - Mr. McDonald reviewed staff notes.

Mr. Bouchard pointed out that the address on the Sketch Plan letter should be corrected to read the Carpenter Road address.

APPLICANT COMMENTS

Mr. Aube reviewed a proposal to subdivide a 5 acre lot from his parcel for his daughter's home on Dorset Street and south of the LaPlatt River. The building envelope was proposed in the northeast corner. The boundary line was changed from the river bank to a line as staked out. The Selectboard has approved a Highway Access Permit. He may not be able to save as many trees at the curb cut access due to sight lines, said Mr. Aube.

PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. Donovan asked if a PRD was considered to make the lot smaller. Mr. Aube said he looked into it. That would have meant putting three building envelopes into the meadow. He didn't want to do that. He was not conserving land other than a river bank buffer, which would not be built on. A well would be 3-400' from the river and the septic would be located in the southeast corner of the lot, explained Mr. Aube.

Mr. Bloch said that the septic was reviewed. Based on soil testing the location had sufficient capacity for a new residence, said Mr. Bloch.

MOTION by Ms. Radimer, seconded by Ms. Stearns, to close the public hearing regarding the George and Claire Aube Final Plat hearing for a 2 lot subdivision located on 1052 Carpenter Road.

VOTE: 6 ayes, 1 absent (Ms. Illick); motion carried.

MICHAEL AND BARBARA MCGINNIS; CONTINUED SKETCH PLAN REVIEW; 2 LOT SUBDIVISION; 4658 MT PHILO ROAD

Michael McGinnis, owner, appeared on behalf of the application.

STAFF NOTES

Mr. McDonald reviewed staff notes. A site visit had been conducted and attended by Mr. McDonald and Ms. Stearns. Mr. McGinnis, owner, and Gary Pittman, Conservation Commission member, were present. They had walked the property. A suggestion was made to shorten the driveway if possible. It was wet in that area and it would be an engineered driveway, reported Mr. McDonald.

APPLICANT COMMENTS

Mr. McGinnis said that he had left a message for David Hill regarding a proposal to share a driveway.

Mr. McDonald noted that the proposed driveway was 400' long. Ms. Stearns asked if the driveway could follow the boundary line. Mr. McGinnis stated that he has asked neighbors if a shared driveway was possible, but there was no interest.

Ms. Radimer asked if there was any way to renegotiate the one driveway per lot, or if Mr. McGinnis would consider locating a building envelope closer to the neighbor..

There was discussion regarding the topography of the lot; an existing right-of-way; and the steep 15-25 percent grade.

Mr. McGinnis pointed out septic sites on a colored site map. An easement might be required to get into the best leach field. A 1 acre house site was staked out and shown on the site map in light blue. The land was flat in that area. The hillside would be kept open and a path cleared for animals to use, said Mr. McGinnis.

Ms. Cummings, Conservation Commission, submitted written comments by Gary Pittman and read the comments into the record. The comments would be found in the Town file.

Ms. Radimer asked if the steep hill had rocky outcroppings. Mr. McGinnis replied no.

Ms. Cummings referenced the Town's Significant Wildlife Habitat Map and noted forest habitat and wildlife connections to other areas. Mr. McGinnis said that Gary told him there were detailed reports on parcels on either side of his lot, but not for his lot.

Mr. Bloch said that he drove into Mr. McGinnis' driveway to view the property. It was steep and dropped off. There may be a way to minimize impacts, such as restructuring the building envelope to less than one acre, suggested Mr. Bloch.

Ms. Radimer suggested preserving the lot via selling the development rights to the Charlotte Land Trust as an option. He could contact Frances Foster, or Kate Lampton of the Land Trust, said Ms. Radimer.

Mr. Joslin said that a more in depth wildlife study was not necessary.

Mr. McDonald suggested mitigation options, or buffering of activity, such as a no cut zone or management plan. Ms. Radimer said that pets impacted wildlife and that was a concern. Mr. McGinnis pointed out that the existing homes had pets in the area. He has seen lots of scat on the trails. There were turkeys, deer, and an owl nest in an old tree. He has not seen fox, said Mr. McGinnis.

Mr. Bloch asked if there were views from the proposed building envelope location. Mr. McGinnis replied no. There were pine trees in the lower 5 acres that should mature within the next 10 years, said Mr. McGinnis.

Mr. McGinnis reiterated he had an existing 60' right of way. Jeff Hutchins could grade the land to try to get drainage to the culvert.

Ms. Radimer suggested a boundary adjustment with a neighbor, which could create an easier access. Mr. McGinnis said the grade was up to 30 percent with a 150' slope so it was not feasible.

PUBLIC COMMENTS

Mr. Pflaster, adjoining neighbor, said that Mr. McGinnis had contacted him in writing regarding the use of his driveway. McGinnis stated that in consideration of use McGinnis would maintain the driveway for one year. He maintained his own driveway and was not interested in that proposal. He had left McGinnis a message, but didn't hear back. There were e-mail exchanges as well. He was still open to discussing it, said Mr. Pflaster.

Mr. McGinnis stated that he was not interested in offering compensation. He had a legal right of way, reiterated Mr. McGinnis. Mr. McDonald suggested that it might reduce the cost of a driveway to your lot. Mr. McGinnis replied that he calculated it was a \$4,000 difference and not worth it. If he could use the Pflaster driveway it would be 200' less. There was a curb cut on Dan's property then he had immediate access to his right of way. A curb cut is about \$1,000, said Mr. McGinnis.

Mr. Bloch suggested that absent other additional information the Planning Commission could recommend a more restricted building envelope.

Mr. McDonald said that the Planning Commission would like to see a forest management plan with a goal for wildlife connections. Mr. McGinnis asked if it had to be done by a licensed forester. Ms. Radimer suggested Jesse Moore, who has a lot of information on the area already. Mr. Bloch said he contacted Jesse for an estimate for services, but had not heard back. Jeff Parson and Sue Morse responded. They might have time in early September. A Scope of Work discussed was estimated at \$1,500, said Mr. Bloch. Mr. McGinnis said he was willing to have a wildlife consultant.

Mr. Bloch explained the process of a Sketch Plan letter that would point out options, such as a wildlife habitat analysis survey. There were questions on how to mitigate impacts, said Mr. Bloch.

There was a brief discussion on the wet lands where a proposed driveway would go. Mr. Donovan asked if a wetland permit was needed, and if so, Mr. McGinnis might want to know up front if the state considered it a wetland.

Ms. Radimer suggested looking at the site of the septic. He was using an existing pathway for the septic, said Ms. Radimer. Mr. McGinnis said that the southwest corner of the lot was heavily forested. The back corner could be kept open, said Mr. McGinnis. Mr. McGinnis pointed out existing homes in relation to the proposed building envelope.

MOTION by Ms. Radimer, seconded by Mr. Donovan, to classify the Michael and Barbara McGinnis 2 lot subdivision located at 4658 Mt Philo Road as a minor subdivision.

VOTE: 6 ayes, 1 absent (Ms. Illick); motion carried.

DELIBERATIONS - None.

ADJOURNMENT

MOTION by Mr. Donovan, seconded by Mr. Joslin, to adjourn.

VOTE: 6 ayes, 1 absent (Ms. Illick); motion carried.

The Planning Commission meeting was adjourned at 9:23 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary