

**TOWN OF CHARLOTTE  
PLANNING COMMISSION  
FEBRUARY 7, 2013**

**APPROVED**

**MEMBERS PRESENT:** Jeff McDonald, Chair (arrived 7:07 p.m.); Ellie Russell, Gerald Bouchard, Peter Joslin, Paul Landler, Linda Radimer, Jim Donovan.

**ADMINISTRATION:** Dean Bloch, Town Planner; Tom Mansfield, Zoning Administrator.

**OTHERS:** Liam Murphy, David Marshall, Taylor Harmeling, Charles Russell, Scott LaBerge, Amanda LaBerge, Pat O'Brien, and others.

**CALL TO ORDER**

Mr. Donovan, Acting Chair, called the meeting to order at 7:03 p.m.

**APPROVE REGULAR AGENDA AND CONSENT AGENDA**

The Regular Agenda was approved with an addition to discuss the Town Plan at 7:45 p.m.

Consent Agenda:

**MOTION by Ms. Russell, seconded by Ms. Radimer, to approve the Consent Agenda.**

**VOTE: 5 ayes, 1 abstention (Mr. Joslin), 1 absent (Mr. McDonald); motion carried.**

**PUBLIC COMMENT**

None.

**APPROVE MINUTES FROM: December 20, 2012 and January 17, 2013**

**MOTION by Mr. Joslin, seconded by Ms. Radimer, to approve the Planning Commission minutes of 01/17/2013 as written, with corrections/additions.**

**VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.**

Mr. McDonald arrived and assumed the Chair.

**TAYLOR HARMELING; RE-OPENING OF FINAL PLAT APPLICATION; REQUEST OF PLANNING COMMISSION FOR ADDITIONAL INFORMATION ON THE INSTALLATION OF UTILITY INFRASTRUCTURE TO THE PROPOSED BUILDING SITE ON COLONEL WILLIAMS WAY**

Liam Murphy, agent, David Marshall, Civil Engineering Inc, and Taylor Harmeling, owner, appeared on behalf of a Planning Commission request to re-open the Final Plat application to hear additional information related to utilities.

Mr. Donovan said that he was working on a project with Civil Engineering Associates, Inc. He would let the Planning Commission decide if there might be a conflict of interest, said Mr. Donovan. The Planning Commission members said that there was no conflict of interest.

**STAFF NOTES**

Mr. McDonald explained that the Planning Commission supported the application and would accept last minute information regarding a proposed utility plan.

**APPLICANT COMMENTS**

Mr. Marshall explained three proposed options related to the installation of Green Mountain Power (GMP) utilities on a site map as follows:

1. A modified proposal for a primary and secondary power route starting from the Greene's house at the end of Colonel Williams Way on the west side of the Harmeling lot that followed a previously permitted driveway from the Moulton application. The MTC and transformer cabinet have been shifted westward. There would be 150' between cabinets. The route was on previously disturbed slopes of 18 percent or less and the utility line goes along side that permitted driveway.

2. A utility route starting from the Greene's house on the west side of the Harmeling lot that could go lower on the slope and historically mapped slopes of 25 percent would be avoided where possible. The mapping was done by Stuart Morrow for Mr. Moulton.
3. A utility route following along a proposed driveway from Mt Philo Road on the east side to the Harmeling building envelope. The first MTC cabinet would be 500' from the Mt Philo Road entrance, with 500' pull distances between the structures shown as green points on the site map. There are known exposed ledges and water re-charge areas along the proposed east route. Work would include minimizing direct storm water discharge in those areas. Blasting would be avoided where possible. The expectations were to cover over the GMP utility lines by in-filling at the ledges. There were four identified areas where the required depth of 36-48" of cover could not be achieved and blasting would be necessary.

Mr. Marshall said that the primary electric line would be owned by GMP, and a secondary electric line from the transformer cabinet to the proposed house would be owned by the homeowner.

Mr. Murphy said that power line has a conduit. The telephone and cable line would require conduit with a separation from the power conduit, said Mr. Murphy.

Mr. Marshall said that Option 3 would require some blasting to meet GMP requirements. The preference was Option 1 with relocation of the two cabinet structures, suggested Mr. Marshall.

#### PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. Bouchard noted that on the site map ledge areas were circled in red for Option 3, and asked if ledge areas under the ground might be hit. Mr. Marshall replied yes. Known ledges were mapped, but where there might be ledge 6" underground was not known. No test pits were done along the proposed driveway route, clarified Mr. Marshall.

Mr. Joslin asked if power came in from the west that cut and fill would be the same as for the Mt Philo Road driveway with no blasting. Mr. Marshall said yes; no blasting.

Ms. Radimer asked if the road without the power line would require less tree cutting and less width. Mr. Marshall said that regarding clearing limits they would stay within the footprint.

Mr. Bloch asked if it was confirmed that telephone and cable could come in from the west side. Mr. Marshall explained that there was a telephone pedestal at the Greene's driveway. The telephone line was confirmed, but not cable, said Mr. Marshall.

Mr. Bloch asked if Stuart Morrow's work done on behalf of the Moulton application was the basis regarding the slope percentages. Mr. Marshall said yes and reviewed information provided by Stuart Morrow's topo-mapping points that reflected an 18 percent driveway on the west side of the Harmeling lot.

Ms. Radimer asked if the power route between the two cabinet points would be restored to a natural state. Mr. Marshall said that the route surface would be restored. Natural succession was the intent, said Mr. Marshall.

Mr. Murphy said GMP had no problem with re-vegetation, but might come and cut it at sometime. Mr. Marshall said that utility companies tell us they rarely need to get into an area between cabinet points. If someone cuts a cable, or wires then they would have to fix it, explained Mr. Marshall.

Mr. Donovan asked if the route would follow along the existing edge of the cleared area and stay out of the trees. Mr. Marshall said that the route could run along the edge of the existing roadway. He would show the utilities lines inside the cleared area on the site map, said Mr. Marshall. Mr. Murphy said that the applicant would accept a condition that "...a utility route would go in the existing road and cleared area."

Ms. Radimer asked if a pond was ever constructed there. Mr. Mansfield said that there had been a pond at the left side of the existing road. It had dried up and there was a depression there, said Mr. Mansfield.

Mr. Bloch asked if a Forest Management Plan created by Sue Morse for the Moulton application would be followed. Mr. Harmeling replied it could be referenced in the open space plan.

#### PUBLIC COMMENTS

None.

**MOTION by Mr. Joslin, seconded by Mr. Donovan, to close the Taylor Harmeling Final Plat application request of the Planning Commission for additional information on the installation of utility infrastructure to the proposed building site on Colonel Williams Way.**

**VOTE: 7 ayes; motion carried.**

#### WORK SESSION ON REVISIONS TO TOWN PLAN

The Planning Commission discussed potential Town Plan revisions:

- Chapter 12, Land Use - should include patterns of future land use.
- Chapter 7, clarify land use trends versus agricultural land use.
- Town staff would e-mail 2008 Town Plan chapter word documents to Planning Commission members.
- Mr. Donovan would forward a copy of Bob Hyam's Chapter 3 draft to Ms. Radimer via e-mail.

#### **LaBERGE BROTHERS, SCOTT & AMANDA LaBERGE; SKETCH PLAN REVIEW; 2 LOT SUBDIVISION; 1904 LIME KILN ROAD**

Scott LaBerge and Amanda LaBerge, owners, and Patrick O'Brien, agent, appeared on behalf of the application.

#### STAFF NOTES

Mr. McDonald reviewed staff notes.

#### APPLICANT COMMENTS

Mr. O'Brien explained that Scott worked on the farm and wanted to build a house on the farm. A 5.1 acre lot would be subdivided from 156 acres of farm land that was located on the south side of Lime Kiln Road. The land was mostly tillable land with 10-20 percent in pasture. Lime Kiln Road ran east to west. The proposed house lot would be sited so that it would not impact pasture or tillable land. A future access to the lot would be by a legal right-of-way. Utilities would follow the right-of-way, said Mr. O'Brien.

#### PLANNING COMMISSION QUESTIONS/COMMENTS

Ms. Radimer asked if the proposed lot was treed. Mr. O'Brien replied that it was partially treed and scrub land.

Mr. LaBerge explained that he would build a house where the cows didn't go. The proposed lot consisted of ledge and steep topography. There was grass land up by the road that would be kept for farm resources, said Mr. LaBerge. Mr. O'Brien said that access and a building envelope would be located in an area that the cows didn't historically use.

Mr. Donovan suggested that the access off Lime Kiln Road be located either further west, or east past a knob to make sure there were good sight distances. The applicant should have the Charlotte Road Commissioner check the sight distances, said Mr. Donovan.

Mr. Joslin noted that the Land Use regulations said to avoid irregular shaped lots, and suggested that the lot either move closer to the road, or include the front piece. Mr. Bloch clarified that the Planning Commission would come up with recommendations. Regarding lot shape, the regulations don't say that every lot has to be square, said Mr. Bloch.

Mr. Landler said that the proposed lot appears to follow a treed area. Mr. LaBerge reiterated that the proposed lot had ledge and steep terrain that the cows didn't use.

Mr. McDonald asked if the applicant would consider a smaller lot. A site visit might be needed, said Mr. McDonald.

Mr. Donovan suggested either moving the lot forward toward the road while leaving some farm resources along the road open, or moving it toward the road and leaving more pasture land in back. Mr. O'Brien said that the proposal was a rough sketch. When a site visit was done then what was planned would make more sense, said Mr. O'Brien.

Ms. Radimer asked if the proposed lot was a good distance from an existing wildlife corridor. Mr. LaBerge replied that it was far away.

Mr. McDonald asked if there was any conserved land on the farm. Mr. O'Brien said no. Scott's father was approached at one time. The farm is family owned and they recognize that at some future time that might happen, explained Mr. O'Brien. Mr. LaBerge stated that the intent was to continue farming.

Mr. Bloch asked if there was any future additional development of the lot. Mr. LaBerge replied not at this point. He was the only family member working on the farm, said Mr. LaBerge.

**MOTION by Mr. Donovan, seconded by Ms. Russell, to continue a Sketch Plan review for a 2 lot subdivision by LaBerge Brothers, Scott and Amanda LaBerge, located at 1904 Lime Kiln Road, to February 21, 2013, at 7:15 p.m., and to schedule a site visit on Saturday, February 16, 2013, at 9:00 a.m. VOTE: 7 ayes; motion carried.**

#### **DELIBERATIVE SESSION**

The Planning Commission entered Deliberative Session at 8:35 p.m.

#### **ADJOURNMENT**

**MOTION by Mr. Donovan, seconded by Ms. Radimer, to adjourn the meeting.**

**VOTE: 7 ayes; motion carried.**

The Planning Commission meeting was adjourned at 9:30 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary