TOWN OF CHARLOTTE
PLANNING COMMISSION
JANUARY 3, 2013

APPROVED

MEMBERS PRESENT: Jeff McDonald, Chair; Ellie Russell, Gerald Bouchard, Peter Joslin, Paul Landler, Linda Radimer, Jim Donovan (arrived 7:05 p.m.).
ADMINISTRATION: Dean Bloch, Town Planner; Tom Mansfield, Zoning Administrator.
OTHERS: Clark Hinsdale III, Pat O'Brien, Theresa Hudziak, Mary Pat, Deana Valentine, Gary Pittman, Bob Mesaros, and others.

CALL TO ORDER
Mr. McDonald, Chair, called the meeting to order at 7:00 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA
The Regular Agenda was approved.

Consent Agenda: The Taylor Harmeling and Charlotte Senior Center Sketch Plan letters were pulled for further discussion during Deliberative Session.

PUBLIC COMMENT - None.

APPROVE MINUTES FROM: April 5, November 15, December 6 and December 20, 2012
MOTION by Ms. Russell, seconded by Mr. Joslin, to approve the Planning Commission minutes of 11/15/2012 as written, with corrections/additions.
VOTE: 4 ayes, 3 abstentions (Mr. McDonald, Mr. Donovan, Ms. Radimer); motion carried.

MOTION by Mr. Donovan, seconded by Ms. Russell, to approve the Planning Commission minutes of 04/05/2012 as written, with corrections/additions.
VOTE: 5 ayes, 2 abstentions (Mr. Joslin, Ms. Radimer); motion carried.

MOTION by Ms. Radimer, seconded by Mr. Landler, to approve the Planning Commission minutes of 12/06/2012 as written, with corrections/additions.
VOTE: 6 ayes, 1 abstention (Mr. Joslin); motion carried.

CONTINUED: CLARK HINSDALE, JR TRUST, CLARK HINSDALE III, TRUSTEE; SKETCH PLAN REVIEW; 2 LOT SUBDIVISION; SOUTH SIDE OF BINGHAM BROOK ROAD
Clark Hinsdale III, Trustee and applicant, appeared before the Planning Commission on behalf of the application.

STAFF NOTES
Mr. McDonald reviewed staff notes. A site visit had been conducted, said Mr. McDonald.

SITE VISIT
Mr. Joslin reviewed that an extensive site walk was done. Three different lot options related to building envelope locations were noted: one on the west side of the lot in a valley, a second to the south and further eastward, and a third to the north along a ridge line. Any of the three sites would be fine. He thought a buyer might build on the two higher levels for the views, said Mr. Joslin.

Mr. McDonald said that adequate screening from car headlights along a boundary line between neighbors was discussed.

APPLICANT COMMENTS
Mr. Hinsdale said that the property was located on the south side of Bingham Brook Road. Years ago cattle were grazed there, and now saplings were taking over the field. The Marion Bausch subdivision was located to the west. A prior 2012 boundary adjustment of three acres was done for Peter Trono to improve his proposed house site. Peter's proposed house would be south of all the Trono sons homes. Conserving a field up by the Burleigh's property would result in a continuous open space in that area. There are three topographical elevations on the property as noted by Ms. Russell during the site walk. The woods in the back are old growth maples and young maples, beech and other hardwoods, said Mr. Hinsdale.

PLANNING COMMISSION QUESTIONS/COMMENTS
Ms. Radimer asked if it would be better to locate houses clustered closer to the road. Mr. Hinsdale replied it was an option. A PRD could be done so that five more acres could be added for open space in the back, said Mr. Hinsdale.

Mr. Hinsdale briefly reviewed a history of the Meadowside Drive, Lot 1, which was sold in the 1980s and re-purchased by the Hinsdale's.

Mr. Hinsdale described how conservation land curved through the area with a consistent housing pattern that set houses back in the woods. The property was not a wildlife corridor. Wildlife ran east-west to the north of the property, said Mr. Hinsdale.

Mr. Hinsdale related a run-in with a catamount during the summer. Ms. Radimer said she would like to see a subdivision plan that wouldn't encroach on wildlife habitat, and made sure that there were corridors for animals like that. Mr. Hinsdale suggested putting one building envelope down by the road and a second one on the second level up. There was a band of stony loamy soil and brushy area next to the property by Marion's corner. No hardwoods grew in that area. There was a spine ledge of rock in the upper area and a second area of ledge further in. Dividing the property into 2 lots of two-acre and eight-acres leaves some open area in the back. The property contained areas with septic soils in several places. The best soils were in the second level area, which would support a double septic system, said Mr. Hinsdale.

Mr. Landler said the northern part of the lot has potential for two building envelopes. Mr. McDonald said that the Town has language in the regulations to amend building envelopes now. A potential buyer could come in for an amendment later. He had no issues for a two lot subdivision, said Mr. McDonald.

Mr. Hinsdale said a no-build zone could be drawn on the site map. He thought that whoever bought the land would conserve most of it, said Mr. Hinsdale.

MOTION by Mr. Joslin, seconded by Ms. Radimer, to classify the Clark Hinsdale Jr Trust, Clark Hinsdale III, Trustee, application for a 2 lot subdivision on the south side of Bingham Brook Road as a minor subdivision.
VOTE: 7 ayes; motion carried.

Ms. Radimer and Mr. Donovan would do a site visit on the Hinsdale property at a future time.

CONTINUED: JAMES & THERESA HUDZIAK; SKETCH PLAN REVIEW; 2 LOT SUBDIVISION; 4368 LAKE ROAD

Theresa Hudziak, owner, Mary Pat Palmer and Deana Valentine, agents, appeared on behalf of the application.

STAFF NOTES
Mr. McDonald reviewed staff notes, and noted that a site visit was conducted.

Mr. Joslin said that during a site visit the members walked on an existing path that paralleled the proposed driveway. The proposed driveway would be lower than the existing path. A proposed building envelope seemed to be in an area that was acceptable. Mr. Joslin asked the applicant why the existing path would not be used to access the lot. Ms. Palmer explained that the S-1 sheet of the sketch plan drawing showed a waste water system that extended over the existing path. A new wastewater area would be located west of the path, said Ms. Palmer.

Mr. McDonald stated that a building envelope was not staked out. A waste water easement and setbacks in the western part of the property were staked out, said Mr. McDonald.

Ms. Radimer said that an old hardhack stand of trees in the western side should be kept if possible.

Mr. Pittman, Conservation Commission, said there was a view to the east, and asked if a view corridor would be clear cut. Ms. Hudziak replied that right now it would stay as is. She did not have any immediate plans to build, said Ms. Hudziak.

Ms. Radimer asked if the application would consider an access off Lake Road to minimize driveway impacts, and move the house site. Does the wetland go straight up along the boundary, asked Ms. Radimer. Mr. Joslin pointed out that the property off Lake Road was not the Hudziak's land. They would have to cross the wetland if the access was changed, said Mr. Joslin.

Mr. Joslin asked if the applicants would need to provide a view easement for the other lot. Ms. Valentine said that it would be kept private between the two lots. The trees might be topped and not clear cut. Mr. Joslin suggested a further discussion at a future time in the process.

Ms. Radimer asked if the setback from the wetlands would be decreased if a PDR was done. Mr. Bloch pointed out that wetland setbacks could not be reduced as per state rules.

Mr. Mesaros, neighbor northwest of the proposed Lot 4B, pointed out a location of an existing waste water system, and explained that his plan to conduct maintenance the of system. This might influence where a building envelope was located. The septic had shared rights. However, a 1992 deed gave him exclusive use, maintenance and operation of the existing waste water system. To comply with a state exclusion zone, trees within 10' of the septic would be cut. He had the property and septic surveyed to determine which of the trees needed to be cut. An area shown in red on the site map has noted trees within 10' of any septic component. The area pushes into the setback zone. He was not opposing what the Hudziak's were doing. They shouldn't site a house in an area where trees will be cut, explained Mr. Mesaros. Mr. Bloch said that the 10' exclusion zone was a state rule and not in the Town regulations.

Mr. Mesaros said that some conifers might be planted to mitigate the loss of trees.

Mr. Bloch asked for clarification the Mesaros' were the only users of the existing septic, and Ms. Hudziak has indicated that she would build their septic elsewhere. Ms. Hudziak replied yes. The Mesaros' were given the rights to the septic. She has spoken with Mr. Mansfield regarding a use of a former replacement septic area for her septic prior to 2007, said Ms. Hudziak.

Mr. Donovan suggested running utilities along the proposed driveway.

Mr. Bloch noted that a proposed alternate access was off Converse Bay Road. Ms. Palmer stated that an alternate access was not considered at this point.

Mr. McDonald summarized that the applicant would need to address a building envelope, septic location, a view easement, tree cutting and impacts for future discussions.

Ms. Radimer asked if there was a reason to grant, or include a view easement for a second house. Her concern was that an easement would look like a telephone right-of-way, said Ms. Radimer.

Mr. McDonald explained that details would be outlined in a sketch plan letter that would be sent to the applicant.

MOTION by Ms. Russell, seconded by Mr. Landler, to classify the James and Theresa Hudziak sketch plan application for a two lot subdivision at 4368 Lake Road, as a minor subdivision. VOTE: 7 ayes; motion carried.

BETH & GREGG BELDOCK AND TODD & JULIE HOLMES; SKETCH PLAN REVIEW; BOUNDARY ADJUSTMENT; 283 SPEAR STREET
Pat O'Brien, agent, appeared on behalf of the application.

Mr. Bloch asked Mr. O'Brien to provide copies of agent authorization for the Beldock's and Holmes. Mr. O'Brien said that he would submit the documents.

STAFF NOTES
Mr. McDonald reviewed staff notes.

APPLICANT COMMENTS
Mr. O'Brien explained that originally the Holmes and Beldock's were going to jointly purchase the property. It was the Beldock's who ended up purchasing the property. Todd and Gregg got together and decided that it would be best to have the Holmes purchase what they wanted before Gregg developed the land, said Mr. O'Brien.

Mr. O'Brien pointed out a green line on the site map that was the Holmes' property bounded to the north by the river and south by the Gcezwitz's property. The proposed adjusted area was shown as a black shaded area that equaled 7.5 acres. The land that Holmes would purchase included an area near the old gravel pit. Holmes was concerned that nothing should happen to it. Another portion is farmland where Holmes anticipates a future use as a vineyard hobby farm. To the east is wooded and includes an old logging road. By moving the line that road would be on the Holmes land, said Mr. O'Brien.

PLANNING COMMISSION QUESTIONS/COMMENTS
Mr. McDonald reviewed that Beldock had a proposed three-lot subdivision originally. Mr. O'Brien said that Gregg would return before the Planning Commission at some future time to finalize a 2 lot subdivision with Lot 1 and a building envelope in the meadow and Lot 2 with a building envelope in the back. Discussions with staff have taken place, said Mr. O'Brien.

Mr. O'Brien showed a change in boundary lines on the site map for a 2 lot subdivision versus the original 3 lots.

PLANNING COMMISSION QUESTIONS/COMMENTS

Ms. Radimer said there were discussions about clustering houses in the original application. There was a concern that a house way in back would impact wildlife, said Ms. Radimer. Mr. O'Brien replied that clustering homes was for a different application that no longer applied.

Mr. Landler said for clarification that the current application was for a boundary adjustment, and not a subdivision. Mr. O'Brien replied correct.

Ms. Radimer said that when she walked the property there was a drop-off in the south section in the back corner. Any house should be placed near the Holmes house to cluster. There was an existing road already on the property that came in from the south, said Ms. Radimer.

Mr. Bloch asked if the lot that was increasing in size was in current use now. Mr. O'Brien replied that he didn't know. A lot was not being created, but it was a boundary adjustment. The lot is 25 acres now. For current use you have to have 25 acres, but then a 2 acre homestead area needs to be carved out, so a total of 27 acres minimum was required for current use, explained Mr. O'Brien.

Mr. Donovan said it appeared that the septic easement could only be accessed from the west, or the very eastern end. The applicant might want to align it a bit on the south side so there were three access points. Could it be aligned with the utility easement, asked Mr. Donovan.

MOTION by Mr. Donovan, seconded by Mr. Bouchard, to classify the Beth and Gregg Beldock and Todd and Julie Holmes Sketch Plan application at 283 Spear Street, as a boundary adjustment.
VOTE: 7 ayes; motion carried.

DELIBERATIIONS
MOTION by Ms. Radimer, seconded by Ms. Russell, to enter Deliberative Session.
VOTE: 7 ayes; motion carried.

The Planning Commission entered Deliberative Session at 8:36 p.m.

MOTION by Mr. Donovan, seconded by Ms. Radimer, to come out of Deliberative Session.
VOTE: 7 ayes; motion carried.

MOTION by Mr. Joslin, seconded by Ms. Radimer, to warn to re-open the public hearing regarding the Taylor Harmeling application.
VOTE: 7 ayes; motion carried.

MOTION by Mr. Donovan, seconded by Ms. Russell, to warn to re-open the public hearing regarding the Charlotte Senior Center.
VOTE: 7 ayes; motion carried.

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 10:00 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary