TOWN OF CHARLOTTE
PLANNING COMMISSION
MARCH 7 2013

APPROVED

MEMBERS PRESENT: Jeff McDonald, Chair; Ellie Russell, Gerald Bouchard, Peter Joslin, Linda Radimer, Jim Donovan. Absent: Paul Landler.
ADMINISTRATION: Dean Bloch, Town Planner.
OTHERS: Gary Pittman, Clark Hinsdale III, Tom Nola, Jonathan Fisher, Steven Denton. Ed Sulva, Patricia Sulva, Erik Hoekstra, David Cray, Suzanne Hinsdale, Kristi Halverson, Bruce Bernier, Rose Bernier, Sherry Applegate, and others.

CALL TO ORDER
Mr. McDonald, Chair, called the meeting to order at 7:06 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA
The Regular Agenda was approved with an addition of a Town Plan Process discussion.

Consent Agenda:
MOTION by Mr. Donovan, seconded by Ms. Russell, to approve a Sketch Plan letter regarding an application by the LaBerge Brothers, Scott & Amanda LaBerge for a 2 Lot Subdivision located at 1904 Lime Kiln Road.
VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.

PUBLIC COMMENT
None.

APPROVE MINUTES FROM: February 7, 2013
MOTION by Mr. Joslin, seconded by Ms. Radimer, to approve the Planning Commission minutes of 02/07/2013 as written, with corrections/additions.
VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.

CHARLOTTE SENIOR CENTER; RE-OPENING OF FINAL SITE PLAN REVIEW; REQUEST OF THE PLANNING COMMISSION FOR ADDITIONAL INFORMATION ON OPTIONS FOR THE HEIGHT OF PROPOSED POLE LIGHTS IN PARKING AREA
Gary Pittman, Charlotte Senior Center representative, appeared on behalf of the application.

STAFF NOTES
Mr. McDonald briefly reviewed that more information was requested from the applicant regarding the height of the proposed light poles in the parking area.

APPLICANT COMMENTS

Mr. Pittman explained a goal to minimize the light pole heights and wattage. The lights would only be on when there were events scheduled at the Senior Center. Last year there were 32 public and 14 private events held. This year there have been 6 public and 5 private events so far. Pole heights were considered for maximum light coverage without impacting neighboring properties. A 15' pole height did not sufficiently cover the north side of the parking lot using 0.2 candlepower lights, which was the minimum light standard. A 17' pole height met the light coverage requirements. Lights would be manually turned on and off. Motion sensor lights would not be used in the parking area, said Mr. Pittman.

PLANNING COMMISSION QUESTIONS/COMMENTS
Mr. Donovan asked if the symbols shown on the site plan were existing pole foundations at the two parking lot islands. Mr. Pittman replied no; those were existing wiring junctions.

Mr. Donovan noted that there was an existing pole located at a "T" section in the parking lot, and suggested moving that pole to the side of the "T" and adding a second pole opposite that on the "T". Would that fill in the light pattern, asked Mr. Donovan. Mr. Pittman explained that the existing pole had two light fixtures on it.

Mr. Donovan expressed concern regarding the proposed height of the poles. The lights would look out of place if they went higher than the 12' height of the building. He agreed with the proposed plan with that exception, said Mr. Donovan.

There was further discussion regarding light coverage of the parking lot as proposed; if a higher candlepower light would solve the light coverage issue; and distances between the nearest pole and the existing building. Mr. Pittman said that the nearest pole was 40'.

Mr. Joslin said that he personally had no problem with 17' poles.

Ms. Russell asked if the existing parameter lights would give light coverage for parked cars on the north end. Mr. Pittman said that parameter lights might meet the specifications. The issue was if someone got hurt and litigated that the lighting in the parking lot didn't meet standards, pointed out Mr. Pittman.

Ms. Radimer suggested using solar lights on the north side.

In response to comments, Mr. Pittman reiterated that the goal was to avoid hot spots and dark spots. The 17' pole height gave the light coverage needed, said Mr. Pittman.

Mr. Bloch asked if overflow vehicles were required to park behind the Fire Station. Mr. Pittman replied yes, and showed where cars were parked on the site plan. The proposal included 7 more new parking spaces on the circle, which was lighted by existing lights. Parking at the Fire Station should be addressed, but it was not the Senior Center property, said Mr. Pittman.

Mr. Donovan said that the Town Hall parking lot light poles were 12' high. Could another light be installed at the end of the walkway for coverage at the northeast corner, asked Mr. Donovan. Mr. Pittman said that there were bollard parameter lights on the walkway. There were two lights mounted at a 15' height on the building, said Mr. Pittman.

Mr. Donovan suggested moving the existing spot light. Mr. Pittman said that the motion sensor light could be moved, but the application was for lighting the parking lot.

Mr. Donovan said he would like to see if two poles could be placed on the "T" at the eastern end and keep the poles on the island to end up with a 'triangle' of lights. This would add a third pole by splitting an existing double light, suggested Mr. Donovan. Mr. McDonald said that he didn't think the northeast corner would be served by that configuration.

Ms. Russell spoke in favor of 15' poles.

There was discussion regarding the combined height of 15' poles mounted on 1' high concrete bases. Mr. McDonald and Ms. Radimer said they were fine with 17' poles.

PUBLIC COMMENTS
Mr. Denton, contractor, suggested using 2' high concrete bases to protect the light poles from car damage.

Mr. McDonald said that the Planning Commission would draft language regarding pole height in a letter to the applicant.

MOTION by Mr. Joslin, seconded by Ms. Russell, to close the hearing regarding Charlotte Senior Center re-opening of the Final Site Plan Review, a request of the Planning Commission for additional information on options for the height of proposed pole lights in the parking area.
VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.

2877 SPEAR STREET ASSOCIATION & TIMOTHY HALVERSON; FINAL PLAT HEARING; 3 LOT SUBDIVISION WITH BOUNDARY ADJUSTMENT; 2877 AND 2951 SPEAR STREET
Erik Hoekstra, agent, appeared on behalf of the application.

STAFF NOTES
Mr. McDonald briefly reviewed staff notes.

APPLICANT COMMENTS
Mr. Hoekstra reviewed proposed changes to a Sketch Plan in response to comments from the Planning Commission that included the same a boundary adjustment to the Halverson lot and creation of regularly shaped lots. The number of lots would remain the same. The existing historic Hancock house lot of 10.56 acres would include most of the back

acreage, a boundary adjustment would add 1.28 acres to the existing Halverson lot, a 1 acre commercial lot, and a 1.5 acre single family residential lot, explained Mr. Hoekstra.

PLANNING COMMISSION QUESTIONS/COMMENTS
Mr. Joslin asked if there was more open space as a result of the Hancock house lot reconfiguration. Mr. Hoekstra replied that allocating 10 acres of the 14.48 total acres would meet the open space requirement.

Mr. Hoekstra said that the existing accessory apartment had slightly less than the 30 percent of a main dwelling square footage allowed. Per regulations the area was zoned for 5 acres per dwelling in the village district, said Mr. Hoekstra.

PUBLIC COMMENTS
Mr. Fisher, an abutter, said he still thought it was a duplex versus an accessory apartment. The Hancock house was listed with 2,800 square feet per the Listers' card, excluding the apartment. The apartment was listed as 1,100 square feet. It was inappropriate to call it an accessory apartment, stated Mr. Fisher.

Mr. Mansfield said that the square footage calculations were included on the application. Mr. Hoekstra reviewed the total building was 4,000 square feet with 1,184 square feet for the apartment. That was less than 30 percent, said Mr. Hoekstra.

Mr. Bloch read Town regulations regarding accessory apartment square footage calculations as "…30 percent of the total habitable area of the main unit, or 1,000 square feet, which ever was larger." Mr. Hoekstra said that the size of the accessory apartment could be decreased and the main dwelling increased to meet the requirement.

Mr. McDonald asked if an affordable unit was included in the subdivision plan. Density was one-quarter acre in the Village District, said Mr. McDonald. Mr. Hoekstra said he preferred to adjust the size of the existing house.

Mr. Hinsdale III, adjoining landowner, said he had not been noticed. He owned a 15 acre piece of land across the road. There had been talk of a loop road in the village, and if so, it would exit across from the Hancock house. His concern was that headlights coming off that road would shine directly up the driveway to the Hancock house, said Mr. Hinsdale.

Mr. Bloch asked why the plan created another commercial lot. Mr. Hoekstra replied that there was 14.48 acres at the site. No more than two residential dwellings could be built. It was hoped over time there would be more commercial expansion in the Village area. There were no plans to build a commercial structure now, but some time in the future. Commercial development requires less land then residential, explained Mr. Hoekstra.

Mr. Hoekstra said that an open space boundary was shown as a dotted line on the site map and a draft open space agreement was part of the application.

Mr. Donovan asked if there were potential sidewalk easements across the front of the property for the future. Mr. Hoekstra replied the applicant would be happy to work with the Town.

Mr. Donovan asked if it would be possible to preserve a 22' spruce as a condition for development on Lot 1. Mr. Hoekstra replied yes.

Mr. Fisher noted that the proposed open space included existing wetlands, and suggested moving the open space boundary closer to his boundary line if possible. The land was wet and not usable other than for agricultural use. It was currently being hayed, said Mr. Fisher. Mr. Bloch said that a proposed septic mound was located in the open space and could be used for agricultural use. The mound area was not counted in the open space calculation, clarified Mr. Bloch.

Mr. Joslin asked if the Lot 1 well shield extended into Lot 2. Mr. Hoekstra replied yes.

In response to a question regarding a proposed boundary adjustment, Ms. Halverson said that their lot was currently 1.21 acres and would increase to 2.34 acres with the proposed boundary adjustment.

Mr. Bloch asked if a survey was included in the application for the boundary adjustments. Mr. Hoekstra replied that it was based on a boundary survey. There may not be a note regarding that on the site plan, said Mr. Hoekstra.

Mr. Bloch said that the applicant would appear before the Selectboard on Tuesday, March 12, 2013, for a highway access permit.

Mr. Fisher said that the 200' well head radius for Lot 1 looks like a bad location related to the Halverson's boundary adjustment and septic location. Both wells should be on the open space, suggested Mr. Fisher. Mr. Hoekstra said they preferred to site wells and septic on the lot parcels.

Mr. Hoekstra explained the well head access on Lot 1, the mound system in the open space and septic buffers, which were acceptable related to the wells.

MOTION by Ms. Radimer, seconded by Mr. Donovan, to close the hearing regarding 2877 Spear Street Associates and Timothy Halverson for a Final Plat hearing for a 3 lot subdivision with boundary adjustment located at 2877 and 2951 Spear Street.
VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.

CLARK HINSDALE, JR TRUST; CLARK HINSDALE III, TRUSTEE; SKETCH PLAN REVIEW; BOUNDARY ADJUSTMENT; "LeCLAIR" PARCEL ON HINESBURG ROAD
Clark Hinsdale III, Trustee, appeared on behalf of the application. Mr. Hinsdale corrected the agenda item that the Charlotte Solar Farm, LLC was not an applicant.

STAFF NOTES
Mr. McDonald reviewed staff notes.

APPLICANT COMMENTS
Mr. Hinsdale handed out a written history of the property and request for a proposed boundary adjustment, dated 03/07/2013, for Planning Commission review, as well as a site map. Mr. Hinsdale read the memo into the record. The proposal would reduce Lot 2 from 46.12 acres to 15 acres, and the remaining portion of Lot 2 would be added to the 33.63 acres of Lot 1, said Mr. Hinsdale.

Mr. Hinsdale said that his application was a sketch plan. Steven Colvin was not interested in supporting the application and Peter and Meg Walker were opposed to the boundary adjustment via e-mail comments, reported Mr. Hinsdale.

PLANNING COMMISSION QUESTIONS/COMMENTS
Mr. Donovan asked the Zoning Administrator, Tom Mansfield, why he disagreed with the application. Mr. Mansfield said it was an interpretation of the wording of Town regulations. In reading 'boundary adjustment' it was a realignment of two boundaries of two lots. A new lot couldn't be created. The 15 acres wasn't a lot that currently exists. He was suggesting what the Planning Commission had done in the past was incorrect, said Mr. Mansfield.

Mr. Hinsdale said that he could apply for another curb cut, but Town standards call for managing curb cuts. The existing approved curb cut off Hinesburg Road was a safe curb cut from a traffic stand point. It could also service the woodlot parcel, but there was one to the woodlot off of Spear Street, said Mr. Hinsdale.

Mr. Donovan asked Mr. Mansfield how this application was different from the previous application (the Halverson), which was a subdivision with a boundary adjustment. In both cases a boundary line would be eliminated, said Mr. Donovan. Mr. Mansfield explained that the Halverson application was a subdivision and boundary line adjustment. A boundary line was a realignment, or shifting, of lines and was a literal interpretation. It was moving a line, stated Mr. Mansfield.

Mr. Joslin asked if the actual land for the solar array was still a part of the existing lot currently. Is the leased area for 25 years, asked Mr. Joslin Mr. Bloch replies yes. Mr. Hinsdale explained that he had a contract to either lease the land, or Solar Farm, LLC, could purchase it. The 'lines' around the array were created by other people – a permitting agency. The contract calls for 'up to 15 acres' with space for landscaping and a buffer zone, said Mr. Hinsdale.

Mr. Joslin asked if a house could be built closer to the road. In 25 years the land may still be a part of the parcel and it might be developable, said Mr. Joslin. Mr. Hinsdale said he was not proposing anything. The solar array needs to be built and landscaped. The 2 lots

conform to Town zoning to begin with. They were 33 acres and 46 acres. He was proposing a change to 64 acres and 15 acres, clarified Mr. Hinsdale.

Rick Leonard asked if the land would be turned back to agricultural use after the 25 year cycle was done. Mr. Hinsdale said he didn't participate in the Public Service Board (PSB) process. The permit says it would be plowed and re-seeded with the posts pulled up. There were new solar arrays in testing stages right now that were improvements over the current technology. If Solar Farm, LLC wanted to expand its business then the least expense place would be to place more arrays along side an existing array, said Mr. Hinsdale.

Mr. Joslin noted that if a lot was created as proposed the rest of the land could still be sold. That wouldn't protect the property from further solar expansion, said Mr. Joslin. Mr. Hinsdale agreed that if the only choice was to lease, or sell the rest of the 46 acres to an entity in that business then there could be more solar arrays. His intent as a farmer was to put up fences and graze animals, said Mr. Hinsdale.

Mr. Leonard said that the parcel was already designated for solar. Why wouldn't you do that again, or someone else could add on more solar with a land purchase. If it becomes 64 acres can other things happen, asked Mr. Leonard. Mr. Hinsdale said that the density of the property doesn't change. The Planning Commission has jurisdiction to review subdivision and planning of that parcel. If the 15 acres was subdivided there was access to Hinesburg Road and to the 33 acre parcel. If the 33 acres was sold he had a right-of-way right along Sheehan Green and behind 2-3 existing houses. He was not suggesting that he would do anything, reiterated Mr. Hinsdale. Mr. McDonald said that was part of master planning.

Mr. Nola, abutter, explained he was a participant in the PSB process and he disagreed with the solar farm project. Why wasn't this information presented to the PSB. The PSB made a decision and the public was given information of a 46.12 acre project with a fence completely around the parameter - not just 15 acres. Now it was a new proposal with boundary lines. He had concerns regarding trust of the applicant, income the applicant was receiving, whether the land was leased or sold, and if his property taxes were increasing or decreasing, said Mr. Nola.

Mr. Hinsdale stated he didn't participate in the PSB hearings, but read the proceedings. The solar array didn't go where he thought it should. The terms of the contract were in the public record. The solar array can be up to 15 acres. They can buy or lease the land, said Mr. Hinsdale.

Mr. McDonald asked if the PSB decision would have an affect on the remaining acres outside of the 15 acres. Mr. Hinsdale replied no; other than the landscaping buffer and temporary space necessary for construction of a fence.

Mr. Leonard asked if the solar farm could be expanded, or was it limited to 15 acres. Mr. Hinsdale reviewed options to lease, or sell the entire 46 acres, unless the Town or

Planning Commission says he couldn't sell. It was an approved land use, not a subdivision. He didn't know how the property tax issue would play out. Solar Farm, LLC would pay the property tax. He would prefer to sell than own the land since he would be done with it in that case. Solar Farm, LLC had expressed interest in buying the lot while at the beginning they wanted to lease the land, explained Mr. Hinsdale.

Mr. Hinsdale reviewed a brief history of a two-year study and East Village planning meetings related to potential future expansion of the East Village. He participated in the process. He sold the Bean Farm exactly to that East Village line and did his land use planning based on the East Village plan. That was why this land was not conserved with the Bean Farm, said Mr. Hinsdale.

Mr. Bernier, abutter, said that the village expansion project of the commercial village area identified boundary lines in red on a site map. The solar farm was an industrial use, not commercial use, said Mr. Bernier.

Mr. Donovan asked if the landscape plantings would be done on the 15 acres, or outside of it. Mr. Hinsdale explained there three components to that included a fence and everything in it on 15 physical acres, a temporary easement for the plantings plan created - Charlotte Solar Farm, LLC would do plantings and maintain them, and a temporary easement for the construction period, said Mr. Hinsdale.

Mr. Sulva asked if there was any open space requirements associated with the 11.5 acres of solar array on the 15 acre piece. For example, if houses similar to Sheehan Green were built then there would be a certain amount of open space as well, clarified Mr. Sulva. Mr. McDonald pointed out that the Town didn't regulate solar arrays. Mr. Donovan clarified that an open space requirement didn't kick in for a boundary adjustment.

Mr. Hinsdale explained that there would be some open space as a buffer between the array and Sheehan Green. The original site plan had the array further from the Bean Farm, but the Town requested to push it toward the Bean Farm, pointed out Mr. Hinsdale.

Mr. Joslin asked if there would be a buffer on the east side of the solar array. Mr. Hinsdale replied yes, it was requested in the PSB process. Mr. Bloch said that the understanding was that Charlotte Solar Farm, LLC would have a buffer and maintain it.

Mr. Joslin asked if it was a no build zone. Mr. Bloch said that was not the case. A buffer was shown on the easterly side of the project, but not what could or couldn't be there.

There was further discussion regarding proposed landscaping consisting of roadside trees and landscaping around the array.

Ms. Radimer recalled that when John Carpenter sold off meadows the Planning Commission had concerns regarding what was a large parcel. The woodlot easement by the cemetery would be a horrible alternative as an access. An access from Hinesburg Road was preferable. The woodlot was prime wildlife habitat. If it was opened up and if

developed that would not be the best use of the woodlot, said Ms. Radimer. Mr. Hinsdale explained a history of conserving the Bean Farm and a 75 acre Clayplain forest with single stem logging permitted. Burlington Electric has looked at the woodlot for clear cutting chipping. Before his father purchased it the owner logged the woodlot. Everything was cut except smaller trees. The remaining trees suffered damage. There had been past discussion with Linda Hamilton regarding wildlife habitat associated with some of the woodlot. Even if the village line came all the way there that wouldn't mean it should be developed. There were two existing lots each with rights-of-way into those lots. The Planning Commission could choose where the curb cuts should be, said Mr. Hinsdale. Ms. Radimer agreed a curb cut off Hinesburg Road was preferable.

Mr. Hinsdale explained preliminary discussion with the Trails Committee regarding the existing easement next to the cemetery. It could be a non-motorized walkway/trail, a road, or it could go away. He was giving the Town the power to make it go away if he had an alternate access, said Mr. Hinsdale.

Ms. Roth, Sheehan Green resident and abutter, said that there was a lot of emphasis placed on a wildlife corridor. There was a hedgerow along her boundary and the solar farm. She wanted to see the process move quickly as possible since she was selling her house, said Ms. Roth.

Mr. Leonard asked if the right-of-way be in the new lot or along side of the 15 acres. Mr. Hinsdale said it was a non-exclusive right to use a private road that accessed the 46 acres and the array similar to the non-exclusive road into Sheehan Green. The Bean farm was conserved and he didn't want any building near there. Neighbors objected to farming uses, stated Mr. Hinsdale.

Mr. Hinsdale explained that there was a stream on the west side of the Eno woods, which was the most sensitive area of woodlot. It was the lower third part of the "jog". Buffers were needed between developments and a farm, reiterated Mr. Hinsdale.

Mr. Hinsdale said that the road would be a 50' right-of-way. Town regulations say a road has to be shared with the rest of the land. If Solar Farm, LLC owned the land they believe they could continue with the solar use after 25 years. Regarding visual impacts of alternate energy – four of these farms could power the Town of Charlotte. You could take 26,000 acres of the Town and dedicate 100 acres to power generation, said Mr. Hinsdale.

MOTION by Ms. Russell, seconded by Mr. Bouchard, to classify an application by Clark Hinsdale, Jr. Trust, Clark Hinsdale III Trustee, for a Sketch Plan boundary adjustment located on the "LeClair" parcel on Hinesburg Road, as a boundary adjustment, contingent upon Town Attorney review.
VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.

REVISIONS TO TOWN PLAN – discussion only
Mr. Donovan said that he would submit his section shortly. He was asked questions during the Town Meeting regarding more public input as the Planning Commission held

work sessions, said Mr. Donovan. Mr. Bloch said that public meetings had been held at the Senior Center, and the public would have more involvement when there was a draft.

The Planning Commission endorsed scheduled public workshops as work was accomplished on the Town Plan sections.

Ms. Radimer reported she would get Land Use edits to the Planning Commission for review. She would add her questions regarding the order of sections and how to present and dovetail them when she e-mailed her section out. Further discussion was needed regarding a conservation action plan related to open space, aspects of the Town and support in the Town Plan, said Ms. Radimer.

Ms. Russell said she would attend the work sessions related to Village and Housing.

Mr. McDonald thanked Ms. Russell for all her good work on behalf of the Planning Commission.

DELIBERATIONS
The Planning Commission entered Deliberative Session at 9:30 p.m.

ADJOURNMENT
The Planning Commission meeting was adjourned at 9:55 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary