

# **CHARLOTTE PLANNING COMMISSION**

## **RECONSIDERED AND RESTATED FINDINGS OF FACT AND DECISION IN RE APPLICATION OF**

**Estate of Marietta J. Palmer**

### **Final Plat Hearing For A Five - Lot Subdivision Application # PC-04-20**

#### **Background**

Richard Kozlowski, Esq. of Lisman, Webster, Kirkpatrick and Leckerling, P.C. is the executor of the estate. Eric Farrell of Redstone was designated by Mr. Kozlowski as the contact person for this application.

Sketch Plan Review for the project was held on July 2, 2003, a site visit was held on July 23, 2003 and a classification letter to the applicant was issued on August 8, 2003. The Preliminary Plat Decision (PC-04-07) was issued on April 15, 2004.

A Findings of Fact and Decision for the current application (PC-04-20) was issued November 18, 2004. By a letter dated November 23, 2004 from Eric Farrell to Dean Bloch, the applicant requested reconsideration of the Decision. The Planning Commission granted the request and reopened the hearing after public notice on December 16, 2004. This Findings of Fact and Decision is the result of the reconsideration.

The subject parcel includes the farmhouse on Ethan Allen Highway (US Route 7) and adjacent buildings, but it is otherwise undeveloped. The portion of the property known as “the Palmer commercial lot” has been conveyed separately and is not part of the current application. The subject parcel was previously subdivided in 1975. The permits issued most recently involving the parcel are a Subdivision Modification (September, 2000) allowing alteration of the boundary with the parcel owned by Sylvia Sprigg (now owned by Peter and Susanna Kahn), and a Subdivision Modification (January, 2001) allowing alteration of the boundaries with two parcels owned by Merry Lynn Palmer (one of which is now owned by Peter Demick and Patrice Demarco and one of which is now owned by Clark Hinsdale III).

#### **Application**

Materials submitted with the application are listed in Appendix A.

#### **Public Hearing**

A public hearing for this application was held on October 7, 2004. Eric Farrell was present at the hearing representing the applicant. Adjoining property owners and other interested parties present were: Clark Hinsdale III, Peter Demick, Patrice Demarco, Peter Kahn, Sylvia Sprigg, and Tom Jackson.

The public hearing was reopened on December 16, 2004. Eric Farrell was present at the hearing representing the applicant. Adjoining property owners and other interested parties present were: Clark Hinsdale III, Peter Demick, Patrice Demarco, and Sylvia Sprigg.

### **Regulations in Effect**

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

### **Findings**

1. The subject parcel is 118.4 acres, and is located in the Rural, Industrial and Conservation Districts.
2. Large portions of the parcel have historically been used for agriculture. Most of the parcel has soils of statewide significance. There is a pocket of prime soil located on Lot 2, and also one near the farmhouse on Lot 4.
3. Town Plan Map #6 indicates a wildlife corridor and wetland habitat associated with Thorpe Brook run across the westerly portion of the parcel. There are a few pockets of wetland on other parts of the parcel. Forested habitat is located in the wooded area adjacent to the Demick and Kahn parcels. During the hearing it was noted that there are important wildlife resources on the southern portion of proposed Lot 1 in the area identified as "Potential Building Area" on the Boyle plan.
4. The subject parcel is adjacent to several other parcels that have important agricultural and wildlife resources, some of which have been protected: the Conservation Fund parcel (agricultural and wildlife resources) is to the north and west, the Nature Conservancy parcel (wildlife resources) is to the southwest, Claflin Farm (agricultural) is to the south, the Demick and Kahn parcels (forest habitat) are to the south, and the Hinsdale parcel (agricultural) is to the east.
5. Town Plan Maps #12 and #13 depict important vistas at the intersection of Thompson's Point Road and Greenbush Road (towards the southeast); Thompson's Point Road is labeled as a "most scenic public road" along the northern boundary of the subject parcel on Map 13. The subject parcel is partially within view from Route 7 (as far as the hedgerow on Lot 2) and is clearly in view from Mount Philo.
6. The farmhouse on Lot 4 is listed in the Vermont Historic Register (H-36 Avery Palmer house) and is eligible for the National Historic Register (as indicated in a letter dated December 22, 1999 from Elsa Gilbertson of the Division for Historic Preservation, Vermont Agency of Commerce and Community Development).
7. Because the parcel is over 25 acres in size, Section 5.15 of the Zoning Bylaws and Chapter VI Section 2.M. of the Subdivision Bylaws require review under the Planned Residential Development (PRD) provisions.
8. The project does not have a typical PRD configuration in that the proposed lots are not clustered and most are larger than the minimum lot size. However Lot 5 is proposed to be less than the minimum lot size for the Rural District (ie: five acres), and Lot 4 is proposed to have a density allowance for three dwelling units, although it is 11.45 acres

in size. The difference between the require density and the proposed density for Lots 4 and 5 is to be deducted from Lot 2, so that although Lot 2 is proposed to be 29.8 acres, it will have 25.2 acres for density purposes. Some of the setbacks are less than what is required for a conventional layout.

9. It is noted that the large agricultural field on the parcel is proposed to be divided between Lot 1 and Lot 2. Although the proposed division fragments this important resource, the proposed layout provides for continued agricultural use on both lots. The field may be divided by crop, however it will retain its agricultural and aesthetic values.
10. The Planning Commission generally discourages the use of building envelopes as the sole means of conserving open space; however it is noted that the proposed density is much less than what could potentially be allowed based on the acreage of the subject parcel. Therefore the Planning Commission finds the use of building envelopes acceptable in this situation, with a requirement for future review on Lot 1 as noted below, and a “no-build/no-subdivision” condition on portions of Lot 1 and Lot 2 as noted below.
11. Lot 1 is proposed to have an individual septic system within an easement area just north of the building envelope on Lot 2. Lots 2 and 3 and the Kahn lot are proposed to have individual septic systems located within the septic easement area on Lot 2, as depicted on the Heindel and Noyes plan entitled “Proposed Subdivision.”
12. Lot 4 is proposed to have a septic system located on parcels owned by John Crabbe Jr. and Peter Aube. This area is within a septic easement that was granted by Clark Hinsdale, III to Daniel Palmer in Volume 83, Page 437 of the Charlotte Land Records, and then conveyed from the Estate of Daniel Palmer to Clark Hinsdale, III in Volume 146, Page 396 of the Charlotte Land Records.
13. Lot 5 is proposed to use the community septic system that serves Lots 5, 6 and 7 of the Reynolds/Hinsdale (Kingsland) subdivision located on the Crabbe parcel.
14. The area on the Crabbe parcel where the proposed septic system for Lot 4 and the community system serving Lot 5 (and the Kingsland lots) is within an “open space area” created during a subdivision by Clark Hinsdale III; the Open Space Agreement is recorded in Volume 54, Page 182 of the Charlotte Land Records.
15. The open space area on the Crabbe parcel consists of two distinct sections that are characterized by different slopes, soil types, vegetation and uses, and which are divided by a hedgerow that runs in a north/south orientation. The portion to the west of the hedgerow is relatively flat and consists of Covington Silty Clay, which is classified as a statewide soil; this area has been more easily used for agricultural purposes because of its flatness. The portion to the east of the hedgerow consists of Stockbridge and Nellis Stony Loam, and is further broken into two subsections, one with a slope of 3 to 8 percent slope, and one with a slope of 8 to 15 percent slope. The area with 3-8 percent slope is classified as prime soil, and the area with 8-15 percent slope is classified as statewide soil. The proposed septic system is located on the area with 8-15 percent slope. This area is less easily used for agricultural purposes because of the slope, and based on the existing vegetation and ortho-photos from 1999, it has not been used for agricultural purposes for several years. This area is not designated as critical wildlife habitat by Map 6 of the Town Plan, and it is not visible from public areas, with the exception of the top of Mount Philo.
16. The Planning Commission does not normally support the use of Open Space Areas for sewage disposal. An exception to this policy may be allowed if, as indicated in Section

5.15.D.9. of the Zoning Bylaws, the “sewage disposal...will in no way disrupt or detract from the values for which the open space is to be protected.” The easterly portion of the open space area on the Crabbe parcel does not have exceptional value for agriculture, wildlife, or close-range public views; the main value is that it is in the mid-ground view from the top of Mount Philo. The Planning Commission therefore finds that the proposed siting of sewage disposal in the eastern portion of the open space area does not detract from this open space value.

17. As noted in the Preliminary Plat Decision, the proposed building envelope for Lot 2 is not compatible with the surrounding pattern of development and open space, in that it extends northward toward the agricultural area and away from the other existing and proposed dwellings in the vicinity. As noted above, Thompson’s Point Road is a “most scenic public road” on Town Plan Map #13, and the proposed building envelope would allow a dwelling to dominate this pastoral view.
18. The main proposed access is via Palmer Lane, which is a private road. The road was approved by the Planning Commission for the Reynolds/Hinsdale (Kingsland) Subdivision, and has been constructed.
19. Lot 1 is proposed to potentially have two means of access. One access, which serves the western building envelope, uses an individual curb-cut at the northeast corner of the lot, with the driveway running along the hedgerow (as depicted in the Boyle plan). An Access Permit application has been approved for this curb-cut. The “potential building area” on Lot 1 is proposed to be accessed via Palmer Lane and the very southern strip of Lot 1. This second access may be problematic because the driveway and the potential building area are in sensitive locations with regard to important wildlife and scenic resources, therefore it is not being approved at this time.
20. Lot 4 has frontage on Ethan Allen Highway (U.S. 7), and is also proposed to have a right-of-way over Palmer Lane, Lot 5 and the Hinsdale “shop lot”. The existing farmhouse is appropriately accessed from Ethan Allen Highway, however if the parcel is further subdivided or otherwise developed more intensely, it seems that access from Palmer Lane is preferable, to provide the least negative impact on traffic flow and safety on Route 7.
21. A trail easement was established during the Kingsland subdivision to the south of the subject parcel, and the subject parcel is also near other important trails in the community, for example the Melissa and Trevor Mack Trail, the Co-housing Trail, and Williams Woods. A trail on the subject parcel would be an important linkage within the Town’s trail system, and the applicant has expressed a willingness to provide a trail easement to the Town over Palmer Lane and the southern portion of Lot 1. However there is a lack of connectivity between the existing trail network and the trail easements that have been proposed.
22. The applicant requested a release from the requirement (in Condition 14 of the original Decision PC-04-20) that septic systems and driveways be constructed prior to the conveyance of the lots, stating that the prospective buyers may not build dwellings for several years. While the Planning Commission is concerned that some of the septic systems, force mains and driveways are in close proximity to each other, it recognizes that the correct installation is the responsibility of the prospective buyers and their contractors, and also that the prospective buyers (all of whom are adjoining property owners, and all of whom either attended the reopened hearing or contacted the Planning and Zoning Office) are in support of the applicant’s request.

23. At the reopened hearing, the applicant also requested release from a portion of Condition 3 (the setting of wooden stakes at building envelope corners), and that submission of the mylars be allowed to precede submission of the documents required in Conditions 4-13. The Planning Commission agrees that the building envelopes can be staked prior to the submission of Zoning Permit applications rather than conveyance. The Planning Commission feels that the submission of executed documents prior to the submission of the mylars is not an onerous or unusual requirement.

## Decision

Based on these Findings, the Planning Commission approves the Final Plat Application for the proposed five-lot subdivision with the following conditions:

1. The following amendments will be made to maps and plans:
  - A. Plat of Proposed Subdivision by Civil Engineering Associates:
    1. The northern boundary of the building envelope on Lot 2 will be shifted so that it is in line between the pin at the northwest corner of the “shop lot” and the pin at the northeast corner of the Kahn lot.
    2. Remove “C.W. Hinsdale III” from the Proposed Sewer Easement Area. (The system is located on Lot 2 so does not need an easement).
    3. Add a note referring to the Summit Engineering plan for additional information on wastewater system serving Lots 4 and 5.
    4. Add a note referring to this Findings of Fact and Decision.
  - B. Resource Plan by T. J. Boyle:
    1. The northern boundary of the building envelope on Lot 2 will be shifted so that it is in line between the pin at the northwest corner of the “shop lot” and the pin at the northeast corner of the Kahn lot.
    2. Remove the southerly driveway on Lot 1.
    3. Add a turnout on the northerly driveway on Lot 1 at 800 feet from the intersection with Thompson’s Point Road.
    4. Correct the Proposed Sewer Easement Area to conform with that on the survey and wastewater plan.
    5. Remove “C.W. Hinsdale III” from the Proposed Sewer Easement Area. (The system is located on Lot 2 so does not need an easement).
    6. Correct labels for utility easement to Lot 1.
    7. Eliminate the road turnout to the south of the Fire Pond Turnout.
    8. Add a reference to the Summit Engineering Plan in the General Notes.
    9. Add to Density Alternate: “For density purposes, Lot 2 has 25.2 acres”
    10. Add labels on Lots 2, 4 and 5: “See Density Alternate”
    11. Remove “see Note 3” near north arrow
    12. Remove “see Note 4” near “East Thompson’s Point Road”
    13. Remove “see Note 14” Concrete Cylinder Spring Box in Potential Building Area on Lot 1.
    14. Add a note referring to this Findings of Fact and Decision.
  - C. Sheet 1 of Wastewater Design by Heindel and Noyes:
    1. The northern boundary of the building envelope on Lot 2 will be shifted so

that it is in line between the pin at the northwest corner of the “shop lot” and the pin at the northeast corner of the Kahn lot.

2. Label the individual proposed sewage disposal systems according to which lot they are to serve.
  3. Remove “Lot 2” from the “Sewage Disposal Easement Area” label. (The system is located on Lot 2 so does not need an easement).
  4. Add a note referring to the Civil Engineering Associates’ survey, the T.J. Boyle & Associates’ Natural Resources Coverage Plan and the Summit Engineering, Inc. wastewater disposal plan.
  5. Add a signature block for the Planning Commission.
  6. Remove “60’ ROW” from southern strip on Lot 1.
  7. Remove “and Sewer Force Main” from 60ft easement for Lot 4.
  8. Move proposed house and well on Lot 1 to westerly building envelope, with well as far west as possible.
  9. Add a note referring to this Findings of Fact and Decision.
- D. Site Plan by Summit Engineering:
1. Add a reference to the deeds by which the septic easements were conveyed to Daniel Palmer from Hinsdale III and to Hinsdale III from the Estate of Daniel Palmer.
  2. Add a note referring to the Civil Engineering survey, the Boyle resource plan, and the Heindel and Noyes wastewater plan for additional information and conditions on the subdivision.
  3. Add a signature block for the Planning Commission.
  4. Add a note referring to this Findings of Fact and Decision.
2. Two paper copies (one full size and one 11”x 17”) of each of the plans noted in Condition 1 above, with amendments as indicated, will be submitted to the Planning Commission for review within 60 days; the applicant will record mylars (18” x 24”) of each plan in the Charlotte Land Records within 90 days.
  3. Prior to submitting the mylars to the Planning Commission, survey pins will be set as indicated on the survey. If the survey pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that s/he will set the pins when the ground thaws and has been paid to do so. Prior to the submission of a Zoning Permit application for any of Lots 1-5, wooden stakes will be set at the corners of the building envelope on that lot.
  4. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, an executed access/utility easement in favor of the applicant (for Lot 4) over the “shop lot” owned by Clark Hinsdale III will be recorded in the Charlotte Land Records.
  5. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the applicant shall have Clark Hinsdale III execute and record in the Charlotte Land Records a Septic Easement for Lot 4.
  6. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the applicant shall have Clark Hinsdale III execute and record in the Charlotte Land Records a Septic Easement for Lot 5.
  7. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the applicant shall execute and record in the Charlotte Land

- Records a Declaration describing all easements and encumbrances for all lots, as outlined in the Easement Summary submitted with the application but formatted as a Declaration.
8. Prior to submitting the mylars to the Planning Commission, the Quitclaim Deeds from Demick/Demarco, Kahn and Hinsdale III will be completed and recorded in the Charlotte Land Records in a form essentially as submitted.
  9. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the Offer of Irrevocable Dedication and Trail Easement will be executed and recorded in the Charlotte Land Records. The document will be recorded in a form essentially as submitted, except that paragraphs 3.a. and 3.b. of the Offer of Irrevocable Dedication and paragraph a. and b. of the Trail Easement Deed shall be deleted, and the description of the easement in the Trail Easement Deed will include the following: “a strip of land twenty feet (20') in width starting from the southern terminus of Palmer Lane (ie: at the northern edge of the so-called Kingsland subdivision) and continuing 1,060 feet to the east, along the southern portion of proposed Lot 4” in order to allow for connectivity with parcels to the south and east should easements be granted on these parcels in the future.
  10. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the Sewage Service Agreement, Waiver and Easement (for Lot 5) will be executed and recorded in the Charlotte Land Records. The document will be recorded in a form essentially as submitted, except with a reference added to the existing Sewage Service Agreement, Waiver and Easement for the Reynolds/Hinsdale subdivision (Kingland).
  11. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the Roadway Agreement and Waiver will be executed and recorded in the Charlotte Land Records. The document will be recorded in a form essentially as submitted, except with a reference added to the existing Roadway Agreement and Waiver for the Reynolds/Hinsdale subdivision (Kingland).
  12. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the Fire Pond Agreement, Waiver and Easement will be executed and recorded in the Charlotte Land Records. The document will be recorded in a form essentially as submitted, except with a reference added to the existing Fire Pond Agreement, Waiver and Easement for the Reynolds/Hinsdale subdivision (Kingland).
  13. Prior to submitting the mylars to the Planning Commission and after review and approval by the Town Attorney, the Palmer Lane Shared Roadway and Fire Protection Pond Maintenance Agreement will be executed and recorded in the Charlotte Land Records. The document will be recorded in a form essentially as submitted, except it shall be corrected to include the most recent revision date of the survey plat by Civil Engineering Associates.
  14. Prior to the conveyance of any lot or to the submission of a Zoning Permit application, the fire pond (on Lot 5), dry hydrant and fire pond access will be constructed and tested to the satisfaction of the Charlotte Fire Department.
  15. Prior to the submission of a Zoning Permit application for a dwelling on Lot 1, either a fire pond and dry hydrant system will be constructed on Lot 1 in conformance with the Town's specification and successfully tested by the Fire Department, or the dwelling will have sprinklers and a central station fire/smoke alarm, which shall be inspected by the Fire Department prior to the submission of an application for a Certificate of Occupancy.

16. Prior to the conveyance of any lot, the Open Space Agreement on the Crabbe parcel (originally executed by Hinsdale) will be amended to allow the wastewater systems and force mains serving Lots 4 and 5 of this subdivision as well as Lots 5, 6 and 7 of the Reynolds/Hinsdale subdivision (Kingsland).
17. No development shall ever be located in the portions of Lot 1 and Lot 2 that are labeled (on the Boyle plan) as “Area of the property that has been used for agricultural purposes in recent years”. Also, these areas shall not be internally subdivided.
18. Prior to the initiation of any modifications or the submission of a Zoning Permit application for the area on Lot 1 designated on the Boyle plan as “Potential Building Area” or the creation of driveway to this area, an application for a Subdivision Amendment shall be made to the Planning Commission for review of at least the following: impact on wildlife resource values, establishment of building envelope, location and specifications of a driveway, and wastewater disposal.
19. No pole-mounted light fixture will be taller than 8’ off the ground, and no building-mounted light fixture will be taller than 20’ off the ground. Fixtures will be shielded to direct light downward.
20. All new utility lines will be underground.
21. Driveways (and turnouts) for Lots 1 and 3 shall be constructed where indicated on the plan entitled “Natural Resources and Coverage Plan” by T.J. Boyle & Associates (as amended in Condition 1 above), and dimension specifications shall conform to the “Charlotte Volunteer Fire and Rescue Services Inc. Recommended Standards for Developments and Homes”.
22. All driveways and roads shall be surfaced with non-white crushed stone.
23. The dry hydrant system to be constructed on Lot 5 (and Lot 1 as provided above) will include the following specification changes: connection of PVC to steel by “cast” coupling (ie: clamp style with rubber gasket) rather than threaded, and termination of riser with a 6” NPT female fitting.
24. The Warranty Deeds for all lots shall include a reference to this Decision; the Declaration; the Roadway Agreement and Waiver; the Fire Pond Agreement, Waiver and Easement; the Palmer Lane Shared Roadway and Fire Protection Pond Maintenance Agreement; the Offer of Irrevocable Dedication; and the Trail Easement Deed.
25. The Warranty Deed for Lot 2 will include a reference to the “Density Alternate” note on the T. J. Boyle & Associates’ plan.
26. The Warranty Deed for Lot 4 will include a reference to the Access/Utility Easement and the Septic Easement.
27. The Warranty Deed for Lot 5 will include a reference to the Septic Easement and the Sewage Service Agreement, Waiver and Easement.
28. Any future subdivision will be subject to open space requirements (in effect at the time), requiring delineation of an area that will be under the provisions of an Open Space Agreement. The two areas on Lot 2 labeled “proposed sewer easement area” on the survey plat by Civil Engineering Associates may be within the open space, but shall not be considered “open space” when calculating the required open space area.

**Additional Conditions:** All plats, plans, drawings, documents, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects

shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

**You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days of the date of 4<sup>th</sup> signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.**

**Members Present at the Public Hearing on October 7<sup>th</sup>:** Jeff McDonald, Al Moraska, Gordon Troy, Jim Donovan and Linda Radimer

**Vote of Members after Deliberations:**

The following is the vote for or against the application, with conditions as stated in this Decision:

- 1. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 2. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 3. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 4. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 5. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 6. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 7. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_

**APPENDIX A**

The application consists of:

- 1. An application form; the fee was paid with the Preliminary Plat application.
- 2. A survey map by Civil Engineering Associates, Inc. entitled "Property of the Estate of Marietta J.C. Palmer, Route 7/Thompson Point Road, Charlotte, Vermont; Plat of Boundary Retracement" dated 10/30/2003, last revised 2/05/04.
- 3. A survey map by Civil Engineering Associates, Inc. entitled "Property of the Estate of Marietta J.C. Palmer, Route 7/Thompson Point Road, Charlotte, Vermont; Plat of Proposed Subdivision" dated 10/30/2003, last revised 9/02/04.
- 4. A plan by T.J. Boyle and Associates entitled "The Estate of Marietta Palmer, Natural Resources and Coverage Plan" dated February 12, 2004, last revised 8/31/04.
- 5. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Proposed Subdivision" dated August 27, 2004, no revisions.
- 6. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Lot 1 Site Plan" dated August 27, 2004, no revisions.

7. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Lot 1 Details" dated August 27, 2004, no revisions.
8. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Lot 2 Site Plan" dated August 27, 2004, no revisions.
9. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Lot 2 Details" dated August 27, 2004, no revisions.
10. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Lot 3 Site Plan" dated August 27, 2004, no revisions.
11. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Lot 3 Details" dated August 27, 2004, no revisions.
12. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Kahn Lot Site Plan" dated August 27, 2004, no revisions.
13. A wastewater disposal plan by Heindel and Noyes entitled "Marietta J.C. Palmer Estate, Charlotte, Vermont, Kahn Lot Details" dated August 27, 2004, no revisions.
14. A wastewater disposal plan by Summit Engineering, Inc. entitled "Site Plan, Estate of Marietta J.C. Palmer, U.S. Route 7, Charlotte Vermont" dated 9/1/04, no revisions.
15. A sheet by Summit Engineering, Inc. entitled "Septic Details, Estate of Marietta J.C. Palmer, U.S. Route 7, Charlotte Vermont" dated 9/1/04, no revisions.
16. A test pit log by Wagner, Heindel, and Noyes, Inc. dated 5/13/82, for test pits 25-46.
17. A test pit log by Summit Engineering, LLC dated May 12, 2000, for test pits 1-11, and percolation test results for P-1 through P-3.
18. A test pit log by Ridge Consulting Engineers dated November 4, 2002 for pits 5-9, percolation test results for P-1 through P-8.
19. A test pit logs by Heindel and Noyes dated March 4, 2004 for pits 101-124.
20. A fire pond plan (five pages) by Robert Collins entitled "Marietta Palmer Estate, Proposed Subdivision Fire Pond" dated 5/2/2004, no revisions.
21. A document entitled "Easement Summary, 5 lot subdivision, Estate of Marietta J.C. Palmer, Charlotte, Vermont".
22. A document entitled "Palmer Lane Shared Roadway and Fire Protection Pond Maintenance Agreement" dated April 5, 2004, executed by Clark W. Hinsdale III, Richard W. Kozlowski, Peter L. Demick and Patrice A. Demarco, and Peter S. and Susanna I. Kahn.
23. A document entitled "Estate of Marietta J. Palmer, Subdivision of Remaining Lands, Schedule of Septic Easement Rights".
24. A draft document entitled "Shared Roadway and Fire Pond Agreement".
25. A draft document entitled "Sewage Service Agreement, Waiver and Easement".
26. A draft document entitled "Roadway Agreement and Waiver".
27. A draft document entitled "Fire Pond System Agreement, Waiver and Easement".
28. A draft document entitled "Offer of Irrevocable Dedication" for a trail easement.
29. A draft document entitled "Draft Easement to be Conveyed to Lot 4," this being for ingress, egress and installation of underground utilities.
30. A draft document entitled "Draft Septic Easement to be Conveyed to Lot 4," this being a septic system and force main easement agreement.
31. A draft document entitled "Draft Sewer Easement to Conveyed to Lot 5," this being a septic system and force main easement.
32. A draft document entitled "Amendment to Shared Septic System Easement, Construction,

- Maintenance and Operation Declaration of Covenants and Agreement,” this being an amendment of an Agreement for the Reynolds/Hinsdale (Kingsland) subdivision.
33. A memo to Dean Bloch from Clark W. Hinsdale, III dated September 14, 2004, re: Marietta Palmer Estate-Confirmation of easement arrangements.
  34. A copy of an e-mail from CSHinsdale to David Miskell dated September 8, 2004, which includes draft deed language for the septic easements over Lot 2 in favor of Lot 1, Lot 3 and the P. and S. Kahn lot.
  35. An executed Quitclaim Deed from Peter L. Demick and Patrice A. Demarco dated April 2, 2004 conveying the access right-of-way associated with their Warranty Deed recorded in Volume 114, Page 241 of the Charlotte Land Records, for the purpose of altering the location of a portion of the subject right-of-way.
  36. An executed Administrator’s Deed from Richard W. Kozlowski, Administrator d.b.n., c.t.a. of the Estate of Marietta J.C. Palmer to Peter L. Demick and Patrice A. Demarco dated April 2, 2004 conveying a right-of-way for ingress, egress and the installation of utilities over Palmer Lane (so-called).
  37. An executed Quitclaim Deed from Clark W. Hinsdale, III dated April 5, 2004 conveying the access right-of-way associated with property acquired by Administrator’s Deed dated September 15, 2003, for the purpose of altering the location of a portion of the subject right-of-way.
  38. An executed Administrator’s Deed from Richard W. Kozlowski, Administrator d.b.n., c.t.a. of the Estate of Marietta J.C. Palmer to Clark W. Hinsdale, III dated April 5, 2004 conveying a right-of-way for ingress, egress and the installation of utilities over Palmer Lane (so-called), and the installation of a fire protection pond.
  39. An executed Quitclaim Deed from Peter S. Kahn and Susanna I. Kahn dated April 3, 2004 conveying the access right-of-way associated with their Warranty Deed recorded in Volume 133, Page 280 of the Charlotte Land Records, for the purpose of altering the location of a portion of the subject right-of-way.
  40. An executed Administrator’s Deed from Richard W. Kozlowski, Administrator d.b.n., c.t.a. of the Estate of Marietta J.C. Palmer to Peter S. Kahn and Susanna I. Kahn, dated April 2, 2004 conveying a right-of-way for ingress, egress and the installation of utilities over Palmer Lane (so-called).
  41. An agreement of record (Volume 83, Page 437) entitled “Septic and Force Main Easement and Agreement”, which conveys a septic disposal and force main easements to Daniel C. Palmer.
  42. Administrator’s Deed of record (Volume 146, Page 396) from the Estate of Daniel C. Palmer to Clark W. Hinsdale, III.