

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Peter Schneider and Jessica Donovan Preliminary Plan Application for an Eight-Lot Subdivision Application # PC-06-29

Background

The subject parcel was Lot #2 of a two-lot subdivision approved in January, 2006 (PC-05-50). Sketch Plan Review for the current application was held on April 20, 2006. Site visits were conducted on 10/14/06, 10/17/06 and 10/19/06.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing was opened for this application on September 21, 2006 and continued to October 19, 2006. Persons who were present and participated in the hearing or in writing are listed in Appendix B.

Regulations in Effect

Town Plan as amended March 2002

Land Use Regulations adopted March, 2006.

Sewage Ordinance as amended December, 2004.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. Materials submitted after the original application was submitted are listed in Appendix C.
2. The subject parcel was Lot #2 of a two-lot subdivision approved in January, 2006 (PC-05-50). The applicant for that project (Clark Hinsdale, III, Peter Schneider and Jessica Donovan) represented that original parcel size was 60.7 acres. Lot 1 was surveyed as 1.7 acres (i.e. 3.3 acres less than the five-acre-per-dwelling density requirement). The 3.3 acres was to be removed from the density of Lot 2, which was thought to be 59 acres. When preparing the current application, the surveyor found that Lot 2 (which had not been surveyed for PC-05-50) is actually 51.57 acres. So the “density acreage” of the subject parcel for the current application is 48.27 acres (i.e. 51.57 acres minus 3.3 acres).
3. The subject parcel includes or is adjacent to the following *areas of high public value*:
 - A. Statewide (agricultural) soils are located on the parcel in the wet meadow (from VCGI data);
 - B. Steep slopes (equal to or in excess of 15%) are located on the parcel at various locations on the hillside (from the applicant’s data and VCGI data);

- C. Wetlands are located on the parcel in the meadow and on the hillside (from applicant's data);
 - D. Surface water includes an unnamed stream and seeps that are located on the parcel on the hillside (from applicant's data, VCGI data, and site visit);
 - E. Special Natural Area—Pease Mountain is adjacent to the parcel and listed in the Town Plan as a special natural area with the following features: geological feature (Champlain Overthrust), aquifer recharge area, and location of rare plants and natural communities (from Town Plan);
 - F. Critical Wildlife Habitats can be found on the property, based on information in the Town Plan.
 - G. Water supply source projection area for the Charlotte Central School drilled well is on and adjacent to the property;
 - H. Historic District—the “Charlotte Center Historic District,” which includes adjacent properties at the intersection of Church Hill Road and Hinesburg Road, is listed in the Town Plan (which states the district is in the National Register of Historic Places) and also in the State Historic Register (Town and State data); and
 - I. Conserved Land—the common land for the Homestead at Church Hill development to the west of the parcel is under an Open Space Agreement with the Town and portions of the Foote and Schermerhorn properties on the north side of Hinesburg Road across from the property are under easements held by the Vermont Land Trust (from Land Records).
4. The current application proposes to create eight lots from the subject parcel, all to be used for residential purposes. Lots 2-8 are between .69 acres and .86 acres. Lot 1 encompasses the remainder of the parcel (approximately 46.3 acres) and is to include a building envelope, with the remainder to be conserved through a Conservation and Agricultural/Forestry Easement and Restriction with the Town.
 5. Lots 2-8, as well as the building envelope for Lot 1, are located generally in the southeast portion of the parcel, which is on the northeastern side of Pease Mountain. More specifically, Lots 2-8 and the envelope for Lot 1 are located on the middle and upper plateaus of the parcel.
 6. The applicant has proposed that each residential parcel will include a clearing for a house; at least two and possibly up to six exterior parking spaces (each with ample room for vehicles to turn around) the option of a paved driveway, and sufficient solar access to power a solar water heater.
 7. The project impacts a relatively small portion of the statewide (agricultural) soils, primarily at the proposed road as it crosses the wetland.
 8. The parcel has three roughly defined terraces or plateaus above the wetland/meadow. Between the plateaus are bands of hillside that have steep slopes in excess 15%. In reaching the middle and upper plateaus, the proposed roadway crosses two bands of slopes that are steeper than 15%. It appears that over an acre of steep slopes are proposed to be disturbed, based on the preliminary drawings submitted with the plan.
 9. The proposed road serving the project will impact Class 2 wetlands in the meadow and Class 3 wetlands on the hillside. If access to the property is to occur from Hinesburg Road, the location of the proposed access road as indicated in the submitted plans minimizes impacts to the Class 2 wetland. However it is noted that access may be possible from Mount Philo Road; the adjacent property owners have offered to provide access to two building lots from their private road which connects to Mount Philo Road. This means of access would eliminate the need to impact the wetlands. The applicant

will need a Conditional Use Determination (State wetland permit) and possibly a permit from the U.S. Army Corps of Engineers for the Class 2 wetland impacts caused by the proposed road. It is not clear whether a permit from the Army Corps of Engineers is needed for the road crossing of a Class 3 wetland because the exact area of wetland disturbance is not known.

10. The proposed development includes a proposed septic area located 50 feet away from an unnamed stream. Other development is located 440 feet away from the unnamed stream.
11. With regard to Special Natural Areas, the applicant has moved Lot 2 to the east over the course of the hearing to provide a 200 foot buffer to the exposed overthrust and associated natural community, a portion of which is on the Schneider/Donovan parcel.
12. The Pease Mountain Natural Area is currently used as an outdoor classroom by the University of Vermont and the Charlotte Central School, as well as numerous other hikers and walkers, to study wildlife, flora and fauna habitats and geology.
13. The main pedestrian access to the Pease Mountain Natural Area is currently across the Schneider/Donovan parcel on a trail that starts on the Charlotte Central School property. No formal easement exists granting the public the right to cross the property on the trail.
14. The applicant has offered an easement to the Town for the trail, which the applicant has proposed to be reconfigured to create less erosion.
15. With regard to critical wildlife habitat, Table 7.1 of the Charlotte Land Use Regulations indicates that the Planning Commission should consider what is “identified in (the) *Charlotte Town Plan* or as field delineated.”
16. The applicant has submitted information regarding critical wildlife habitat in the form of the report by David Capen and Tina Scharf dated June 26, 2006 and a memo from David Capen dated October 14, 2006.
17. The Charlotte Conservation Commission also submitted information regarding critical wildlife habitat in the form of two memos dated September 14, 2006 and October 25, 2006, and four maps which are listed in Appendix D.
18. The Planning Commission finds that it is appropriate to also consider the critical wildlife habitat data within the Town Plan, as discussed below.
19. The report, memo and testimony from David Capen (and Tina Scharf) in part underscores and in part minimizes the value of the parcel for wildlife habitat. Some examples of both are in the following findings.
20. The report appears to give great weight to the impact of the 1998 ice storm, which resulted in abundant growth of honeysuckle, and to the applicant’s expressed interest in attempting to combat this trend.
21. The report states (on page 7) “development of this parcel is proposed for the mid- and upper plateaus of the southeastern portion of the property, close to two existing residences, open fields of the school district property, the trail leading to the UVM Natural Area, and the natural area itself. This is clearly the most desirable site on the property for houses, with favorable soils for drainage, residual trees for landscaping, and exposure to sunlight. It also may be the best for minimizing impacts on wildlife and wildlife habitat because of the importance of maintaining the diverse structure of the coniferous forest stands, riparian habitat, meadows and wetlands. Proximity of this site to existing residences, and clustering of proposed houses concentrates the area of residential landscaping and those wildlife species that prosper in such habitats and/or habituate to human activities.”

22. The memo from David Capen states “In our report (Capen and Scharf) to Schneider and Donovan, I state the following (page 8): ‘large blocks of forest connected to other habitat types are not common in this town and should be protected. The diversity of wildlife species on the Pease Mountain block clearly depends on this island of forest that is largely unfragmented.’”
23. One of the main points that David Capen made (in the report) was that “‘forest interior (bird) species’ represent the best indicators of core forest.” The report also appears to give great weight to the presence of “edge” bird species on the property, with an apparent conclusion that the property does not currently have “critical” habitat.
24. David Capen also stated in the report that the existence of “edge species” does “not necessarily interfere with a healthy community of ‘forest obligates,’ but abundance of such obligates can be affected if increasingly larger areas are occupied by edge species.” David Capen further stated in the report “we would expect to see nearly all of these (edge) species in greater relative abundance on the Williams property than Pease Mountain as a whole, and would predict increasing numbers as a result of the proposed development.”
25. Nevertheless, David Capen concludes that the UVM Pease Mountain forest does have enough forest interior bird species to be considered “core habitat,” and by extension, that the Schneider/Donovan forest would also appear to have enough forest interior bird species to be considered “core habitat.”
26. In the report and at the hearing, David Cape stated that the lower plateau of the applicant’s parcel has the most significant stands of conifers on all of Pease Mountain. These are near the wetland edge, which Mr. Capen indicated is important wildlife habitat.
27. The memo from David Capen states “the implication is that although Pease Mountain does have interior forest, as defined by GIS analysis conducted by the Vermont Biodiversity Project (VBP), this same forest might be considered a mere fragment when compared to much of the 72% of Vermont that is forested, and 26% of the state that comprises blocks of core forest larger than 5,000 acres. Indeed, this forest has many indicators, plants and animals alike, of a forest fragment dominated by edges, human activities, and invasive plants.”
28. David Capen stated at the hearing that from a state-wide perspective, Charlotte’s unforested lowlands are more important than the forest habitat, which, from a statewide perspective, is relatively small and fragmented.
29. David Capen stated at the hearing that his analysis of wildlife habitat on the parcel was conducted to analyze the effects of the proposed development as designed on wildlife and wildlife habitat; he was not asked to—and did not—determine whether an alternate design could reduce the impact on areas of high public value.
30. In considering the report, memo and testimony from David Capen and Tina Scharf, the Planning Commission has the following concerns:
 - A. The consultants have conducted their analysis at least in part from a statewide perspective, which discounts habitat that may be important at the local and regional (Champlain Valley) levels.
 - B. The consultants appear to overemphasize the amount of development along the eastern edge of the property, where only two houses are located, as well as the proximity of the proposed development to the existing development and to the school playing fields.

- C. All of the bird population surveys, upon which the consultant's conclusions were extensively drawn, were conducted on the UVM parcel, not the applicant's parcel.
 - D. The consultants have drawn conclusions from the presence of "edge" bird species which appear to conflict with the observations, analysis and conclusions of other parties.
 - E. The consultants were hired to review the existing design, and not determine whether an alternate design would have less impact on wildlife habitat.
31. The Conservation Commission's testimony and exhibits state that the property is "one of the largest areas of core habitat in the western portion of the highly fragmented Southern Champlain Valley. It is the second largest block of forested core habitat in Charlotte." (See letter dated September 14, 2006)
 32. The Planning Commission notes that the terms "critical wildlife habitat" (which is defined in the Land Use Regulations) and "core habitat" are not necessarily synonymous. A complete definition of "core habitat" has not been submitted. Whereas the Planning Commission would prefer to have parties use terms that are defined in the Land Use Regulations, the Planning Commission notes that both parties (the applicant's consultant and the Conservation Commission) have used the term "core habitat" to describe a large block of forest that hosts wildlife habitat that generally needs to be isolated from human disturbances. Therefore the Planning Commission will consider "core habitat" as a portion of the larger "critical wildlife habitat" in the Town.
 33. The Conservation Commission states that core habitat may include natural canopy openings and that the existence of "edge species" does not *necessarily* mean that the parcel does not contain core habitat or critical wildlife habitat. (See Conservation Commission letters of October 25, 2006).
 34. Considering the submissions from David Capen, the Conservation Commission, and information in the Town Plan, the Planning Commission finds that the UVM Pease Mountain parcel does have critical wildlife habitat and a large amount of core habitat, and the Schneider/Donovan parcel also has critical wildlife habitat and a large amount of core habitat.
 35. The Planning Commission finds that by locating building envelopes and the roadway leading to them on the upper plateau, the project penetrates into what is likely to be critical wildlife habitat. Additionally, the long road requires more cleared space for cut and fill, and for ditches and ponds to control stormwater run-off.
 36. The applicant has proposed to conserve all areas of the parcel outside of the building envelopes through a Conservation and Agricultural/Forestry Easement and Restriction held by the Town, and therefore the project will also result in the conservation of critical wildlife habitats to the west and north of the proposed development.
 37. Stephen Revell of Lincoln Applied Geology, the applicant's hydrogeologist, testified that the wastewater system proposed for the development will have no impact on the Charlotte Central School and is outside of the State-required 1,000 foot well head protection area. A time of travel analysis was not provided, however; the applicant's consultant indicated that the school well was drilled into a confined aquifer that is likely recharged from upland areas. The planning commission finds that this information is supported by the Town mapped subsurface geology and a significant upland fracture feature that was apparent during site walks on the upper terrace.
 38. It is the opinion of the planning commission that the upland fractures have the potential to

be a significant source of ground water recharge and may warrant protection. The school well head protection area is not defined by a fracture trace analysis and may extend into the upland fracture area.

39. The Planning Commission finds the unnamed stream to be an important natural feature on the parcel, in terms of its contribution to water quality and wildlife habitat. The Planning Commission views the 50 foot setback from the stream for the wastewater disposal areas to be adequate, but views a 100 foot setback from the stream for structures (which is greater than the regulatory minimum of 50 feet) as necessary and appropriate.
40. The proposed road has a finish grade of 13% between stations 5+00 and 11.5+00 and between stations 16.5+00 and 22+00. The Recommended Standards for Developments and Homes (adopted by the Planning Commission in 1997) indicate roads and driveways should have a maximum grade of 8%.
41. The Fire Department has recommended two options: reduce the grades to between 8 and 10%, or require sprinkler systems and central station monitored fire alarms.
42. The development as proposed will not impact the Historic District.
43. The proposed conserved land adjoins a spur of the conserved common land of the Homestead at Church Hill development. The proposed development should not have a negative impact on the conserved land because a large portion of the proposed conserved land on the Schneider/Donavan property is located adjacent to the Homestead at Church Hill conserved land.
44. It is noted that any development on the parcel would have an adverse impact on some area of high public value. However the Planning Commission further notes that the Charlotte Land Use Regulations [see in particular Section 7.3 (D)(1), (2) and (3)] do not prohibit impacting areas of high public value, but it indicates that building envelopes, lot lines, infrastructure, roads, driveways and utility corridors should not create any undue adverse impacts on areas of high public value, and that building envelopes shall be designed to minimize undue adverse impacts.
45. In considering whether the project creates *undue* adverse impacts (as defined in the Land Use Regulations), the Planning Commission finds that:
 - A. The project as currently designed is in conflict with the following clear written community standards:
 1. Goal 4, Objective 4.3 of the Town Plan: “Protect valuable wildlife habitat, wetlands, productive or unique forest lands, and natural areas.”
 2. Goal 4, Objective 4.5 of the Town Plan: “Restrict development in areas where it may create hazards to public health and safety.”
 3. Goal 4, Objective 4.6 of the Town Plan: “Limit development in areas of the Town where significant environmental and natural resources are located and promote development away from those areas.”
 4. Section 5.1 Policy 7 of the Town Plan: “Outside of village areas, development will be subject to standards that will protect significant agricultural, natural and scenic resources, including locally-significant wildlife habitat and corridors, productive woodland, natural areas, aquifer protection areas and viewsheds. In order to meet Town standards for reduction of crowding, protection of large tracts of natural resources, such as agricultural land and wildlife habitat, and prevention of contamination of groundwater supplies, required open space in subdivision may increase as the size of the parcel being

- subdivided increases.”
5. Section 5.5.1. Policy 1 of the Town Plan: “Development shall be limited in those areas of Town in which there are areas of high natural resource value.”
 6. Section 5.5.1. Policy 2 of the Town Plan: “Buffer zones will be required around key natural resource areas to limit potentially damaging encroachment.”
 7. Section 7.3(D)(1) of the Land Use Regulations: “Building envelopes, to the extent feasible, shall be located sited and configured so as to not create any undue adverse impacts on Areas of High Public Value. In the event that no other land in the parcel to be subdivided is suitable for development, building envelopes shall be designed to minimize encroachments into these areas and to minimize undue adverse impacts.”
 8. Section 7.3(D)(2) of the Land Use Regulations: “Lot lines, infrastructure, and roads, driveways and utility corridors shall be located so as to not create any undue adverse impacts on Areas of High Public Value by parcelization, fragmentation, isolation, or destruction of such areas.”
- B. The project offends the sensibilities of the average person—although this may be a somewhat subjective standard, the Planning Commission believes that the road cut through a large swath of forest, including the cut and fill sections and paving necessitated by the steepness of the site, as well as the large potential clearing around the proposed building envelopes would likely offend the sensibilities of the average person.
 - C. The applicant has not taken generally available reasonable mitigating steps to improve the harmony between the proposed development and its surroundings, such as site the development on a lower terrace, cluster the development more closely, and reduce the length of the road.
46. The Planning Commission finds that the proposed development, as currently designed, does not minimize the impact on areas of high public value—namely, steep slopes and critical wildlife habitat.
 47. The Planning Commission finds that it is possible to develop the property without creating undue adverse impacts, by taking the following mitigation steps:
 - A. siting development on the middle terrace; and
 - B. minimizing the impact of the roadway by shortening the length and limiting cut and fill, either by the use of retaining walls, alternate grading and alignment plans, or alternate site access points.
 48. The Planning Commission notes that many of the concerns noted herein were raised by the Planning Commission at Sketch Plan Review.

Decision

Based on these Findings, the Planning Commission approves Application PC-06-29 with the following conditions:

1. All maps or plans submitted with the Final Plat Application that are revised from the Preliminary Plat Application will include a revision date.
2. The application and survey submitted with the Final Plan Application will indicate that

- the “density acreage” of the parcel is 48.27 acres.
3. All plans submitted with the Final Plan Application will include the following:
 - A. All building envelopes will be located between contours 440 and 480 (as the contours are depicted on the plan by Lincoln Applied Geology entitled “Donovan/Schneider, Hinesburg Road, Charlotte, Vermont, Site Plan, Major Subdivision” dated 7/24/2006, no revisions).
 - B. No building envelope will be closer than 100 feet to the unnamed stream on the parcel.
 4. The roadway plan submitted with the Final Plan Application will be revised as follows:
 - A. The road will be no higher than contour 480 (as the contour is depicted on the plan by Lincoln Applied Geology described in Finding #3).
 - B. The road will have a grade no greater than 10%.
 - C. The road will not be paved.
 - D. Pull-offs every 800 feet will be provided as required by the Recommended Standards for Developments and Homes, and a pull-off will be provided at the proposed recycling and waste area.
 - E. Impact to wetlands (including Class 3 wetlands) will be avoided if possible, and minimized if avoidance is not possible.
 - F. Cut and fill on road slopes will be limited to 25 feet from the edge of the roadway.
 5. Due to the changes of the building envelopes and roadway as required herein, the trail from the school parcel to the UVM parcel should be left generally in its current location.
 6. The Final Plan Application will include a report from an appropriately licensed engineer which demonstrates that the proposed development, when fully constructed, will not impact the water supply serving the Charlotte Central School obtained from the drilled well. The engineer will specifically confirm that the development will not adversely impact the ability of the exposed bedrock fracture in the vicinity of the development to provide groundwater recharge to the well.
 7. The Final Plan Application will include an analysis of the water recharge provided by the fracture area on the site and the potential impacts of the proposed development on existing recharge, if the study finds that the area provides important recharge for downstream wells.
 8. The Final Plan Application will include a time of travel analysis demonstrating that the proposed wastewater system will not adversely impact the Charlotte Central School well.
 9. The Final Plan Application will include a plan to conduct ongoing monitoring to prevent contamination of the Charlotte Central School well from the project’s wastewater system. The monitoring plan will include water quality testing of the school and wells drilled in the development to document any impacts to the groundwater for a period of five years following full buildout. The development wells will serve the purpose of monitoring wells for the wastewater system and any disruption due to blasting.
 10. The wastewater plan submitted with the Final Plan Application will include the following changes:
 - A. The wastewater collection system will be changed from a gravity line to a Septic Tank Effluent Pump (STEP) system, to be constructed adjacent to the access road.
 - B. The pre-treatment system and pump station will be re-located adjacent to the access road.
 - C. The lower (northerly) mound will be designated as the primary wastewater

system.

11. The stormwater treatment plan submitted with the Final Plan Application will focus on using smaller retention areas and an infiltration system in the vicinity of the development rather than large ponds as depicted with the Preliminary Plan Application; or the Final Plan Application will include a letter from an appropriately licensed engineer indicating why such an alternate system is not feasible.
12. The Final Plan Application will include calculations from the project engineer for the stormwater control design.
13. The Final Plan Application will include an erosion control plan.
14. The Final Plan Application will include a revised “Schneider-Donavan Subdivision, Declaration of Covenants” which indicates in Section 10.b. that individual driveways shall not be paved, and that a maximum of four (4) exterior surface parking spaces shall be provided.
15. The Final Plan Application will include a comprehensive Wildlife Management Plan for all proposed land to be under the jurisdiction of a Conservation and Agricultural/Forestry Easement and Restriction, including forested and wetland areas. The Plan will consider wildlife management to be the highest objective of the forest in the open space on the site, and will address implementation and compliance to the Plan, including any areas that are not proposed to be enrolled in the Use-Value Appraisal program.
16. The Final Plan Application will include a final draft in paper and electronic formats (MS Word) of the Conservation and Agricultural/Forestry Easement and Restriction. This document will consider wildlife management to be the highest objective of the forest, will address forest management and cutting restrictions, and it will reference the comprehensive Wildlife Management Plan.
17. The Final Plan Application will include a final draft in paper and electronic formats (MS Word) of a Stormwater Drainage System Agreement, Waiver and Easement.
18. The Final Plan Application will include a draft service contract in paper and electronic formats (MS Word) for the wastewater system and the stormwater facility.
19. Prior to the submission of the Final Plan Application, the applicant will obtain a wastewater permit from the State of Vermont.
20. Prior to the submission of the Final Plan Application, the applicant will obtain a Conditional Use Determination (wetland permit) from the State of Vermont and a permit from the Army Corps of Engineers for all wetland impacts, or the applicant will provide letters from appropriate agencies indicating that such permits are not needed.
21. Prior to the submission of the Final Plan Application, the applicant will obtain a Highway Access Permit from the Charlotte Selectboard for a permanent access for the proposed development road.
22. Prior to the submission of the Final Plan Application, the applicant will provide a preliminary review of the proposed Conservation and Agricultural/Forestry Easement and Restriction to the Charlotte Selectboard.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on September 21: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Robin Pierce, Peter Joslin and Andrew Thurber.

Members Present at the Public Hearing on October 19: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Robin Pierce, Peter Joslin and Andrew Thurber.

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 and appropriate fee.
- 2. A memo entitled “Subdivision Application Requirements and Waiver Requests” dated August 16, 2006.
- 3. A plan by Stuart Morrow entitled “Site Plan, Major Subdivision, Planned Residential Development, Property of Jessica Donovan and Peter Schneider, Charlotte, Vermont” dated February, 2006, no revisions. (This shows Lot 5 across the access road from Lot 6).
- 4. A survey by Stuart Morrow entitled “Preliminary Plat, Major Subdivision, Property of Jessica Donovan and Peter Schneider, Charlotte, Vermont” dated February, 2006, no revisions.
- 5. A plan by Lincoln Applied Geology, Inc. entitled “Donovan (sic)/Schneider, Hinesburg Road, Charlotte, Vermont, Site Plan, Major Subdivision” dated 7/24/06, no revisions.
- 6. A sheet by Lincoln Applied Geology, Inc. entitled “Donovan (sic)/Schneider, Hinesburg Road, Charlotte, Vermont, 8 Unit Disposal System, Plan and Section” dated 7/24/06, no revisions.
- 7. A list of test pits entitled “Donovan/Schneider Project, Soil Profile Descriptions” conducted by Stephen Revell on November 21, 2005.
- 8. A document entitled “Donovan/Schneider Project, 8 Unit Hydrogeologic Analysis for Performance Based Mound Design” dated August 8, 2006, by Stephen Revell.
- 9. A document entitled “Forest Management Plan for the property of Peter Schneider & Jessica Donovan, Charlotte, Vermont,” dated August, 2006, prepared by Harris Roen of Long Meadow Resource Management.

10. A document entitled “An Assessment of Wildlife Habitat on the Williams Property, Charlotte, Vermont” by David E. Capen and Tina M. Scharf, Consulting Wildlife Biologists dated June 26, 2006.
11. A curriculum vitae for David E. Capen.
12. A letter from Cathy O’Brien of Cathy O’Brien Wetland Consulting to Peter Schneider dated August 14, 2006;
13. Page 2 of a letter from Cathy O’Brien of Cathy O’Brien Wetland Consulting dated January 10, 2006.
14. A letter from Cathy O’Brien of Cathy O’Brien Wetland Consulting to Clark Hinsdale III dated December 8, 2005;
15. A letter from Cathy O’Brien of Cathy O’Brien Wetland Consulting to Clark Hinsdale III dated October 25, 2005;
16. A letter from Cathy O’Brien of Cathy O’Brien Wetland Consulting to Clark Hinsdale III dated October 12, 2005;
17. A letter from Cathy O’Brien of Cathy O’Brien Wetland Consulting to Clark Hinsdale III dated August 4, 2005;
18. A portion of an application to the Vermont Agency of Natural Resources for a Condition Use Determination.
19. A draft document entitled “Schneider-Donavan Subdivision, Declaration of Covenants.”
20. A draft document entitled “Conservation and Agricultural/Forestry Easement and Restrictions.”
21. A draft document entitled “Sewage Service Agreement, Waiver, and Easement.”
22. A draft document entitled “Shared Septic System Easement, Maintenance and Operation Agreement.”
23. A draft document entitled “Roadway Agreement and Waiver.”
24. A draft document entitled “Williams Lane Shared Roadway Maintenance Agreement.”
25. A draft document entitled “Offer of Irrevocable Dedication.”
26. A draft document entitled “Grant of Trail Easement.”
27. An e-mail from Chris Davis (Charlotte Fire Chief) to Peter Schneider dated September 6, 2006 with subject “RE: Access Road comments by Charlotte Fire Dept, Peter Schneider Subdivision, Hinesburg Road, Charlotte.”
28. A memo from Jonathan B. Ashley to Peter Schneider dated August 2, 2006 with subject “Stormwater Design and Permitting.”
29. A memo from Rick Paradis, Director, UVM Natural Areas Center, To Whom It May Concern, dated August 4, 2006.
30. An e-mail from Tom Bates, Charlotte Trails Committee dated 8/3/06 with subject “Access to Pease Mt.; Planned Residential Development of J. Donovan & P. Schneider.
31. A list entitled “Vermont Builds Greener/LEED for Homes dated August 9, 2006.

APPENDIX B

Persons who were present and participated in the hearing or in writing are:

September 21:

Peter Schneider, Jessica Donovan, Clark Hinsdale, III, David Miskell, David Capen (all representing the applicant), Linda Hamilton (representing the Charlotte Conservation Commission), Larry Hamilton, Norm Pellet, Richard Hessler, Brian Therrien, Clyde Baldwin

(representing Charlotte Central School), and Clark Hinsdale, Jr.

October 19:

Peter Schneider, Jessica Donovan, Clark Hinsdale, III, David Miskell, Stephen Revell (all representing the applicant), Patrice Machavern (representing Charlotte Central School), Karen Doris, Brian Therrien, Jim Squires, Jan Schwartz, William Doris, Carrie Spear, and Dave Nichols.

In writing:

Linda Hamilton (with Ruah Swennerfelt and Bob Hyams representing the Charlotte Conservation Commission) by letters dated September 14, 2006 and October 25, 2006; Rick Paradis (representing University of Vermont) by letters dated September 20, 2006 and October 16, 2006; Richard and Marion Porter; and Nadya Bech-Conger and Albert Citarella (by e-mail).

APPENDIX C

The following material was submitted by the applicant after the original application:

1. A sheet by Phelps Engineering, Inc. entitled "Sketch Plan, Major Subdivision, Planned Residential Development, Property of Jessica Donovan and Peter Schneider, Charlotte, Vermont, Center Line Road Profile," not dated, two sheets. Maximum road grade is 15%.
2. A sheet by Phelps Engineering, Inc. entitled "entitled "Sketch Plan, Major Subdivision, Planned Residential Development, Property of Jessica Donovan and Peter Schneider, Charlotte, Vermont, Road Cross Sections," not dated.
3. A plan by Phelps Engineering, Inc. entitled "Donovan (sic)/Schneider, Major Subdivision, Hinesburg Road, Charlotte, Vermont, Road/Storm Water Site Plan," not dated.
4. A plan by Phelps Engineering, Inc. entitled "Donovan (sic)/Schneider, Major Subdivision, Hinesburg Road, Charlotte, Vermont, Center Line Road Profile," not dated, one sheet. Maximum road grade is 13%.
5. A memo from Jonathan B. Ashley of Phelps Engineering to Peter Schneider dated October 19, 2006.
6. A plan by Stuart Morrow entitled "Site Plan, Major Subdivision, Planned Residential Development, Property of Jessica Donovan and Peter Schneider, Charlotte, Vermont" dated February, 2006, no revisions. (This shows Lot 5 adjacent to Lot 6).
7. Page 1 of a letter from Cathy O'Brien of Cathy O'Brien Wetland Consulting dated January 10, 2006.
8. A memo to the Charlotte Planning Commission from David E. Capen dated October 14, 2006 with subject of "Schneider/Donovan—Core Habitat."
9. A narrative from the applicant that was read into the record on October 19th.

APPENDIX D

The Charlotte Conservation Commission submitted the following maps:

1. A map entitled "Forested Core Habitat in the Town of Charlotte" by Jesse Mohr dated 8/31/06.
2. A map entitled "Core Habitat with 100 Meter Buffers in the Pease Mountain Area" by Jesse Mohr dated 8/31/06.
3. A map entitled "Rock Outcrop Community Occurrences of State Significance with 100 Meter

Buffers in the Pease Mountain Area” by Jesse Mohr dated 8/31/06

4. A map entitled “Forested Core Habitat and the Proposed Schneider-Donavan Subdivision in the Pease Mountain Area” by Jesse Mohr dated 9/7/06.