

**CHARLOTTE PLANNING COMMISSION**  
**Charlotte Town Office**  
**PO Box 119**  
**Charlotte, VT 05445**  
**Phone: 802-425-3533**

October 7, 2016

Clark W. Hinsdale III  
1211 Ethan Allen Highway  
Charlotte, VT 05445

Re: Sketch Plan Review – Application Number PC-16-116-SK

Dear Mr. Hinsdale,

The purpose of this letter is to summarize the Sketch Plan Review for your proposed project to add a building envelope to the parcel located at 301 East Thompson's Point Road, just to the east of Palmer Lane in the Town of Charlotte. A public hearing for the project was held at the Planning Commission meeting on September 1, 2016. A site visit conducted prior to the meeting at 301 East Thompson's Point Rd. Although it is not required by 24 VSA Chapter 117 to notify the adjoining property owners of a Sketch plan review, the Town nevertheless sent notification of the public meeting to each of the abutting neighbors, and posted hardcopy notices at the Town offices, the Old Brick Store, and the Spear Street Store.

Although the original Palmer subdivision involved 4 or more lots, of which this property was included, a ten-year period since the approval of the subdivision has lapsed, as is stipulated within Section 6.1(C)(2) of the Charlotte Land Use Regulations (hereafter referred to as "the regulations"). Therefore, the Planning Commission has classified your project as a "Minor Subdivision Amendment" in accordance with Section 6.1(C)(4)(a) of the regulations. This means that you will need to submit a Final Plan Application, including any waiver requests within six months of the date of this letter, and participate in one subsequent public hearing, in accordance with Section 6.5 of the regulations.

The Planning Commission is providing the following additional comments and recommendations for the Preliminary Plan Application which supplement the submission requirements of the regulations:

1. The following Areas of High Public Value (AHPV) were identified on the property:
  - a. Land in active agricultural use – the eastern field is in active agricultural use
  - b. Prime agricultural soils – there are areas of prime and statewide agricultural soils on the property.
  - c. Conserved lands on the eastern and western portions of the parcel and on the adjacent parcel to the north across East Thompson's Point Road. Both sets parcels have their conserved lands under the domain of the Vermont Land Trust (VLT).

2. The property was part of a previous subdivision ([PC-04-20](#): Estate of Marietta J. Palmer) and a Subdivision Amendment to that decision ([PC-05-37](#): Hinsdale - Subdivision Modification and Amendment, etc.). Both decisions list the “[Boyle Plan](#)” (i.e. T. J. Boyle and Associates, recorded in [slide 141, page 3](#) of the Charlotte land records) as their map that references Lot 2, which contains the proposed project area for this application (PC-16-116-SK Hinsdale).
3. Condition 17 of the Estate of Marietta J. Palmer subdivision ([PC-04-20](#)) stated: “*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.*” The proposed project area does not fall within this area (see the “[Boyle Plan](#)”).
4. While the agricultural delineation indicated on the Boyle Plan did not include the project area for this application, a condition of the subsequent [PC-05-37](#) decision required the submission of a new mylar (Civil Engineering Associates, Inc. – *Subdivision Modification, Property of Clark and Suzanne Hinsdale III*, July 5, 2005) and recorded on [Slide 145, page 4](#) of the Charlotte land records, which henceforth references the project area of PC-16-116-SK as Lot 2B.
5. Condition 5 of the [PC-05-37](#) decision states; “*Lot 2B is not to be developed except as provided in the Grant of Development Rights recorded in volume 150 page 639*” of the land records. Some of the key Grant of Development Rights in the deed listed in [Volume 150, Page 639 \(page 2\)](#) of the land records state;
  - a. **II. Restricted Uses of Protected Property.** The restrictions hereby imposed upon the Protected Property, and the acts which Grantors shall do or refrain from doing, are as follows:
    1. *No residential, commercial, industrial, or mining activities shall be permitted, and no building, structure or appurtenant facility or improvement shall be constructed, created, installed, erected, or moved onto the Protected Property, except as specifically permitted under this Grant. The Protected Property shall be used for agricultural, forestry, educational, non-commercial recreation, and open space purposes only...*
  - b. **III. Permitted Uses of Protected Property.** Notwithstanding the foregoing, Grantors shall have the right to make the following uses of the Protected Property:
    1. *The right to construct, maintain, repair, renovate, replace, rebuild, use and occupy new farm buildings, including greenhouses, for non-residential, agricultural uses and appurtenant structures and improvements, including drives and utilities, normally associated with a farm, all approval of Grantees; provided however that the height of any structure shall not exceed twenty-five (25) feet from the average undisturbed ground level to the roof peak. The Farm Market Complex is an area consisting of 3 acres, more or less, and is more particularly described in Schedule C. . .” (attached to the deed)*

6. However, Condition 6 of the [PC-05-37](#) decision states; *“The portions of Lot 2B that are the subject of this application are considered as merged and cannot be developed or conveyed separately unless allowed by an action of the Planning Commission.”*
7. Any of the project’s proposed building envelope(s) setback dimensions will need to further account for The State of Vermont, Agency of Natural Resources, [Wastewater System and Potable Water Supply Rules](#) (dated September 29, 2007). [Section 1-807 Isolation Distances](#) of these regulations (on page 63-64) stipulate the minimum isolation distances for permitted wastewater systems of 35 feet between a leachfield and foundation, footing, or curtain drains, and in a footnote to the regulation titled [Specific Criteria for Isolation Distances](#): *“If a curtain or foundation drain is downslope of the leachfield. The leachfield cannot be closer than 75 feet to the drain.”*

Furthermore, *“The isolation distances for mound systems shall be from the minimum basal area or the edge of the absorption bed or trench, whichever is closer. These distances may be reduced if the designer provides adequate data and analysis to show the effluent from the soil-based disposal system will not enter the drain. Conversely the distance may be increased if it is determined that effluent will enter the drain at the minimum separation distance.”*

The 75 foot setback requirement would likely affect the proposed envelope delineated as “Area 3” on the applicant submitted [Sketch map of the proposed project](#). The two other alternative proposed building envelopes would likely fall within the 35 foot setback requirement.

It is the opinion of the Planning Commission that the extent of what is referred to the “Commercial Lot” in the [PC-05-37](#) decision, which is prohibited from any development, extended to the historical demarcation between the rural zoning district and the former industrial zoning district running parallel to the west of Palmer Lane (indicated on **Slide 141**, [Page 3](#) and [Page 6](#), and **Slide 145**, [Page 4](#)).

It is also the opinion of the Planning Commission that the intent, based on previous decisions, is that there shall be no further development on this parcel. However, the Planning Commission does believe there are four available transferable development rights (covered in [Volume 150, Page 639](#) of the Charlotte land records).

Please let me know if I can answer any further questions.

Sincerely,

Jeff McDonald, Chair,  
Charlotte Planning Commission