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**TOWN OF CHARLOTTE
PLANNING COMMISSION
JANUARY 15, 2015**

APPROVED

Minutes are subject to correction by the Charlotte Planning Commission. Changes, if any, will be recorded in the minutes of the next Planning Commission meeting.

MEMBERS PRESENT: Peter Joslin, Acting Chair; Donna Stearns, Paul Landler, Gerald Bouchard, Linda Radimer, Marty Illick. **ABSENT:** Jeff McDonald.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Sue Smith, Jeremy Saxton, Hannah Smith, Jason Barnard, Carlie Krolick, David Krolick, Liam Murphy, Peggy Sharp, Jim Sharp, Sarah McGarghan, Kevin McGarghan, James LaBerge.

AGENDA ITEMS:

- **Continuation of PC-14-19 BlackRock Construction: Preliminary Subdivision Application for a 9-lot Planned Residential Development at 2369 Spear Street. (Application has been withdrawn)**
- **PC-14-30 Sketch Plan Review for a 2-lot Subdivision for Sue Smith at 5166 Lake Road.**

CALL TO ORDER

Mr. Joslin, Acting Chair, called the meeting to order at 7:00 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The agenda was approved,

Consent Agenda: none.

PUBLIC COMMENT

None.

MINUTES: January 8, 2015

MOTION by Ms. Illick, seconded by Mr. Bouchard, to approve the Planning Commission minutes of January 8, 2015, as written, with edits:

- **Page 2, line 56 – replace the word “A” with “Her”; line 59 - insert the word “more” between “for” and “land”; line 65 – end the sentence with a period and add a sentence “Nothing has been constructed.”; line 87 – replace the word “septic” with “homes”.**
- **Page 3, line 90 – replace the word “west” with “east”; line 92 – add a sentence “Ms. McCrumb said that the east boundary was identified during the BlackRock Construction application for a subdivision.**

VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.

PLANNING COMMISSION COMMUNICATIONS AND MEETING SCHEDULE

- 48 • The Planning Commission has been invited by the Town of Shelburne to
- 49 comment on proposed Shelburne Bylaws Amendments.
- 50 • Saturday, 01/31/2015, 9:00 a.m. Site Visit: George Aube, Carpenter Road.
- 51 • Thursday, 02/05/2015, 7:00 p.m., regular Planning Commission meeting: George
- 52 Aube Sketch Plan application; Clark Hinsdale III, Hinesburg Road application.

53

54 **PC-14-30 SKETCH PLAN REVIEW FOR A 2-LOT SBDIVISION FOR SUE**
 55 **SMITH AT 5166 LAKE ROAD.**

56 Sue Smith, owner, and Jason Barnard, consultant, appeared on behalf of the application.

57

58 **STAFF NOTES**

59 Mr. Joslin, Acting Chair, reviewed staff notes and that a site visit was conducted on
 60 Saturday, 01/10/2015, 9:00 a.m.

61

62 Mr. Joslin explained the sketch plan process.

63

64 **APPLICANT COMMENTS**

65 Ms. (Sue) Smith asked staff to display an ortho-photo of her Lake Road parcel on the
 66 visual screen.

67

68 Ms. (Sue) Smith explained that she has resided at the 10.1 acre parcel for over 40 years.
 69 There was an existing house. The parcel has enough road frontage, acreage and septic
 70 capacity to allow her daughter, Hannah Smith, to locate near her, said Ms. Smith.

71

72 Ms. (Sue) Smith pointed out ‘north’ on the ortho-map, the locations of a proposed
 73 driveway, and a cliff with wetlands below the existing house that went to the back end of
 74 her property. The location of adjoining neighbors, the Krolick’s, McGarghan’s, and
 75 Sharp’s, were pointed out.

76

77 Ms. (Sue) Smith said that a garden/cleared space provided a natural division for a lot. A
 78 ridge within the property sloped down to Lake Road was forested. A proposed dwelling
 79 could be built at the edge of the trees and cleared area, suggested Ms. Smith.

80

81 Mr. Barnard explained that when Sue Smith had contacted him she had been considering
 82 a one-bedroom accessory structure to the main dwelling. Now Sue would stay in the
 83 existing house and her daughter would build on a new lot to the south. The proposed
 84 driveway would switchback up the slope to the new house. Additional slope
 85 considerations to the driveway needed to be considered. A wastewater system would be
 86 located in front of the clearing. Class II wetlands in the parcel’s back area were
 87 delineated three years ago. Spencer Harris has examined test pits, which met all Town
 88 regulations, said Mr. Barnard.

89

90 **PLANNING COMMISSION QUESTIONS/COMMENTS**

91 Ms. Illick reported on the Saturday, 01/10/2015 site visit:

92 Attending were Mr. Joslin, Ms. Illick, Ms. Stearns, Ms. Radimer, and Mr. Bouchard,
 93 Planning Commission members, and Ms. McCrumb, Town Planner/Zoning

94 Administrator. Present were Ms. (Sue) Smith, Ms. (Hannah) Smith, Mr. Saxton, Ms.
95 Krolick, Mr. Krolick, Ms. McGarghan, Mr. McGarghan, Ms. Sharp, and Mr. Sharp. Mr.
96 Hyams, Charlotte Conservation Commission also attended. The subject property has been
97 mapped for habitat of various forest and wetland types by the Town. There was a
98 significant east-to-west wildlife movement corridor in the wetlands area as per the Town
99 map. The applicant should be mindful of placing a house in this area. The outcropping
100 and ridge were not that high. Every house on that road was on that level. The applicant
101 should also understand the hydrology of the area.

102

103 Ms. Stearns suggested moving the proposed driveway further north. This would allow for
104 a more direct and shorter distance, said Ms. Stearns.

105

106 Ms. Radimer said that the east views were very nice toward the meadows. When a house
107 was built on rock on top of a hill a higher price was paid in terms of construction costs,
108 and there were potential hydrology impacts. If the house site was moved north and east it
109 would still have a high elevation and septic. The driveway would be shorter and more
110 straight forward. There was a flatter spot for a garage in the area where there was a stake
111 at the edge of the tree line, said Ms. Radimer. Mr. Barnard said that the stake was a
112 Station 1 control point, which was noted on the site map.

113

114 Ms. (Sue) Smith asked how to designate a building envelope. The shagbark hickory trees
115 were mapped, but located over the property. Mr. Barnard said that the trees and
116 vegetation could be located on a site map.

117

118 PUBLIC COMMENTS

119 Mr. LaBerge, neighbor, said that coming from the south to the ridge where the proposed
120 house site would be there was a natural path through the trees. There were dying
121 hardhack and elm trees on the ridge top and the rock was broken up. Siting the house on
122 the knob was a better location. Moving it lower would impact nearby animal paths and be
123 closer to Lake Road. The ridge was flat on top and a better house site, stated Mr.

124 LaBerge.

125

126 Mr. Murphy, representing Mr. and Ms. Krolick, noted that the Krolick's lived to the
127 southwest of the proposed house site, and reviewed written comments in an e-mail sent to
128 the Town Planner last week as follows:

- 129 • The Krolick's don't oppose the application, but were concerned regarding
130 proposed locations of the driveway and house, which were within the 50' setback
131 and close to their house.
- 132 • A house on ridge knob would require taking flattening a spot for a foundation
133 and bringing in fill.
- 134 • There would be a greater impact on top, which was an area of high public values,
135 and on a scenic road.
- 136 • If a house was built lower down on the hillside the topography would absorb any
137 impacts of a house, and still afford nice views; there would be less impacts to the
138 trees and woods.

- 139 • Building on the knob top would mean a separate cut for the driveway, a 2nd cut
140 for the septic, and potentially a 3rd cut for power/utilities. By building lower
141 down there could be one cut to co-locate the house, driveway and septic together.
142 • Fissures in the rock would result in more exposure of the rock and impact the
143 aquifers. A hydrological survey should be done regarding impacts and should be
144 mapped
145 • At a Preliminary hearing the applicant should identify shag bark hickories and
146 bat habitats, which should be protected.
147 • The boundaries should be marked properly.
148

149 Ms. (Sue) Smith said that the boundary pin was discovered in a wall as per the property
150 survey.
151

152 Ms. (Sue) Smith said that at this point she was not sure which power pole would be used.
153 There was a pole at her house, one across the road, and one at the Krolick's. She had
154 contacted Green Mountain Power regarding a utility source, said Ms. Smith.
155

156 Mr. Murphy said that any new power source should be underground to be consistent with
157 the scenic road designation and Town regulations. Ms. (Sue) Smith agreed, and replied
158 that she would want to preserve the scenic road. Shagbark hickories were not found on
159 the knob top. There were dead elms and hop hornbeam trees on the top. The shagbark
160 hickories were located lower on the property. She had employed a Forestry and Parks
161 expert to survey the property. The report noted that there were not enough hickory trees
162 to preserve. She did have Jim LaBerge cut a dead/downed elm tree located at the top for
163 safety issues. She wouldn't cut just any dead tree otherwise, stated Ms. Smith.
164

165 Ms. (Hannah) Smith, Sue Smith's daughter, said that the house site and driveway could
166 be shifted north. She wouldn't want a house in the open area, which was the only open
167 agricultural soil on the property. The open area was used as garden space and for septic,
168 said Ms. Smith. Mr. Saxton pointed out that the front yard set back from the road cut the
169 use of the open area by half. That would limit what could be put in that small area, said
170 Mr. Saxton.
171

172 Mr. McGarghan, north abutting neighbor, said that the houses in the area were built at the
173 peak/rise off the scenic road. Putting a house closer to the road would impact the scenic
174 road. He supported the proposal with a house on the knob, said Mr. McGarghan.
175

176 Mr. Murphy said at Preliminary the applicant would need to identify a building envelope
177 and any tree clearing on a site map. Mr. Barnard replied that any clearing could be done
178 with smaller equipment for less impact to the property.
179

180 Mr. Murphy said that clearing for septic or power corridors was never as tight as one
181 would think. For example, sewer, power, cable, and telephone corridors have to be
182 separated and in their own conduit. It was better to co-locate as much as possible along
183 the driveway side, suggested Mr. Murphy.
184

185 Mr. LaBerge said he was there for the site visit, and walked up the proposed driveway.
186 There were two 8'-10' wide clear paths almost to the proposed house site on the north
187 side. He could drive his 60 hp tractor up those paths. The power, septic, water etc, could
188 be run up the north side, said Mr. LaBerge.

189
190 Ms. Illick noted that the area was not a core forest area. It was fragmented. The richest
191 part was where the boundary was proposed. The high public values were in the center of
192 the property, clarified Ms. Illick.

193
194 Ms. Radimer asked Ms. (Hannah) Smith if the proposed house site would look at the
195 Krolick house. Were they visually in the same line, asked Ms. Radimer. Ms. Krolick
196 replied yes. Her house was 35'-40' lower down on the south and was not on top of the
197 ridge, said Ms. Krolick.

198
199 Ms. Radimer asked what the difference in distance was from the knob to where the house
200 could be located lower down. Mr. Barnard replied it was a 50'-60' horizontal line with a
201 10' more or less change in elevation. Mr. Barnard pointed out the proposed house site,
202 the existing house, garden clearing on the ortho-photograph.

203
204 Mr. Barnard summarized that he has heard two different requests: to move the proposed
205 house to the north and east from the top of the ridge. That would put the house closer to
206 wildlife habitat. The Station 1 Control point was closer to the corridor that should be
207 protected, said Mr. Barnard. Ms. Illick said she only wanted to point out the east-to-west
208 wildlife movement area.

209
210 Mr. Bouchard asked how steep the proposed driveway was. Mr. Barnard replied that at
211 the switch back it was less than 15 degrees.

212
213 Mr. Joslin summarized that the Planning Commission would look at the steep slopes,
214 grade of the proposed driveway, and hydrology at the knob. The Fire Chief recommended
215 less than 10 degree slopes. Regarding hydrology, the Town had surveyed and mapped the
216 entire area, said Mr. Joslin.

217
218 Mr. Barnard said if the driveway was moved more north than proposed then he could
219 counteract the slope. The well could be moved 60'-75' north if necessary, said Mr.
220 Barnard.

221
222 Ms. McCrumb suggested that the applicant discuss blasting the rock with a professional if
223 she kept the proposed house site. Some blasting may be required depending on the foot
224 print detail, said Ms. McCrumb.

225
226 Mr. Murphy reiterated that if the house site was moved to the south of the clearing/edge
227 of woods then there would be the least impact to the Krolick's house to the south and
228 existing Smith house. There would be easy connections to water, septic and power,
229 suggested Mr. Murphy.

230

231 Ms. McCrumb stated that this was a 2-lot subdivision and would not require a
232 Preliminary hearing. She suggested continuing the Sketch Plan hearing to February 5,
233 2015, at 7:55 p.m.

234

235 Ms. Krolick asked to have a hearing date two weeks later than February 5th to allow Mr.
236 Murphy to attend. Mr. Murphy said that if the house was relocated then he wouldn't need
237 to attend.

238

239 There was further discussion regarding requirements for a building envelope; space
240 needed for a house, garage and parking areas that should be staked out; and if two weeks
241 would give the applicant time to revise the site map. Mr. Barnard said that he could do
242 the field work mapping within two weeks for the continuance, depending upon weather.

243

244 **MOTION by Ms. Stearns, seconded by Ms. Radimer, to continue PC-14-30,**
245 **Sketch Plan Review for a 2-lot Subdivision for Sue Smith at 5166 Lake Road to**
246 **February 5, 2015, at 7:55 p.m.**

247 **VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.**

248

249 **DELIBERATIVE SESSION**

250 **MOTION by Mr. Joslin, seconded by Ms. Illick, to enter Deliberative Session.**

251 **VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.**

252

253 The Planning Commission recessed the regular meeting and entered Deliberative Session
254 at 8:05 p.m.

255

256 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to exit Deliberative Session and**
257 **reconvene the regular meeting**

258 **VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.**

259

260 The Planning Commission adjourned Deliberative Session and reconvened the regular
261 meeting at 8:15 p.m.

262

263 **TOWN PLAN – discussion**

264 The Planning Commission continued work on a Responsiveness Summarization to the
265 draft Town Plan and comments on Chapter 4, Natural Resources.

266

267 **ADJOURNMENT**

268 **MOTION by Mr. Landler, seconded by Ms. Stearns, to adjourn the meeting.**

269 **VOTE: 6 ayes, 1 absent (Mr. McDonald); motion carried.**

270

271 The meeting was adjourned at 9:05 p.m.

272

273 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

274