

**TOWN OF CHARLOTTE
PLANNING COMMISSION
JANUARY 16, 2014**

APPROVED

MEMBERS PRESENT: Peter Joslin, Acting Chair; Gerald Bouchard, Paul Landler, Donna Stearns, Linda Radimer (arrived 7:05 p.m.), Marty Illick (arrived 8:50) p.m.
ABSENT: Jeff McDonald.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Peter Trono, John Henry Srecken, Bonnie Christie, Joanna Cummings, David Miskell, Michael Hinsdale, Kim Fisher, Bill Bosworth, Ellen Bosworth, David Marshall, Sarah Thompson, Tom Thompson, Tom Hergenrother, Ian Govette, Liam Murphy, Heather McKim, Charlotte Citizen, and others.

AGENDA ITEMS:

- **PC-13-27 Continuation of Sketch Plan Review for Wendy Roth for a Subdivision Amendment to change an approved building envelope for Lot 5. Property located at Vineyard View Drive in the Rural District**
- **PC-13-28 Preliminary Subdivision application by Peter Trono for a Planned Residential Development (PRD) of 2 lots of a previously approved 3-lot subdivision located off Mandi's Way. The PRD will result in the addition of Lot 4**
- **PC-13-29 Final Subdivision application by Zoe Williams/KYTOAD, LLC for a 2-lot Planned Residential Development (PRD) located at 3795 and 3825 Ethan Allen Highway, Lot 2 will be 11.66 acres and will contain the existing barn and dwelling; Lot 2A will be 1.27 acres and will contain an existing 4-bedroom house.**
- **PC-13-30 Sketch Plan Review for Thomas Hergenrother/Black Rock Construction for an 8-lot Planned Residential Development (PRD) and a common road at 2369 Spear Street (Lucia Plante Property).**

CALL TO ORDER

Mr. Joslin, Acting Chair, called the meeting to order at 7:02 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The Regular Agenda was approved with the addition of a review of the draft Planning Commission Annual Report.

Consent Agenda: none.

PUBLIC COMMENT

None.

MINUTES: December 05, 2013

Approval of the December 5, 2013 Planning Commission minutes was deferred.

**REVIEW OF THE DRAFT PLANNING COMMISSION ANNUAL REPORT
SUGGESTIONS/CHANGES:**

- Paragraph 1, second sentence – change to read that “...the Planning Commission is in a process of overall reorganization to make it more user friendly...”
- Delete the following: “...reducing lot sizes and density requirements within the East Charlotte and West Charlotte villages...”
- Last sentence: delete the words “beginning to address...” and replace with “addressing”.
- Second paragraph: add that “Paul Landler has rejoined the Planning Commission.”
- Staff to check the Table figures for the number of building lots created in 2013.

MOTION by Ms. Radimer, seconded by Mr. Bouchard, to accept the Planning Commission Annual Report for the 2014 Town Report as amended.

VOTE: 5 ayes, 2 absent; motion carried.

PC-13-27: CONTINUATION: SKETCH PLAN REVIEW FOR WENDY ROTH FOR A SUBDIVISION AMENDMENT TO CHANGE AN APPROVED BUILDING ENVELOPE FOR LOT 5. PROPERTY LOCATED AT VINEYARD VIEW DRIVE IN THE RURAL DISTRICT

Mr. Joslin noted that the applicant was absent. The Sketch Plan Review for Wendy Roth was tabled. Planning Commission members had conducted a site visit.

PC-13-28 PRELIMINARY SUBDIVISION APPLICATION BY PETER TRONO FOR A PLANNED RESIDENTIAL DEVELOPMENT (PRD) OF 2 LOTS OF A PREVIOUSLY APPROVED 3-LOT SUBDIVISION LOCATED OFF MANDI'S WAY. THE PRD WILL RESULT IN THE ADDITION OF LOT 4

Peter Trono, owner, and David Miskell, agent, appeared on behalf of the application.

STAFF NOTES

Mr. Joslin reviewed staff notes. The following Planning Commission members were presented at site visit: Peter Joslin, Donna Stearns, Linda Radimer, and Gerald Bouchard.

APPLICANT COMMENTS

Mr. Miskell handed out copies of a revised site plan, dated 12/05/2013, for Planning Commission review.

Mr. Miskell reviewed that the applicant was adding Lot 4 consisting of 1.31 acres. Open space of 9.4 acres was proposed. Mr. Trono had purchased 3.23 acres from the Hinsdale Estate and added to the Trono property. A 25' setback was added to mitigate concerns regarding an agricultural field. A shared well and mound system for lots 1 and 4 would be located on Lot 1 and were 250' from the agricultural field, explained Mr. Miskell.

Mr. Trono said that clearing for the septic and driveway was completed. There would be no more cutting of trees. The woods were used in a sugaring operation, said Mr. Trono.

Mr. Miskell noted that 90 percent of the land was in forest, or agricultural fields, except for the four building envelopes. Lots 1, 2, and 3 were not in Current Use. The remaining land was in Current Use, said Mr. Miskell. Mr. Trono clarified that the portions of land with the bunkers, barn and hillside where the homes were located were not conserved. There was a total of 25 acres excluded. The Clayplain Forest was a “hands off - no touch” area under the control of the Vermont Land Trust, said Mr. Trono.

Mr. Miskell explained a brief history of the property when Nancy Hinsdale first subdivided it into four lots. She had pointed out the important features to the Vermont Land Trust, said Mr. Miskell. Mr. Trono said that there have been two boundary adjustments within the last 3-4 years. Mr. Miskell said that easements, building envelopes, right to farm language and a 25’ setback have been added to the application.

PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. Landler asked if a 200’ buffer as per the Staff Notes had been addressed. Mr. Miskell replied that it was addressed in the setbacks. The applicant has a letter from Chris Davis, CVFRS, that there were no issues regarding the road width, slopes and turnarounds as proposed, said Mr. Miskell.

Ms. Radimer asked if the fields were mowed regularly, or grazed down by the cows. Mr. Trono said that the pastures were free-grazed and there was a section where corn was grown.

Mr. Landler asked for clarification of the proposed building envelope. Mr. Trono explained that the house would go between the driveway and hillside within the proposed building envelope. His house would be located where he couldn’t see John’s house. The exact site would be fixed when he went for a building permit, said Mr. Trono.

Mr. Joslin said that a forest management plan was referenced in the staff notes. Mr. Miskell said that there was no forest Management plan. The woods were in a sugaring operation enrolled in Current Use so no forest management plan was needed. It was a Special Treatment area, said Mr. Miskell.

Mr. Trono said a friend in the forestry business looked at his woods. The acreage he purchased from the Hinsdale Trust was cleared at one time. Now it was growing into some secondary growth. His plan for that corner was to fence it and graze sheep, or goats there, said Mr. Trono.

PLANNING COMMISSION QUESTIONS/COMMENTS

Ms. Radimer reviewed Notes 1 and 2 from comments submitted by Marty Illick related to farm language, AAP’s and best farm practices.

Mr. Joslin entered Ms. Illick’s notes/comments into the record.

Mr. Trono said he was just seeing Ms. Illick's comments now. He would need to prepare responses to those comments, said Mr. Trono.

Mr. Miskell pointed out that Ms. Illick was not present at the site visit. He would be happy to meet her at the property for a tour, said Mr. Miskell.

Mr. Trono explained that the cows were fenced out of the ravines and stream beds in the areas north/south on Bingham Brook Road, and east-west on Spear Street. He would fence off the land along the roadway where there was a 'dog leg' and will try to get grass growing for grazing later in the summer. The corner portion was a little over one acre. The landscaping architect proposed to incorporate some of the animals in the 'landscaping' as part of the residential and farm plan. Currently there were 65-70 head of cattle, sheep, a few pigs and turkeys, and 6-8 goats. The property was actively farmed. He might introduce pigs into the woods. Lot 1 was mostly agricultural and could have animals on it, said Mr. Trono.

Ms. Radimer suggested protecting the trees on the hillside, which has been impacted by the Bushey home. Mr. Trono reiterated that he didn't plan on much more tree cutting, which was done. There was some Buckthorn that would be removed east of Lot 4. Except for Luca's house the footprint of the building envelope and driveway were done, explained Mr. Trono.

PUBLIC COMMENTS

None.

MOTION by Ms. Stearns, seconded by Mr. Bouchard, to close the hearing for the PC-13-28 Preliminary Subdivision application by Peter Trono for a Planned Residential Development (PRD) of 2 lots of a previously approved 3-lot subdivision located off Mandi's Way. The PRD will result in the addition of Lot 4.

VOTE: 5 ayes, 2 absent (Mr. McDonald, Ms. Illick); motion carried.

PC-13-29 FINAL SUBDIVISION APPLICATION BY ZOE WILLIAMS/KYTOAD, LLC, FOR A 2-LOT PLANNED RESIDENTIAL DEVELOPMENT (PRD) LOCATED AT 3795 AND 3825 ETHAN ALLEN HIGHWAY; LOT 2 WILL BE 11.66 ACRES AND WILL CONTAIN THE EXISTING BARN AND DWELLING; LOT 2A WILL BE 1.27 ACRES AND WILL CONTAIN AN EXISTING 4-BEDROOM HOUSE

Zoe Williams, owner, and Michael Hinsdale, agent, appeared on behalf of the application.

STAFF NOTES

Mr. Joslin reviewed staff notes and a site visit.

APPLICANT COMMENTS

Mr. Hinsdale explained that an existing 12 acre parcel would be divided into two lots. Lot 2A consisted of the non-conforming Williams house with 1.27 acres. Lot 2 with the balance of the acreage and barn would be kept by Zoe Williams. The septic engineering was completed. The driveway would be moved 50' north into the apple orchard. The curb cut has been approved by the state. The existing driveway by the William's house would be eliminated, said Mr. Hinsdale.

PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. Landler asked if the open space had been delineated on the 11.6 acre parcel, and if the land would be further subdivided. Ms. Radimer explained that the proposal fell under the PRD regulations and was allowable. The open space was discussed at a previous hearing and was associated with the barn versus the house, said Ms. Radimer.

In response to questions, Mr. Hinsdale said that the well was located near the house, and the septic for Lot 2A was north of the existing driveway.

There was further discussion regarding the proposed open space as shown on the site map as a hatched area of 6.4 acres. Mr. Hinsdale pointed out the existing William's house and lot, the balance of Lot 2, and proposed open space on the site map. No further subdivision would take place, said Mr. Hinsdale.

Ms. McCrumb asked how the open space would be used. Mr. Hinsdale explained that the open space was fenced and used to graze horses.

Ms. Williams stated that there were no plans for structures. The proposal was only to split off the house and 1.27 acres, said Ms. Williams.

Ms. McCrumb pointed out that the applicant could build agricultural structures if she wanted.

PUBLIC COMMENTS

Ms. Bosworth, an abutter, explained that they had a septic easement through the Williams property. Ms. Williams reiterated that there would be no future structures to interfere with any of the easements.

Ms. Bosworth spoke in favor of the driveway change. Currently, water drained down the old driveway onto Route 7, which was a problem, said Ms. Bosworth.

MOTION by Ms. Radimer, seconded by Mr. Landler, to close the hearing for a Final Subdivision application by Zoe Williams/KYTOAD, LLC, for a 2-lot Planned Residential Development (PRD) located at 3795 and 3825 Ethan Allen Highway; Lot 2 of 11.66 acres will contain the existing barn and dwelling, and Lot 2A of 1.27 acres will contain an existing 4-bedroom house.

VOTE: 5 ayes, 2 absent (Mr. McDonald, Ms. Illick); motion carried.

PC-13-30 SKETCH PLAN REVIEW FOR THOMAS HERGENROTHER/BLACK ROCK CONSTRUCTION FOR AN 8-LOT PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND A COMMON ROAD AT 2369 SPEAR STREET (LUCIA PLANTE PROPERTY)

David Marshall, Civil Engineering, Inc, agent, appeared on behalf of the application.

STAFF NOTES

Mr. Joslin reviewed staff notes.

APPLICANT COMMENTS

Mr. Marshall reviewed site maps consisting of the following sheets:

- A GIS map noting characterizations of High Public Value.
- A Vermont State Environmental Interest GIS map of the area located between Spear Street, Hinesburg Road, the Denton property, and the Valley View development on the south.
- Contour maps with elevations and labeling of brooks that drained from the Denton property named as Angus Brook in the agricultural fields, Valley View Brook in the forested area, and Great Swamp Brook that had steep slopes on the easterly end.
- A Vermont Agency of Natural Resources habitat map that included habitat blocks as identified in the Charlotte Town Plan.
- Significant Natural Resources map based on state maps that did not identify any significant issues other closeness to deer yards.
- Primary Agricultural Soils map that identified primary agricultural soils, except in two areas. Angus Brook was mapped as a hayfield even though it was a wetland.
- Use Value map of appraised lands placed in Current Use.
- Ortho-photo maps that showed the Thompson's home/property to the north along Spear Street with a driveway crossing the northwest corner of the 16.1 acre agricultural/wetland/open space field.
- Sheet 2, Agricultural Soils as mapped with the Angus Brook wetlands, Stockbridge soils and GGC soils not in primary agricultural soils.
- Sheet 3, hillside slopes noting that the 15 degree slopes on the east end would not be touched.
- Surface Water and Wetlands maps that delineated the Valley View Brook wetlands, an old beaver pond and a manmade dam in the east, and the Great Swamp Brook in the northerly direction.
- Sheet 5, Critical Wildlife Habitat map, that delineated forested areas and second growth areas.
- Scenic views north in the Angus Brook and forest edge portions of Spear Street - were subjective.
- Conserved lands on adjacent parcels. The applicant would try not to impact with activities occurring on adjacent lands.
- Page 8, history of settlement patterns related to several single family homes built along Spear Street to the north, and the Valley View parcels on the southeast; the applicant was suggesting some 'infill' with development along Spear Street and in the wooded slope/plateau to comply with the settlement on Valley View.

- Page 9, Contiguous Open Space, the applicant would try to create open space that would be contiguous with adjacent open spaces.
- Page 10, High Erosion potential areas identified and noted as hatch marks on the site map with “k” values assigned.

PLANNING COMMISSION QUESTIONS/COMMENTS

Ms. Radimer asked how many houses were built in the Valley View development. Mr. Marshall replied four with an agricultural building and fields for the Quickell CSA. Ms. Radimer asked if there were agricultural uses in the west in the high erosion zone. Mr. Marshall replied yes.

Mr. Marshall explained that the sheets showed areas to be careful in, or for potential settlements. Sheet 13 shows multiple layers. The ‘light’ areas indicated areas of opportunity for housing that were not in primary agricultural soils or high erosion areas. These ‘light’ areas would be considered as ‘lightly’ weighted, while staying cognizant of high value/low value areas, said Mr. Marshall.

Mr. Marshall explained a proposed access from Spear Street utilizing the Thompson’s existing driveway that would run easterly along the northern border without impacting the Thompsons’ riding ring. An area of 1.5 acres of open space would be retained. The driveway would enter the wooded area and swing southeast to the middle of the property and on to the high point of the property. He had met with the State of Vermont Wetlands Agency regarding the proposed driveway and impacts to the land features, said Mr. Marshall.

Mr. Marshall said that ten homes of wastewater soils were identified. Sixteen plus acres would be conserved south of the proposed driveway and there were ten acres at the far east end proposed as open space, said Mr. Marshall.

Mr. Marshall pointed out proposed lots on a site map as Lot 1 of 4 acres, Lot 2 of 3.7 acres, Lot 3 of 3.3 acres, Lot 4 of 2.1 acres, Lot 5 of 3.8 acres, Lot 6 of 2.4 acres and Lot 7 of 3.3 acres. Lot 8 was proposed as 1.3 acres as ‘infill’ development along Spear Street. Lots 1-7 were located in the woodland. Angus Brook A large culvert with at least 5’ of fill would be needed to cross Angus Brook. The crossing would comply with the state ACT 250 permitting and have state oversight, explained Mr. Marshall.

Mr. Joslin asked why eight lots were proposed if there was septic capacity for ten homes. Mr. Marshall explained that his client wanted the lots located in non primary agricultural soils. Mr. Joslin said that the Town encouraged clustering homes for a large development. These were large lots for a PRD, said Mr. Joslin. Mr. Marshall said that in a classic village setting a clustered PRD would work. This was not in a village. The client spent time reaching out to neighbors and how the project might impact the abutters, said Mr. Marshall.

There was discussion regarding cattle grazing and the haying history of the field and wetlands in the field.

Ms. Radimer stated that there were no deer yards in this valley. The Town was losing larger intact blocks of forest in this area. Would the applicant consider other options for housing lots, asked Ms. Radimer.

Mr. Landler asked if there had been consideration of continuing open space, or wetland conservation on surrounding adjacent land in the planning.

Ms. McCrumb asked if the developer was working within ACT 250 criteria with this development. Mr. Marshall explained that ACT 250 would be triggered when 10 units, or more were created.

Mr. Landler asked if there were houses already built along Spear Street. Mr. Marshall said yes. There were existing single family home developed on Spear Street, said Mr. Marshall.

Mr. Joslin read a letter from Tina Sharp regarding conserving land and development close to wetlands. Lots 1-7 were proposed in the forest, said Mr. Joslin.

PUBLIC COMMENTS

Ms. Thompson, northerly neighbor, said that she has lived at her property for 30 years. The Planning Commission should go on a site visit to see the fragile features of the property. Her 12 acres were wet and the "Angus" brook field was all wetlands. It was the last field in Charlotte to be hayed. That field was wet everywhere. It was also a scenic view for her. It would be a hard property to develop. The proposed driveway would impact her property, said Ms. Thompson.

Mr. Thompson, Ms. Thompson's father and an abutter, said that if a house was built along Spear Street it would have to be built on a slab. There was a culvert on the road and it was never dry in the 30 years he lived there. The field had only been plowed once, which he had done. When he hayed it there was a high water table and he couldn't get across the brook even in a dry year, said Mr. Thompson.

Ms. Illick asked if the hay field would be ditched, or drained. What kind of hay comes off the field, asked Ms. Illick. Mr. Marshall said he spoke with Mr. Cleft regarding the hay. Mr. Cleft had explained what re-seeding he had done, said Mr. Marshall. Mr. Marshall said that he would get more information.

Ms. Thompson explained that a neighbor to her north wanted to put three units in her back field three years ago. The Planning Commission told her no; that it would ruin overall view of the neighborhood as proposed. Now someone was proposing a subdivision on Spear Street that would do the same thing, said Ms. Thompson.

In response to a suggestion to schedule a site visit, Ms. Illick asked what would be gained by a site visit when the ground was frozen. Mr. Joslin said it was known that most of the acreage was a Class II wetland.

Ms. Radimer said that the Town was trying to maintain connectivity to the north to Shelburne. She would like to review impacts and have more information before making a decision, said Ms. Radimer.

There was discussion regarding the character of the neighborhood related to density. Ms. Cummings, Conservation Commission representative, said there were three drainage areas and houses situated between two of them. There can be flooding and with changing weather patterns there was a priority in the community to conserve the bulk of forest.

MOTION by Ms. Illick, seconded by Ms. Stearns, to continue the hearing regarding PC-13-30, Sketch Plan Review, for Thomas Hergenrother/Black Rock Construction for an 8-lot Planned Residential Development (PRD) and a common road at 2369 Spear Street (Lucia Plante Property) to February 6, 2014, and to schedule a site visit at a date and time to be determined.

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

DELIBERATIONS

None.

ADJOURNMENT

MOTION by Ms. Radimer, seconded by Mr. Bouchard, to adjourn the meeting.

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

The Planning Commission meeting was adjourned at 9:38 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary