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**TOWN OF CHARLOTTE  
PLANNING COMMISSION  
FEBRUARY 20, 2014**

**APPROVED**

**MEMBERS PRESENT:** Jeff McDonald, Chair; Gerald Bouchard, Donna Stearns, Paul Landler, Marty Illick (arrived 6:35 p.m.), Linda Radimer (arrived 7:00 p.m.) **ABSENT:** Peter Joslin.

**ADMINISTRATION:** Jeannine McCrumb, Town Planner/Zoning Administrator.

**OTHERS:** Jenny Cole, Sue Smith, Tim Hunt, Liam Murphy, Fritz Tegatz, Dorothy Hill, and others.

**AGENDA ITEMS:**

- **CONTINUANCE: PC-13-32 Sketch Plan Review for Tim & Martha Hunt/Nordic Holsteins LLC for a Subdivision Amendment to the previously approved "Varney Farm" lot located on the west side of Ethan Allen Highway approximately 2 miles north of Ferry Road. The amendment request is to move the location of the house and building envelope north and west of the existing location.**
- **CONTINUANCE: PC-13-31 Final Subdivision application by Michael & Barbara McGinnis for a 2-lot subdivision located at 4658 Mt Philo Road. Proposed access for the new lot is off of Higbee Road**

**CALL TO ORDER**

Mr. McDonald, Chair, called the meeting to order at 6:33 p.m.

**APPROVE REGULAR AGENDA AND CONSENT AGENDA**

The Regular Agenda was approved with the addition of approval of the PC 12/05/2013 minutes.

Consent Agenda: none.

**PUBLIC COMMENT**

None.

**MINUTES: December 05, 2013, January 16, 2014, and February 6, 2014**

**MOTION by Ms. Illick, seconded by Mr. Bouchard, to approve the 12/05/2013 Planning Commission minutes as written.**

**VOTE: 3 ayes, 1 aye in absentia (Mr. Joslin), 3 abstentions (Mr. McDonald, Mr. Landler, Ms. Stearns); motion carried.**

**MOTION by Ms. Illick, seconded by Mr. Landler, to approve the 01/16/2014 Planning Commission minutes as written, with edits/corrections:**

- **Strike lines 341-342;**

47 • Line 359; strike the word “concern”.

48 **VOTE: 5 ayes, 1 abstention (Mr. McDonald), 1 absent (Mr. Joslin); motion carried.**

49

50 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to approve the 02/06/2014**

51 **Planning Commission minutes as written, with the following correction:**

52 • Line 419; replace the “(?)” with the name “Mohr”.

53 **VOTE: 6 ayes, 1 absent (Mr. Joslin); motion carried.**

54

55 **CONTINUANCE: PC-13-32 Sketch Plan Review for Tim & Martha Hunt/Nordic**  
56 **Holsteins LLC for a Subdivision Amendment to the previously approved “Varney**  
57 **Farm” lot located on the west side of Ethan Allen Highway approximately 2 miles**  
58 **north of Ferry Road. The amendment request is to move the location of the house**  
59 **and building envelope north and west of the existing location.**

60 Tim Hunt, potential purchaser, appeared on behalf of the application.

61

#### 62 STAFF NOTES

63 Mr. McDonald reviewed staff notes. A site visit was conducted on Saturday, 02/08/2014,  
64 at 9:00 a.m.

65

66 Mr. Hunt explained that he met with Planning Commission members at the property for  
67 the site visit. A concept to re-think the house site location was explored during the site  
68 visit, said Mr. Hunt.

69

#### 70 APPLICANT COMMENTS

71 Mr. Hunt reviewed issues related to a Town parking easement proposed for the south side  
72 of the building envelope as an access to the Charlotte Park and Wildlife Refuge. The  
73 proposed Town parking lot might, or might not impact the existing residence back yard.  
74 He was also concerned regarding a possible 10’ wide walking path a few feet from the  
75 house front yard. He would explore moving the existing house to the north of the barn if  
76 the building envelope would allow for that. The revised layout worked if the farm house  
77 stayed within the farm complex. It appeared that placing the house in the view easement  
78 on the west side was not workable, and there can’t be any structures within the 10’ wide  
79 path easement on the west side of the view easement, said Mr. Hunt.

80

81 Mr. McDonald reviewed that the Planning Commission members walked the property  
82 and drove up and down Route 7. Route 7 was at a higher elevation than the lot. The view  
83 from route 7 was “down” to the lake. The house could fit within a low area around the  
84 pond at the south side of the barn complex, said Mr. McDonald.

85

86 Mr. Hunt said that he understood that the path easement was for a restricted use access  
87 for the handicap to the Park. Ms. Cole explained that the access had several uses that  
88 included handicap, agricultural, emergency access and special events at the park as well  
89 as parking for horse trailers. It was hard to find an access on the lot where it would work,  
90 said Ms. Cole.

91

92 Ms. Cole reviewed written comments from the Park Oversight Committee regarding the  
93 application. The committee supported the proposal to move the house to the north side of  
94 the barn. It would be outside the view easement, have low impact to agricultural uses and  
95 allowed for privacy of the home owner. It might require a reconfiguration of the Vermont  
96 Land Trust easement on the north side of the barn, said Ms. Cole.

97  
98 Mr. Hunt said that the south boundary limitations made it no longer a home site. Traffic  
99 coming to a proposed farm stand combined with a parking easement made it hard to find  
100 a relocation site for the house, said Mr. Hunt.

101

#### 102 PLANNING COMMISSION QUESTIONS/COMMENTS

103 Ms. Illick asked when the trail location was identified. Ms. Smith replied that the trail  
104 easement was negotiated with Clark Hinsdale III a few years ago.

105

106 Mr. Landler said that at the site visit they didn't discuss the proposed north house  
107 location, which looks reasonable.

108

109 Ms. McCrumb said that the lot was in the Scenic Overlay District. The existing house  
110 was not 'new' construction and didn't need site plan review.

111

112 Mr. Bouchard pointed out that the regulations state that a building shall not be over 35' in  
113 height. The existing house was three stories and may be over 35' in height. Should there  
114 be a limitation on the height of a new basement wall when the house was moved, asked  
115 Mr. Bouchard.

116

117 Mr. Hunt said that whatever the proposal it would need to stay within the restrictions. As  
118 per the Historic Preservation Trust no structure could be taller than the height of the barn.  
119 The property on the north side of the barn went lower in elevation. He wanted to make  
120 sure he was not moving the house to a low spot with drainage issues, said Mr. Hunt.

121

122 Mr. McDonald said that the house was pre-existing. The barn would have an adaptive  
123 reuse and would come under site plan review, said Mr. McDonald.

124

125 Ms. McCrumb asked where the number of parking spaces on the revised plan came from.  
126 Mr. Hunt explained that he just put in spaces as a place holder on the plan. It would be  
127 expensive to put in all the spaces and he was not opposed to fewer parking spaces, said  
128 Mr. Hunt.

129

130 Mr. Hunt said that if the house was moved to the north of the barn then the driveway and  
131 curb cut would need to be moved 75'-100' to the north. He didn't want his curb cut to be  
132 a permanent access to the Park so a second curb cut would be necessary for the Park  
133 access, said Mr. Hunt. Ms. McCrumb said that she had heard that the Vermont Land  
134 Trust was not thrilled with the proposed parking.

135

136 Ms. Cole said that the plan approved a few years ago had the driveway closed off. The  
137 Park Oversight Committee had no opinion regarding one or two curb cuts, said Ms. Cole.

138

139 Mr. Hunt said that if the Vermont Land Trust was not on board regarding the parking  
140 then it was not worth going forward. The revised building envelope would be one-half  
141 acre smaller and would preserve more. Would the Vermont Land Trust have a say on  
142 parking within the barn complex, asked Mr. Hunt.

143

144 Mr. McDonald said that it was not clear if moving a house and an agricultural use came  
145 under Planning Commission review. Mr. Hunt replied that a question was how “new”  
146 construction was defined.

147

148 Ms. Illick asked that the Town parking easement be noted on the revised site plan.

149

150 **MOTION by Mr. Landler, seconded by Ms. Stearns, to classify PC-13-32 Sketch**  
151 **Plan Review for Tim & Martha Hunt/Nordic Holsteins LLC for a Subdivision**  
152 **Amendment to the previously approved “Varney Farm” lot located on the west side**  
153 **of Ethan Allen Highway approximately 2 miles north of Ferry Road request to move**  
154 **the location of the house and building envelope north and west of the existing**  
155 **location as a potential site plan within the route 7 Scenic View District.**

156 **DISCUSSION:**

157 **Ms. (Varney) Hill, an abutting neighbor, explained that she grew up in the Varney**  
158 **house. She had not seen the proposal for moving the house and putting in a large**  
159 **parking lot. She did speak with Clark Hinsdale regarding the sale of the property. It**  
160 **was not a good idea to put in a large parking lot, or access due to the Route 7 traffic.**  
161 **It was a very dangerous situation. When she lived on the farm there were three**  
162 **traffic deaths in her front yard. During the Demeter Park planning process it was**  
163 **decided that there shouldn’t be any access off Route 7. Clark Hinsdale gave an**  
164 **equestrian access off Greenbush Road. A farm stand was inappropriate, said Ms.**  
165 **Hill.**

166

167 **Ms. McCrumb suggested that the applicant talk to VTrans regarding an opinion for**  
168 **curb cuts. The Planning Commission was not reviewing, or approving uses. They**  
169 **were only approving moving a house. It was not the Town’s job to decide uses, or to**  
170 **study the frequency of turns into the property. Adaptive reuse goes to Conditional**  
171 **Use review, clarified Ms. McCrumb.**

172

173 **Mr. McDonald questioned if site plan review was needed.**

174

175 **Mr. Hunt said that he shared traffic concerns. The Historic Preservation Trust has**  
176 **an option to put a lien on the barn if it was not preserved. It would take \$3,000-**  
177 **4,000 to start that effort, said Mr. Hunt.**

178

179 **Ms. Illick, Ms. Stearns and Mr. Landler spoke in support of the proposed house**  
180 **relocation to the north side of the barn.**

181 **VOTE: 6 ayes, 1 absent (Mr. Joslin); motion carried.**

182

183 **CONTINUANCE: PC-13-31 Final Subdivision application by Michael & Barbara**  
184 **McGinnis for a 2-lot subdivision located at 4658 Mt Philo Road. Proposed access for**  
185 **the new lot is off of Higbee Road**

186 Liam Murphy, attorney, appeared on behalf of the application.

187

188 **STAFF NOTES**

189 Mr. McDonald reviewed staff notes.

190

191 **APPLICANT COMMENTS**

192 Mr. Murphy handed out copies of a revised site plan for Planning Commission review.

193

194 Mr. Murphy explained that Stuart Morrow, engineer, redrew the Lot 1 boundary line so  
195 that the entire 325' setback area was all on Lot 1. Deed restrictions would apply all on  
196 Lot 2. Lot 2 would have more than 5 acres, said Mr. Murphy.

197

198 **PLANNING COMMISSION QUESTIONS/COMMENTS**

199 Ms. Illick asked for clarification of the conservation area. Mr. Murphy noted the  
200 proposed building envelope on the site plan and said that everything else on lot 1 was  
201 conserved.

202

203 Mr. Murphy noted that a list of written conditions had been submitted at the last meeting  
204 for Planning Commission consideration.

205

206 **MOTION by Ms. Radimer, seconded by Ms. Stearns, to close the PC-13-31 Final**  
207 **Subdivision application by Michael & Barbara McGinnis for a 2-lot subdivision**  
208 **located at 4658 Mt Philo Road, with proposed access for the new lot off of Higbee**  
209 **Road.**

210 **VOTE: 6 ayes, 1 absent (Mr. Joslin); motion carried.**

211

212 **TOWN PLAN WORKSESSION – TRANSPORTATION AND ENERGY**

213 The Planning Commission discussed proposed transportation and energy sections of the  
214 Town Plan.

215

216 **ADJOURNMENT**

217 The Planning Commission meeting was adjourned at 9:30 p.m.

218

219 Respectfully submitted, Kathlyn L. Furr, Recording Secretary

220