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

*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; Gerald Bouchard, Donna Stearns, Paul Landler, Linda Radimer, Marty Illick (arrived 7:15 p.m.). **ABSENT:** Jeff McDonald.

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

**OTHERS:** Jeff Hall, Tammy Hall, Bill Adamson, Dinny Adamson, Charles Russell, Joanna Cummings, Hayes Sogoloff, Bonnie Sogoloff, Megan Giroux, Chris Von Trapp, Jeff Finkelstein, and others.

**AGENDA ITEMS:**

- **Consent Agenda: Sketch Plan Letters:**
  1. **Louise S. Plant/Black Rock Construction for a Major Subdivision/Planned Residential Development (8 residential parcels and 3 open space parcels) at 2369 Spear Street.**
  2. **Nordic Holsteins LLC/Tim & Martha Hunt for Subdivision Amendment to move house on Varney Farm Parcel.**
  3. **Gary & Mary Thibault for Minor 3-lot Subdivision at 1490 Carpenter Road.**
  4. **Nordic Holsteins LLC/Trust of Clark Hinsdale Jr for Minor 3-lot Subdivision at 1824 Hinesburg Road.**
- **PC-14-03 Final Subdivision Review for Jeff & Tammy Hall for a 3-lot Planned Residential Development at 875 and 933 Hinesburg Road.**
- **PC-14-05 Sketch Plan Review for John Hauenstein for a 2-lot subdivision at 6373 Spear Street.**
- **PC-14-06 Sketch Plan Review for Scott Hardy for a 2-lot Subdivision on the east side of 768 Mt. Philo Road.**
- **Organizational Meeting**

**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 additions

- A request by Clark Hinsdale III to remand a review of a Planning Commission denial of a boundary adjustment on the Charlotte Solar Farm parcel.
- A request to amend an approved Landscaping Plan at Albert's Way for a revised landscaping plan by Edible Landscapes.

Consent Agenda:

47 The Sketch Plan Letter regarding the Louise S. Plant/Black Rock Construction project  
48 would be discussed in Deliberative Session.

49

50 Ms. McCrumb said that the other listed Sketch Plan letters were not ready yet.

51

52 **PUBLIC COMMENT**

53 None.

54

55 **MINTUES: March 6, 2014.**

56 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to approve the Planning**  
57 **Commission minutes of 03/06/2014 as written with edits:**

- 58 • **Page 2, line 49; replace the word “the” with “his”; line 73 correct the spelling**  
59 **of “LaPlatte”.**
- 60 • **Page 3. line 129; change the sentence to read “...yet, which would take...”**
- 61 • **Page 4, line 173; replace the words “ water shed” with “wet area”; line 181**  
62 **correct the spelling of the name “Caplan”.**
- 63 • **Page 6, line 257; “The meeting adjourned at 9:30 p.m.”**

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

65

66 **PF-14-03 FINAL SUBDIVISION REVIEW FOR JEFF & TAMMY HALL FOR A**  
67 **3-LOT PLANNED RESIDENTIAL DEVELOPMENT AT 875 AND 993**  
68 **HINESBURG ROAD**

69 Jeff Hall and Tammy Hall, owners, appeared on behalf of the application.

70

71 **STAFF NOTES**

72 Mr. Joslin reviewed staff notes.

73

74 **APPLICANT COMMENTS**

75 Mr. Hall briefly reviewed an application for a 3-lot PRD continued from May, 2013. The  
76 property has been surveyed and an alternative septic has been completed. The proposal  
77 was to divide 2.8 acres from the existing farm to create Lot 2, Lot 3 would have 11.2  
78 acres and his existing farm house, and 148 acres of agricultural land as Lot 1. He would  
79 retain a 60' wide right-of-way off Guinea Road that crossed a corner of the small lot and  
80 across his 11 acre lot as access to the land in back. He would end up with three separate  
81 lots out of two existing lots, clarified Mr. Hall.

82

83 **PLANNING COMMISSION QUESTIONS/COMMENTS**

84 Mr. Joslin asked if the septic on Lot 2 had been approved. Mr. Hall replied yes. The  
85 septic was all done. The existing septic system had the better soils and the septic would  
86 be located there, explained Mr. Hall.

87

88 Ms. McCrumb said that a note should be added to the Survey Plat that there was no septic  
89 identified on the large lot.

90

91 **PUBLIC COMMENTS**

92 Mr. Russell asked if the Selectboard had approved a curb cut. Mr. Hall explained that the  
93 curb cut was put in 1991 when the small lot was subdivided off. There was an existing  
94 60' right-of-way for accessing the farm land. He was not going to build any more houses,  
95 said Mr. Hall.

96

97 **MOTION by Ms. Radimer, seconded by Ms. Stearns, to close PC-14-03, Final**  
98 **Subdivision Review, for Jeff & Tammy Hall for a 3-lot Planned Residential**  
99 **Development at 875 and 933 Hinesburg Road.**

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

101

102 **PC-14-05 SKETCH PLAN REVIEW FOR JOHN HAUENSTEIN FOR A 2-LOT**  
103 **SUBDIVISION AT 6373 SPEAR STREET.**

104 Ms. McCrumb submitted an e-mail from Tom Powell, dated 03/20/2014, regarding the  
105 Hauenstein application for the record.

106

107 Mr. Hauenstein, owner, appeared on behalf of the application.

108

109 STAFF NOTES

110 Mr. Joslin reviewed staff notes.

111

112 APPLICANT COMMENTS

113 Mr. Hauenstein reviewed a proposal to subdivide 15 acres from an existing 30 acre lot  
114 with an existing house. The subdivided lot would include an existing barn and the  
115 boundaries would follow 300' along the road to an existing fence line that went to Lewis  
116 Creek and along the creek to another existing fence line back to the road. He would sell  
117 the existing house with 15 acres. The 15 acre and barn lot would not have a house site.  
118 Town regulations for an agricultural lot less than a minimum of 25 acres required  
119 identification of a septic area, said Mr. Hauenstein.

120

121 PLANNING COMMISSION QUESTIONS/COMMENTS

122 Ms. Radimer asked if an area further west had been separated off. Mr. Hauenstein  
123 explained that 5 years ago he looked into splitting off 5 acres, which was not feasible.  
124 The regulations required 200' setbacks, which he did not have. The land also has a 30-45  
125 degree decline, said Mr. Hauenstein.

126

127 Mr. Hauenstein explained that the proposed 15 acre lot was good pasture/hay land with a  
128 10 degree slope in one area. He proposed to locate 10 sun trackers and animals on that  
129 lot. The proposed barn lot has an extensive shrub border along the road and fence line.

130

131 Mr. Joslin asked if the trackers would be located northwest of the existing barn. Mr.  
132 Hauenstein replied yes. It was an historic barn. He does his business out of the barn. On  
133 the west there was a fence that ran down to Lewis Creek. The boundary would follow the  
134 creek to another fence line back to the road. There was also a manure pit on the proposed  
135 15 acre barn lot, said Mr. Hauenstein.

136

137 Mr. Joslin asked is the western lot was to be kept for farming, or would Mr. Hauenstein  
138 plan a PRD. Mr. Hauenstein replied his plan was to keep the barn lot for farming.

139  
140 Mr. Landler asked if there was potential for a future residence on the barn lot. Mr.  
141 Hauenstein replied that there could be. He had no plans to do so, said Mr. Hauenstein.

142  
143 Ms. Radimer asked if the trackers would be visible from the road. Mr. Hauenstein said  
144 that he was planning screening along the road and on the west fence line. The land sloped  
145 down from the road. The top 3' might be seen on a few of the trackers. The proposal was  
146 going through the Public Service Board process now. The area covered by the trackers  
147 was about one-half an acre, said Mr. Hauenstein.

148  
149 Mr. Finkelstein, an abutting neighbor on the east, explained that the property had been a  
150 part of the Dike Farm subdivision years ago. Covenants were put on the Dike Farm  
151 subdivision properties, such as no antennas, no clothes lines, no commercial activities  
152 allowed, or activities that would adversely impact the area. The plans were approved by  
153 the Town. Trackers would have an impact on John Korner and his properties, stated Mr.  
154 Finkelstein.

155  
156 Mr. Joslin explained that the approval for trackers fell under the jurisdiction of the Public  
157 Service Board (PSB). The Town had no jurisdiction. Mr. Finkelstein should take his  
158 concerns/issues to the PSB, said Mr. Joslin. Ms. McCrumb explained that state statutes  
159 trumped Town regulations.

160  
161 Mr. Finkelstein asked who the responsible party was regarding the covenants. Ms.  
162 McCrumb said that the covenants would be governed by a home owners association and  
163 enforced by the homeowners association.

164  
165 Mr. Hauenstein stated that all the neighbors were notified about the PSB hearings.

166  
167 Ms. Illick suggested asking the Town Attorney for an opinion regarding the Dike Farm  
168 covenants.

169  
170 Mr. Hauenstein said that he contacted Graham Goldsmith, who drew up the covenants.  
171 Graham wrote a letter and signed off on the proposal for his proposal. There was wording  
172 in the covenant language that Graham had control until a homeowners association was  
173 formed. No association has been formed, said Mr. Hauenstein. Mr. Finkelstein said that  
174 he called Graham and talked with his assistant, Linda, today. He wanted clarification  
175 from Graham, said Mr. Finkelstein.

176  
177 Ms. Radimer asked for a copy of the covenants. Ms. McCrumb would forward a copy.

178  
179 Mr. Russell asked Mr. Hauenstein if he would configure the lots differently, for example,  
180 a smaller lot, if the Town regulations didn't require a minimum of 25 acres for an  
181 agricultural lot. Mr. Hauenstein replied no. He had planned on farming the lot, stated Mr.  
182 Hauenstein.

183

184 Ms. McCrumb said that staff would confirm that a minimum of 25 acres was needed. Ms.  
185 Radimer recalled that a similar situation occurred on Whalley Road years ago.

186

187 In response to a question regarding setback distances between the existing barn and the  
188 east fence line, Mr. Hauenstein said that he could re-draw the boundary line to meet the  
189 50' setback.

190

191 **MOTION by Mr. Bouchard, seconded by Mr. Landler, to continue the hearing for**  
192 **PC-14-05, Sketch Plan Review, for John Hauenstein for a 2-lot subdivision at 6373**  
193 **Spear Street to Thursday, April 3, 2014, at 7:00 p.m. following a site visit on the**  
194 **same date at 6:00 p.m.**

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

196

197 **PC-14-06 SKETCH PLAN REVIEW FOR SCOTT HARDY FOR A 2-LOT**  
198 **SUBDIVISION ON THE EAST SIDE OF 768 MT. PHILO ROAD.**

199 Scott Hardy, owner, appeared on behalf of the application.

200

201 STAFF NOTES

202 Mr. Joslin reviewed staff notes.

203

204 APPLICANT COMMENTS

205 Mr. Hardy reviewed a proposal to subdivide a 10 acre parcel located on the east side of  
206 Mt. Philo Road as follows:

207

- 208 • One 5 acre parcel with an existing barn.
- 209 • A second 5 acre parcel to the south of the proposed barn lot.
- 210 • A 5 acre lot and his existing house located on the west side of Mt. Philo Road had  
211 a septic system. The septic for the two proposed 5 acre lots on the east would  
212 cross under the road to a septic area behind his house.

212

213 PLANNING COMMISSION QUESTIONS/COMMENTS

214 Mr. Joslin asked if the subject property was being farmed. Mr. Hardy replied that the  
215 Laberge family grew corn there.

216

217 Ms. McCrumb asked Mr. Hardy to discuss the historic nature of the existing barn. Mr.  
218 Hardy explained that he hired a barn expert, who reported that the barn was built in the  
219 1920s. It had a sawn frame versus a hand-hewn frame of an older structure. He was  
220 investigating a re-adaptive use of the barn, said Mr. Hardy.

221

222 Mr. Joslin suggested that a PRD on a smaller lot could be done that would keep more  
223 acreage open. Mr. Hardy replied that he was mindful of minimally impacting the  
224 agricultural use of the property. Ms. McCrumb suggested that a PRD could be done on  
225 the barn side, or on the house lot on the west side of the road. Mr. Hardy replied he like  
226 the two 5 acre lots better.

227

228 There was lengthy discussion regarding farm uses along Mt. Philo Road, a characteristic  
229 of clustering homes near the roadway to keep open land, the barn as a landmark, and a  
230 views cape of open farm land along the length of Mt. Philo Road. Ms. Radimer spoke in  
231 favor of a creating a one-acre lot and a 9 acre lot to bring flexibility in siting the houses  
232 and to keep more agricultural land open.

233

#### 234 PUBLIC COMMENTS

235 Ms. Cummings, Conservation Commission member, noted that a lot of pedestrians used  
236 Mt. Philo Road. The more driveways on the road the more dangerous it was for  
237 pedestrians, said Ms. Cummings. Mr. Hardy said a shared driveway would reduce the  
238 number of curb cuts.

239

240 Ms. Illick asked if Mr. Hardy would consider placing one house on the west side of the  
241 road and one house on the barn side. Mr. Hardy pointed out existing large houses located  
242 on the west side of the road and impacts to views and scenery.

243

244 Mr. Sogoloff, an abutting neighbor and owner of a horse farm to the east of the 10 acre  
245 parcel, said that he and his farm would be the most affected by the proposal. His horse  
246 farm was in agricultural current use. When he purchased the land from Mansfield it was  
247 in current use. He was concerned regarding impacts of new homes on his 'right to farm'.  
248 New people living near farms would object to the animals, noise and smell of manure.  
249 The Laberge's spread manure on the fields. The idea of current use was to keep the area  
250 open. Was Scott planning on living on either of the lots, asked Mr. Sogoloff. Mr. Hardy  
251 replied no. His house was on the west side of the road, said Mr. Hardy.

252

253 Mr. Landler asked if there was a history for resolving 'right to farm' issues. Mr. Joslin  
254 explained that the Town Plan included language for 'right to farm' and the Town  
255 encouraged that use even though there were no regulations supporting a right to farm.  
256 Ms. McCrumb suggested that 'right to farm' language could be added to the permit  
257 language.

258

259 Ms. Illick asked if there were agricultural uses on both sides of Mt. Philo Road in that  
260 area. Mr. Hardy explained that the land on the west side sloped up to the west. The  
261 Mansfield's owned 125 acres that surrounded his house. The east side of the road was  
262 open farm land all along the road, said Mr. Hardy.

263

264 Mr. Joslin asked if the existing barn could be used as a residence. Mr. Hardy replied yes.

265

266 Ms. McCrumb reviewed that Scott Hardy owned lots on both sides of the road. The septic  
267 was proposed to the west lot, not on the two proposed lots to the east, said Ms.  
268 McCrumb. Mr. Sogoloff asked if Scott wouldn't want the septic on the lots and side of  
269 the road versus going under the road to the west side.

270

271 There was discussion regarding boring under Mt. Philo Road to run septic pipes to the  
272 west side of the road; the location of appropriate septic soils, which were better on the  
273 west side; the location of wet areas on the east side of the road; and if Mt. Philo Road was

274 designated as a Scenic Roadway. Ms. McCrumb would research the feasibility of locating  
275 septic under a road way to a location on an opposite side from the lots.

276

277 Mr. Sogoloff submitted written comments and concerns into the record, dated  
278 03/20/2014, for Planning Commission review.

279

280 Ms. Sogoloff expressed concern on efforts to preserve open land and potential risks to her  
281 business related to locating new homes next to an operating horse farm.

282

283 Ms. McCrumb reported that Mt. Philo Road was designated as a Scenic Roadway.

284

285 Mr. Russell read Land Use regulation, Section 7.7(a)(3), regarding a PRD related to  
286 locating a septic across a road into the record.

287

288 **MOTION by Ms. Radimer, seconded by Mr. Bouchard, to continue the hearing**  
289 **regarding PC-14-06, Sketch Plan Review, for Scott Hardy for a 2-lot Subdivision on**  
290 **the east side of 768 Mt. Philo Road to Thursday, April 17, 2014, at 7:00 p.m.,**  
291 **following a site visit at 6:00 p.m. on the same date.**

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

293

294 **REMAND REQUEST BY CLARK HINSDALE III, FOR THE PLANNING**  
295 **COMMISSION TO RECONSIDER A DENIAL OF A BOUNDARY**  
296 **ADJUSTMENT APPLICATION**

297 Ms. McCrumb briefly explained a memo written by Mr. Hinsdale, dated 03/12/2014, to  
298 remand back to the Planning Commission to address issues. The Town Attorney asked  
299 what the Planning Commission wanted to do. Mr. Hinsdale was prepared to return with  
300 his application and a master plan, said Ms. McCrumb.

301

302 The Planning Commission members spoke in support of a further discussion in  
303 Deliberative Session.

304

305 **ALBERT'S WAY LANDSCAPING PLAN PROPOSAL BY EDIBLE**  
306 **LANDSCAPING**

307 Megan Giroux, Edible Landscaping representative, reviewed that she had discussed a  
308 landscaping proposal for the Albert's Way project with David Mullin, Habitat for  
309 Humanity Director. She raised \$10,000 for a revised landscaping plan and an educational  
310 component. The request was to seek an amended landscaping plan, said Ms. Giroux.

311

312 Ms. McCrumb displayed a drawing of the currently approved landscaping plan, and a  
313 schematic of a proposed revised plan.

314

315 Ms. Giroux reviewed an edible landscaping plan that included apple, plum, pear trees,  
316 blueberry bushes, and other vegetation. A stone cold storage would be built. There was a  
317 50' buffer to the river and wetlands. Lot 6 was an open common lot, pointed out Ms.  
318 Giroux.

319

320 Ms. Giroux said that the River Conservancy was contacted regarding wetlands and the  
321 river riparian repair. Ms. Cummings said that the River Conservancy said that a 100'  
322 buffer was required. The project was in a flood plain, said Ms. Cummings.

323

324 There was discussion regarding the 100 year flood plain line, and a fluvial erosion hazard  
325 line. Ms. McCrumb would research the location of a fluvial erosion hazard line.

326

327 Ms. Illick noted that a bridge over the stream was too narrow and constricted the stream  
328 flow. The bridge needed to be correctly sized, said Ms. Illick.

329

330 A straw poll of the Planning Commission members indicated support for amending the  
331 approved landscape plan at Albert's Way.

332

333 **MOTION by Mr. Landler, seconded by Ms. Radimer, to approve a proposed**  
334 **amendment to the approved Landscaping Plan at Albert's Way as presented.**

335 **DISCUSSION:**

336 **Mr. Bouchard asked if some of the trees would need to be moved. Ms. Giroux**  
337 **explained that there were underground utilities and trees would need to comply**  
338 **with the Green Mountain Power standards related to a 10' wide clear utility**  
339 **easement.**

340

341 **Ms. McCrumb noted conditions that included a finalized number of trees, and those**  
342 **plantings would be required to be viable for several years.**

343

344 **Mr. Joslin asked if a Mylar was needed. Ms. McCrumb replied no.**

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

346

347 **DELIBERATIVE SESSION**

348 **MOTION by Mr. Landler, seconded by Mr. Bouchard, to enter Deliberative**  
349 **Session.**

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

351

352 The Planning Commission entered Deliberative Session at 8:53 p.m.

353

354 **ADJOURNMENT**

355 The Planning Commission meeting was adjourned at p.m.

356

357 Respectfully submitted, Kathlyn L. Furr, Recording Secretary

358