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**TOWN OF CHARLOTTE
PLANNING COMMISSION
APRIL 2, 2015**

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: Jeff McDonald, Chair; Peter Joslin, Paul Landler, Gerald Bouchard, Linda Radimer, Marty Illick, Donna Stearns.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Michael Russell, Chris Fortin, Rebecca Fortin, Kristen DeStigter, Eric Silfen, Tim Hotaling, Jonathan Silverman, and others.

AGENDA ITEMS:

- **PC-15-06 Sketch Plan Review for Chris and Rebecca Fortin for a Contractor's Yard at 2737 Lake Road.**
- **Town Plan Responsiveness Summary: Chapter 7 Economic Development and Chapter 8 Community Facilities and Services**

6:00 P.M. SITE VISIT: Chris and Rebecca Fortin, 2737 Lake Road

CALL TO ORDER

Mr. McDonald, Chair, called the meeting to order at 7:05 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The agenda was approved.

Consent Agenda:

Add: Review Scott Hardy Sketch Plan letter.

PUBLIC COMMENT

None.

MINUTES: March 19, 2015

Approval of the PC minutes of March 19, 2015 was deferred.

PC-15-06 SKETCH PLAN REVIEW FOR CHRIS AND REBECCA FORTIN FOR A CONTRACTOR'S YARD AT 2737 LAKE ROAD.

Chris Fortin and Rebecca Fortin, owners, and Michael Russell, attorney, appeared on behalf of the application.

STAFF NOTES

Mr. McDonald, Chair, reviewed Staff Notes and that a site visit was conducted this date.

APPLICANT COMMENTS

47 Mr. Russell stated that he did not have a conflict of interest, despite also being a neighbor
48 to the Fortin's.

49

50 Mr. Russell reviewed that the Charlotte Zoning Board of Adjustment (ZBA) had held a
51 hearing regarding the same proposal and had approved a Conditional Use application
52 with conditions that included fencing around a compost area, planting screening trees of
53 10' in height, a 2' berm with 8' trees planted on top to meet a 10' height requirement, that
54 the Zoning Administrator (ZA) was to check on the 10' height of existing trees, proposed
55 construction of an in-door horseback riding structure with construction to start sometime
56 within the next three months, location of a storage shed, a roofed fuel storage bunker, and
57 a proposed tree species list.

58

59 Mr. Russell explained a Sketch Plan regarding lot boundaries, off-site features that
60 included the Goodman, Silverman, DeStigter and Russell properties, proposed business
61 use areas for a contractor's yard, on-site equipment storage, existing and proposed
62 landscaping, three business use parking spaces, and extension of a fence around three
63 sides of the business use area as shown on the site map. The north side would not be
64 fenced, said Mr. Russell.

65

66 Mr. Russell asked the ZA to clarify if the compost fence purpose was for screening,
67 and/or dust control.

68

69 PLANNING COMMISSION QUESTIONS/COMMENTS

70 Mr. McDonald explained a two part Sketch Plan process. The Planning Commission (PC)
71 could schedule another site visit, or continue the Sketch Plan review, said Mr. McDonald.

72

73 SITE VISIT

74 Ms. Stearns asked for clarification regarding water drainage from the business area and
75 roof runoff from the barn structure. Mr. Fortin explained that there was an existing swale
76 behind the existing barn. Water dries up and the area does not stay wet year round, said
77 Mr. Fortin. Mr. Russell explained that an existing north-south ditch would continue to
78 carry water to a culvert. The culvert would be extended under the proposed riding arena.
79 The flow of water wouldn't change. The land slopes several hundred feet and water goes
80 to a stream east of there, said Mr. Russell. Ms. Illick noted that the water flows to the
81 Holmes Brook tributary.

82

83 PUBLIC COMMENTS

84 Ms. DeStigter pointed to the location of her house and driveway on the site map, and said
85 that water dumps into a stream across from her property, and then flows to the lake. She
86 hadn't a noise problem – it was a visual issue of the Fortin's equipment and house, said
87 Ms. DeStigter.

88

89 Mr. Hotaling said he was the closest neighbor to the Fortin's. His house was 300' +/-
90 from Fortin's existing barn. The new riding arena would be less than 200' from his water
91 well. There were a lot of noises coming from the Fortin's, such as trucks, leaf blowers,
92 mowers, and weed whackers being started up at 7:00 a.m. that occur in the summer and

93 winter. He had consulted with realtors regarding the affects of Fortin's business on his
94 property values. The ZBA made a fair attempt to address the noise and visual impacts via
95 screening, said Mr. Hotaling.

96

97 Mr. Silverman pointed out his property on the site map, and noted that Fortin's motion
98 sensor lights were triggered by rabbits and should be dimmed, or pointed lower.

99

100 Mr. Silverman asked what compliance was tied to the ZBA approval conditions related to
101 the collection of equipment and screening – what the Fortin property looks like now,
102 what it would look like after PC approval and enforcement, said Mr. Silverman. Mr.
103 McDonald said that Jeannine McCrumb, the ZA, should be contacted for those issues.

104

105 Ms. Illick asked if the proposed agricultural operation was a farm, or a business operation
106 that the Fortin's were proposing. Mr. Fortin replied that he had 38 head of beef cows and
107 a couple of horses. There would be around 30 head of beef wintered on 3 acres of his
108 property. The cattle would be pastured at a neighboring property in the summer, said Mr.
109 Fortin.

110

111 Ms. Radimer asked what the riding arena design would look like. Mr. Fortin explained
112 that the design would look similar to a back wing the Pecor's horse barn. Currently he
113 had 2 horses and he was planning on a 3rd horse, said Mr. Fortin.

114

115 Mr. Joslin noted that the proposed contractor's yard area was defined by a dark line on
116 the applicant's site map. He understood that the proposed riding arena would be a part of
117 the noise and visual screening plan. The ZBA didn't define what building should be
118 there, said Mr. Joslin. Ms. McCrumb said that the issue was addressed during a ZBA
119 discussion regarding screening and noise.

120

121 Mr. Russell said that the applicant hasn't included a 'Plan B'. The ZBA approval
122 included a screening plan that looked at the barn as if it was an existing hill, said Mr.
123 Russell. Mr. Joslin pointed out that the barn didn't exist yet. The applicant could decide
124 not to build it. A concern was that the proposed barn wasn't a part of the ZBA approval,
125 said Mr. Joslin. Mr. Russell replied that the ZBA had anticipated that a barn wouldn't be
126 built for some time and conditioned a requirement for a continuation of the application in
127 that case, said Mr. Russell.

128

129 Mr. McDonald asked for a copy of the ZBA Conditional Use approval and conditions for
130 review.

131

132 Mr. Joslin asked if the proposed riding arena was for public use, or would it be a public
133 use in the future. If so, what number of people could be expected to use the facility and
134 was there a parking plan if that was the intent, said Mr. Joslin. Mr. Fortin stated that the
135 riding arena was for self use.

136

137 Mr. Russell said that there was discussion at the ZBA hearing regarding parking. There
138 were 3 identified parking spaces for summer use and in the winter equipment would be

139 stored there. A public use of the riding arena would be an agricultural use. An
140 agricultural use parking wouldn't encumber the business use. At this time it was a private
141 agricultural structure, stated Mr. Russell.

142
143 Ms. McCrumb said that if the private agricultural use changed in the future then the
144 applicant would return before the PC. The concern was not with an agricultural use, but
145 with the parking, clarified Ms. McCrumb. Mr. Russell said that a non-private parking use
146 of the arena could be depicted on the site plan to address those concerns.

147
148 Mr. Silverman expressed concern that the three proposed business use parking spaces
149 would increase if the agricultural use spilled out into the business area. Mr. Fortin replied
150 that use of the house front for business parking is not in the plan.

151
152 Mr. Hotaling expressed concern that a public agricultural use would increase the number
153 of car trips in and out of the Fortin property, and might increase the intensity and number
154 of lights.

155
156 Mr. Landler asked if the Fortin's business growth had stopped, and how to prevent the
157 use going beyond a riding arena in terms of structural features to confine the business.
158 Mr. Russell said that was a conditional use and a ZBA issue. Mr. Fortin said that he could
159 only grow up to three employees.

160
161 Ms. Illick read a ZA note related to a business use jurisdiction and scale that was "...and
162 of a scale in context...". Mr. McDonald pointed out that the ZBA approved Fortin's
163 Conditional Use application.

164
165 Mr. Silverman said that the ZBA approved the application with conditions, such as #17 in
166 its decision. Site Plan approval, or not, by the PC. It says the PC has jurisdiction, said Mr.
167 Silverman. Ms. McCrumb clarified that the site plan review was required. The PC was
168 fine tuning the site plan at this review. The PC had the right to bring up major concerns
169 as noted by the ZBA; for example, sound, said Ms. McCrumb.

170
171 Ms. Radimer said that a screening plan was needed; for example, plantings. Does the
172 current business area match up with the first presentation, asked Ms. Radimer. Mr.
173 Russell replied no. The original proposal had a lot coverage of 30 percent. Now it was a
174 20 percent lot coverage: 5 percent buildings, house at 15 percent, and a business use of 18
175 percent, more or less, on a 6 acre parcel. The applicant had to address ZBA concerns
176 regarding encumbrance coverage, said Mr. Russell.

177
178 Ms. Radimer asked what the screening plan was for outdoor storage of equipment. Mr.
179 Russell pointed to proposed screening on the site plan shown for 3 acres. The ZBA found
180 it to be adequately screened as per ZBA criteria, said Mr. Russell.

181
182 Ms. Stearns asked if there was any logging equipment on the property. Mr. Fortin replied
183 none.

184

185 Ms. DeStigter said she thought that the Fortin's had every intention to grow the business
186 uses. The Fortin's business was out of compliance, and there has been a documented lack
187 of enforcement spanning a decade. That was why the ZBA conditions were very
188 descriptive, such as Condition #17. There was minimum fencing around the compost
189 area. Condition #7 may require PC review. Condition #8 required installation of trees 10'
190 high. She was fine with 2' berm as long as the 10' height was achieved. The lighting
191 should be downward shielded. The fencing of the compost was for screening, and
192 required watering for dust control. Was there a watering schedule for that, asked Ms.
193 DeStigter.

194

195 Ms. DeStigter asked if the agricultural building design submitted was part of the
196 screening. Regarding Condition #14, it says the PC would approve a screening plan. The
197 ZBA gave the Planning Commission a lot of jurisdiction, stated Ms. DeStigter.

198

199 Mr. Hotaling said he was fine with the berm proposal as long as it fit with the terrain.

200

201 Ms. Illick said that a written storm water plan was needed.

202

203 Mr. Joslin said that it looks like more screening was needed on the northeast corner of the
204 property at the north back section. Mr. Fortin explained a proposed row of cedar trees on
205 that area.

206

207 Mr. Russell showed where screening was planned closer to the business area versus at the
208 property boundary. Ms. DeStigter said that she had suggested that change.

209

210 Mr. Joslin asked if there would be lights mounted on the barn. Mr. Fortin explained that
211 lighting was on the inside of the barn, and one over the door in between the two
212 buildings.

213

214 Mr. Hotaling asked if there was a plan for visual screening. Ms. McCrumb said that was
215 where Site Plan review and Conditional Use review overlap. The ZBA gave the PC a lot
216 of jurisdiction to flesh out screening for visual and noise.

217

218 Mr. Hotaling said that the Town has not required a sound engineer study done. Noise
219 does affect quality of life. A prior ZBA decision said that the PC should review screening
220 for noise. A dense material affects sound, not foliage, said Mr. Hotaling. Ms. McCrumb
221 replied that was addressed under the Conditional Use application not at Site Plan review.

222

223 Mr. Landler said the notes on site review "...Planning Commission shall ensure it is
224 within keeping of and be harmonious with its surroundings." Ms. McCrumb pointed out
225 it doesn't have to do with sound. Regarding noise; it was reviewed under the ZBA
226 decision for Conditional Use approval. (Mr. Hotaling) would need to use that process if
227 he was not happy, said Ms. McCrumb.

228

229 Mr. Joslin asked if the logging business was cleared up. Mr. Fortin replied yes. He was
230 using the material to heat the garage.

231

232 Mr. McDonald stated he would review the ZBA approval and conditions, and land use
233 regulations. He would suggest a hearing continuation, said Mr. McDonald.

234

235 Ms. DeStigter asked if Mr. Fortin was using 3 of the total 5.9 acres for grazing his beef
236 cows. How did that work with the business area, asked Ms. DeStigter. Mr. Russell said
237 that he has allowed some of his property for use of grazing Mr. Fortin's cattle

238

239 **MOTION by Ms. Radimer, seconded by Ms. Stearns, to continue the hearing for**
240 **PC-15-06 Sketch Plan Review for Chris and Rebecca Fortin for a Contractor's Yard**
241 **at 2737 Lake Road to May 21, 2015.**

242 **VOTE: 7 ayes; motion carried.**

243

244 Ms. DeStigter asked what would prevent the Fortin's from coming back to expand a
245 contractor's yard. The ZBA said no, said Ms. DeStigter. Ms. McCrumb replied it was a
246 two step process with both the ZBA and PC.

247

248 **TOWN PLAN RESPONSIVENESS SUMMARY**

249 **Town Plan Responsiveness Summary – Chapter 7 Economic Development**

250 Mike Russell and Howard Seaver participated in the review of comments received on this
251 section of the draft plan and comments from the Town Plan work session held last
252 September.

253 Mr. Seaver outlined three particular interests voiced by the business group that they
254 would like the Commission to consider: the number of conditional uses within the
255 commercial and industrial districts, the consideration of using form-based code in the
256 village areas and the establishment of a Development Review Board (DRB). Mr. Seaver
257 said of these three, the group's most immediate interest is in reducing the number of
258 conditional uses as the conditional use review procedure and criteria present a lot of
259 uncertainty for applicants. Mr. Seaver noted that making some of these uses permitted
260 uses and requiring site plan review should alleviate concerns related to layout and site
261 design.

262 Ms. Illick returned to the comments presented by Ms. Moore regarding the Route 7
263 corridor. Ms. Radimer specifically asked what is needed that can't be found within 10
264 minutes of here. Mr. Seaver explained his belief that a gas station is needed in town and
265 that the Citgo location is ideal. He noted that developers have explained to him that
266 they're not interested due to the limitations on retail space that are currently in the zoning
267 regulations. Most gas stations want some kind of retail / fast food as part of their business
268 today. Mr. McDonald explained that the regulations were the result of a town vote but
269 agreed that we should revisit on occasion. The Commission noted the concerns raised
270 previously regarding the impact a 'mini-mart' may have on existing businesses in the
271 West Village. Mr. Joslin supported some development on Route 7 but not strip
272 development. Mr. Landler and Ms. Illick asked if there were opportunities for
273 development that were not strip development. Ms. Illick supported development of
274 existing commercial areas but did not support commercial development in new areas
275 along Route 7. Mr. Russell suggested we think about what we wanted the corner to look
276 like and propose a 'master plan' for that area. Mr. McDonald asked about the idea of the

277 park 'n ride and Mr. Seaver and Mr. Russell thought that should be part of the master
278 planning discussion.

279 There was further discussion on the establishment of a DRB. All understood that
280 ultimately the Selectboard made the decision on this but the Commission agreed to
281 investigate further.

282 **DELIBERATIVE SESSION**

283 **MOTION by Ms. Radimer, seconded by Ms. Stearns, to enter Deliberative Session.**
284 **Vote: 7-0 in favor; motion carried.**

285 **MOTION by Mr. Joslin, seconded by Mr. Bouchard to exit Deliberative Session and**
286 **adjourn.**

287 **Vote: 7-0 in favor; motion carried.**

288

289 **ADJOURNMENT**

290 The meeting was adjourned at 9:25 p.m.

291

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

293

294