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**TOWN OF CHARLOTTE
PLANNING COMMISSION
MAY 1, 2014**

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

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Sarah Larson, Kristopher Larson, John Kerr, Thomas Larson, Kristine Larson, Lane Morrison, Joanna Cummings, Peter Trono, David Miskell, Fritz Tegatz, Mandy Trono, Derek Trono, Andrea Grayson, Mark Keppel, Clark Hinsdale III, Tim Hunt, Ellie Russell, Charles Russell, Dorothy Hill, Evan Metropolis, Catherine Metropolis, Genevieve Trono, Jenny Cole, and others.

5:45 P.M. SITE VISIT: 1007 Lake road of application PC-14-08.

6:15 P.M. SITE VISIT: 322 Oak Hill Road for application PC-14-10.

AGENDA ITEMS:

- **PC-14-08 Sketch Plan Review for Thomas and Kristine Larson for a 2-lot Subdivision at 1007 Lake Road.**
- **PC-14-09 Final Subdivision Review for Peter Trono for a Planned Residential Development (PRD) and a Boundary Adjustment located off Mandi's Way. The PRD will result in the addition of Lot 4.**
- **PC-14-10 Sketch Plan Review for Andrea Grayson and Mark Keppel for a 2-lot Subdivision at 322 Oak Hill Road.**
- **PC-14-11 Final Minor Subdivision Amendment for Nordic Holsteins, LLC/Timothy Hunt for a modification to the 'view easement' at 1040 Ethan Allen Highway (Varney Farm Parcel).**

CALL TO ORDER

Mr. McDonald, Chair, called the meeting to order at 7:10 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The agenda was approved.

Consent Agenda: none.

There was Planning Commission discussion regarding proposed suggestions related to a Scott Hardy Sketch Plan letter for a 2-lot subdivision application on Mt Philo Road; consideration for configuring two housing sites on either side of the existing barn; preserving a tree and agricultural land on the south end of the property; and concerns regarding wetlands on the northern side of the property. Ms. McCrumb reported that the Preservation Trust of Vermont had forwarded an opinion that the existing barn was

48 historic. Mr. McDonald asked staff to add the historic preservation letter regarding the
49 existing barn to the record.

50

51 Mr. Landler expressed concern that if two houses were built then the barn might be torn
52 down.

53

54 Mr. Bouchard expressed concern regarding a proposal for two well shields that would
55 impact the agricultural use of the land.

56

57 Mr. McDonald suggested that the applicant could consider the following:

- 58 • A possible condition that the homes were to be “farm clustered” next the to barn
59 to preserve a buffer for the agricultural fields, or
- 60 • Subdivide the 10 acre lot into two 5-acre lots, or
- 61 • Consider a PRD with the south lot retaining the barn and 8 acres of agricultural
62 land and a smaller northern lot of 2 +/- acres that contained the wetland.
- 63 • Creation of a straight boundary line between the two lots versus a line that jogged
64 around the barn.

65

66 **PUBLIC COMMENT**

67 None.

68

69 **MINUTES: April 3, and April 17, 2014**

70 **MOTION by Ms. Radimer, seconded by Mr. Landler, to approve the Planning**
71 **Commission minutes of 04/03/2014, as written, with edits:**

- 72 • **Page 3, line 101: change the wording to read “...conditionally approve so**
73 **that...”; line 105: change to read “...a building envelope waiver...”; line 131:**
74 **“the meeting was adjourned at 9:30 p.m.”**

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

76

77 **MOTION by Mr. Landler, seconded by Mr. Joslin, to approve the Planning**
78 **Commission minutes of 04/17/2014, as written, with edits:**

- 79 • **Page 2, line 68: add an ending sentence “A Town road divided the two**
80 **parcels and that created the division.”**
- 81 • **Page 4; line 184: “the meeting was adjourned at 11:00 p.m.”**

82 **VOTE: 6 ayes, 1 abstention (Ms. Stearns); motion carried.**

83

84 **PC-14-08 Sketch Plan Review for Thomas and Kristine Larson for a 2-lot** 85 **Subdivision at 1007 Lake Road.**

86 Thomas Larson and Kristine Larson, owners, appeared on behalf of the application.

87

88 **STAFF NOTES**

89 Mr. McDonald reviewed staff notes and a site visit that was conducted at 5:45 p.m. this
90 date.

91

92 **SITE VISIT**

- 93 The Planning Commission members walked the subject property was struck and noted
94 the following items:
- 95 • Concerns regarding sight distances to the west for a proposed access at the edge
96 of the road near the proposed house site.
 - 97 • A suggestion to switch the house and garage orientation to improve the driveway
98 access.
 - 99 • Consider a PRD that would leave the pond with a larger lot.
 - 100 • Clarify if a Class 4 road that cut through the property still existed.
 - 101 • Consider a trail easement for connectivity to the Town Beach.
 - 102 • Designate open space.
- 103

104 Mr. McDonald reviewed that the original subdivision was done a long time ago. Open
105 space requirement were usually waived until a future subdivision, explained Mr.
106 McDonald.

107

108 APPLICANT COMMENTS

109 Mr. Larson explained that he was working to avoid a wetland area and provide a 60'
110 right-of-way in a triangular area as shown on the site map. Ms. McCrumb said that both
111 objectives could be done on one Final Plat.

112

113 Ms. Larson said that they would like a 5 acre lot. Open space was still feasible, said Ms.
114 Larson.

115

116 PLANNING COMMISSION QUESTIONS/COMMENTS

117 Mr. Joslin asked if the Shoreline District was delineated on the site map. Ms. McCrumb
118 pointed to an area on the site map and said that the applicant's intent was to fence it off.

119

120 Mr. Landler asked if the proposed house site could be moved east-south-east. Mr. Larson
121 explained that the proposed site was on the highest part of the parcel.

122

123 Mr. McDonald asked if the potable water source was from the lake. Mr. Larson replied
124 no. There was a water line that went across the field and served two existing homes. He
125 could tap into that water line, said Mr. Larson.

126

127 Ms. Larson explained that septic perk tests have not been done yet. Mr. McDonald noted
128 that if the lot size was reduced for a PRD there could be septic easements if needed.

129

130 **MOTION by Mr. Joslin, seconded by Ms. Stearns, to classify the application, PC-**
131 **14-08, Sketch Plan Review for Thomas and Kristine Larson for a 2-lot Subdivision**
132 **at 1007 Lake Road as a minor subdivision.**

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

134

135 **PC-14-09 Final Subdivision Review for Peter Trono for a Planned Residential**
136 **Development (PRD) and a Boundary Adjustment located off Mandi's Way. The**
137 **PRD will result in the addition of Lot 4.**

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

139

140 STAFF NOTES

141 Mr. McDonald reviewed staff notes.

142

143 APPLICANT COMMENTS

144 Mr. Trono explained that Genevieve Trono, Derek and Mandi Trono now live on the
145 property.

146

147 Mr. Miskell reviewed the following items:

- 148 • A survey was done for the Final Plat to make sure the septic and septic easements
149 were in the right place. It was found that the garage was 7' over the septic
150 easement. The applicant had discussed with the Zoning Administrator on how to
151 correct the setback. Sheet B-2, Plat notes a change of 0.03 acres from Lot 1 to
152 Lot 3. The surveyor suggested doing a "+/- acreage" designation.
- 153 • The Zoning Administrator found a small part of the right-of-way on Mandi's
154 Way goes through the Vermont Land Trust preserved land just past the barn. The
155 Vermont Land Trust has e-mailed a proposed correction to the agreement to Ms.
156 McCrumb.
- 157 • A wastewater permit was approved.
- 158 • There was a proposed agreement with Green Mountain Power.
- 159 • The Final Plat would show driveways and the preserved Vermont Land Trust
160 area.

161

162 Mr. Miskell said that the applicant's attorney would review any conditions or agreements.

163

164 PLANNING COMMISSION QUESTIONS/COMMENTS

165 Ms. Illick asked if the PRD acreage included any of the preserved Vermont Land Trust
166 area. If so, was the density removed from the preserved land, asked Ms. Illick. Mr.
167 Miskell replied that Tom Mansfield, the former Zoning Administrator, said that the
168 preserved area could be included in the PRD density calculation. Even with the density
169 included, or removed, the density requirements were met, said Mr. Miskell. Ms.
170 McCrumb clarified that there was no density left now. Mr. McDonald said that fact
171 would need to be documented.

172

173 Mr. Miskell pointed out a shaded area of 9.4 acres on Sheet B-1 that was open space, and
174 a notated table that could be moved over on the sheet so that it was easier to view. There
175 were a total of 38.2 acres in the open space, of which 28.8 acres of preserved Vermont
176 Land Trust area was used in the calculation, said Mr. Miskell.

177

178 Ms. Illick questioned the logic of putting conserved land/open space into a density
179 calculation. Ms. McCrumb read Zoning Regulation, Section 8.4(b)(3), regarding
180 exemption and density calculations.

181

182 Mr. McDonald asked if the primary access to Lot 1 was through Mandi's Way. Mr.
183 Trono explained accesses as shown on the site map. The access meets the emergency and
184 fire requirements. It was kept plowed during the winter as walking path, said Mr. Trono.

185

186 Mr. Miskell pointed out Sheet B-2 regarding Lot 4 details.

187

188 Ms. Radimer asked what amount of the property was forested. Mr. Miskell said that 4.5
189 acres of the Clay plain Forest was restricted. At the Preliminary hearing there were
190 conditions applied regarding a building envelope, driveway and right to farm language.

191

192 **MOTION by Mr. Joslin, seconded by Ms. Radimer, to close the hearing for PC-14-**
193 **09, Final Subdivision Review for Peter Trono for a Planned Residential**
194 **Development (PRD) and a Boundary Adjustment located off Mandi's Way, with**
195 **the PRD resulting in the addition of Lot 4.**

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

197

198 **PC-14-10 Sketch Plan Review for Andrea Grayson and Mark Keppel for a 2-lot**
199 **Subdivision at 322 Oak Hill Road.**

200 Andrea Grayson and Mark Keppel, owners, appeared on behalf of the application.

201

202 STAFF NOTES

203 Mr. McDonald reviewed staff notes, and that the Planning Commission members had
204 conducted a site visit at 6:15 p.m. this date.

205

206 SITE VISIT:

207 Planning Commission members walked the subject property. Andrea Grayson and Mark
208 Keppel, owners, were present. Planning Commission observations noted during the site
209 visit included the following:

210

- The property was forested.

211

- An existing driveway would provide access to a proposed 12 acre lot.

212

213 APPLICANT COMMENTS

214 Mr. Keppel explained a proposal to subdivide 12 acres from a 24 acre parcel to build a
215 small cabin-like structure. The driveway from his and Andrea's house going downhill
216 would be upgraded to meet Town standards. Jim Olson had lived at an existing cabin and
217 he had split off 9.9 acres when he and Andrea moved in, said Mr. Keppel.

218

219 PLANNING COMMISSION QUESTIONS/COMMENTS

220 Mr. Landler said that the plans should show a building envelope. Ms. Grayson pointed
221 out that this was at Sketch Plan level. Mr. Landler suggested that two options for
222 subdividing the land could be shown on the site plan. Ms. Grayson replied that she didn't
223 know what the new owner would want to do.

224

225 Mr. McDonald sited a previous subdivision application where a building envelope was
226 deferred. However, the applicant needed to show that a septic was possible, said Mr.
227 McDonald. Ms. Grayson stated that test pits have been done.

228

229 Ms. McCrumb read Land Use Regulations, page 88, waiver/exemptions, regarding the
230 feasibility of deferred septic if there were 25 acres, or more. Test pits were sufficient at
231 Sketch Plan level, said Ms. McCrumb.

232

233 Mr. Joslin asked what the grade of the proposed driveway would be. Would the
234 applicants consider subdividing a lot off the other side of the driveway where the cabin
235 was versus further into the woods, or consider a PRD with a smaller lot, asked Mr. Joslin.
236 Mr. Keppel pointed out that there were 9.6 acres on the left.

237

238 Ms. Radimer noted that the subject property was located within a prime group of large
239 lands that were preserved. A lot could be configured to keep a larger amount open space,
240 or the houses could be closer together so animals could go around the houses, suggested
241 Ms. Radimer.

242

243 Ms. Grayson pointed to the existing cabin clearing on an aerial photographic map, the
244 main house and path to the proposed house site.

245

246 Ms. Illick spoke in favor of a PRD with clustered homes and a conservation component.
247 Jeannine McCrumb, Zoning Administrator, could provide information, said Ms. Illick.

248

249 Mr. Joslin noted that there was a steep slope to the east that dropped off to the west. The
250 applicants' proposal was to develop a building envelope in between those two slopes,
251 clarified Mr. Joslin. Ms. Grayson explained that there was a steep drop off and then it
252 levels off at the driveway. A cabin could be built on that level area and it was also under
253 the power line, said Ms. Grayson.

254

255 Mr. Bouchard expressed concern regarding the steep slope beyond the applicants' home.
256 The slope might be above a 10 percent grade. Emergency vehicles could not get there,
257 said Mr. Bouchard. Mr. McDonald said that a sprinkler system could be installed in the
258 home. The applicants should talk with Chris Davis, Charlotte Fire Chief, said Mr.
259 McDonald.

260

261 Ms. Cummings, Conservation Commission representative, suggested keeping a larger
262 area undeveloped for a contiguous forest to preserve connectivity and animal corridors
263 and to protect areas of high public value.

264

265 Next steps:

- 266 • Consider a building envelope closer to the existing cabin and house.
- 267 • Consult with the Conservation Commission regarding more appropriate house
268 sites.
- 269 • Study the existing cabin's septic capacity to see if there was capacity for 4
270 bedrooms versus 2 bedrooms.
- 271 • Contact Chris Davis, Charlotte Fire Chief, regarding emergency vehicle access, or
272 possible home sprinkler system.
- 273 • Consider a PRD with a smaller lot with the potential to conserve more open space
274 on the 24 acres.

- 275 • Provide a building envelope on the site map at the next hearing – it may be hand
276 drawn.
277 • Clarify if a septic could be deferred, or not.
278

279 **MOTION by Ms. Radimer, seconded by Mr. Joslin, to continue the hearing for PC-**
280 **14-10, Sketch Plan Review, for Andrea Grayson and Mark Keppel for a 2-lot**
281 **Subdivision at 322 Oak Hill Road to a date within the next 6 months.**

282 **VOTE: 7 ayes; motion carried.**
283

284 **PC-14-11 Final Minor Subdivision Amendment for Nordic Holsteins, LLC/Timothy**
285 **Hunt for a modification to the ‘view easement’ at 1040 Ethan Allen Highway**
286 **(Varney Farm Parcel).**

287 Clark Hinsdale III, owner, and Tim Hunt, potential buyer, appeared on behalf of the
288 application.
289

290 STAFF NOTES

291 Mr. McDonald reviewed staff notes.
292

293 APPLICANT COMMENTS

294 Mr. Hunt reviewed house site modifications as per a site visit done in November. He had
295 met with the Vermont Land Trust and Preservation Trust of Vermont regarding a plan to
296 move the house southwest of the barn. The barn straddled the view easement a bit and a
297 space between the barn and house was needed, which was the reason for the request for a
298 modification to the view easement, explained Mr. Hunt.
299

300 PLANNING COMMISSION QUESTIONS/COMMENTS

301 Ms. Radimer asked if Mr. Hunt was thinking of moving the small barn east toward the
302 pond. Mr. Hunt replied yes. It would be moved 20’ further to the west of the small shed.
303 A restricted use parking location was part of the parcel agreements in place. He has had
304 positive dialog and was working with the Selectboard and Park Oversight Committee
305 regarding language to provide some flexibility for the parking area, said Mr. Hunt.
306

307 Mr. Hinsdale said there was language in the agreement to allow amendments with the
308 Selectboard approval. The plan was to modify the easement and that has generated
309 discussion on how the Park should or shouldn’t be accessed and an access off Route 7,
310 explained Mr. Hinsdale.
311

312 In response to a question, Mr. Hunt explained that there was clear language regarding
313 negotiating the parking lot location: “...if the parking lot materially impacts the use of the
314 parcel.” The parking lot does not exist yet, pointed out Mr. Hunt.
315

316 Mr. Landler asked what the sense was of the Selectboard regarding the parking area. Ms.
317 McCrum pointed out that the matter was not the purview of the Planning Commission.
318 Mr. McDonald suggested could be a conditional approval. Mr. Hunt explained that the
319 reference point was off the back of the barn. He has had positive dialog with Mr.
320 Metropolis, said Mr. Hunt.

321

322 PUBLIC COMMENTS

323 Ms. Cole asked if the view easement allowed any construction within the easement area.

324 Mr. Hunt said that the house would be in close proximity to the barn and the view

325 easement modification was a "wash". Mr. Hinsdale said the view easement line would

326 curve and add one-eighth of an acre, which was a change to the current line. The rest of

327 the easement on the remaining acres stayed the same, said Mr. Hinsdale.

328

329 Mr. Hunt reviewed that the Preservation Trust won't allow changes to the shape or

330 exterior of the house. The view easement has a 10' height restriction so nothing could be

331 done behind the house. There was a Memorandum of Understanding with the Vermont

332 Land Trust and the Preservation Trust of Vermont that as long the house was within the

333 building envelope the plan was fine. The Historic Preservation Trust had issue with

334 where the house went, and were happy with the house façade. The easement would

335 improve in relationship to the barn, said Mr. Hunt.

336

337 Mr. Russell, Selectboard representative, asked if the applicant was responsible to

338 generate a new site map with the modified view easement line. Mr. McDonald asked if

339 the view easement was defined as a building envelope. Mr. Hinsdale explained that it was

340 a decision made when Rockefeller gave the land to the Town to preserve a view easement

341 looking southwest to the lake and the Four Brothers Islands. Something could be built

342 behind the line, but not over 10' in height. The Planning Commission would be

343 modifying its own decision and could carry forward view easement language in a draft

344 modification, suggested Mr. Hinsdale.

345

346 Mr. Metropolis, abutting neighbor, spoke in support of Mr. Hunt's plan to upgrade the

347 house and barn to keep them as landmarks.

348

349 Ms. Hill, abutting neighbor, said there were 2 other houses by the same architect - the

350 Higbee house in the West Village, and one on Lake Road.

351

352 Ms. Metropolis said that there were dangerous speeds on Route 7 and very poor sight

353 distances. The access to the Park and a horse trailer parking area were concerns. In June

354 2012 there was a terrible accident as well as one last week. She was opposed to a Park

355 access and parking lot, said Ms. Metropolis. Ms. Cole explained reasons to have a Route

356 7 access to the Park that included a controlled handicap and agricultural access.

357

358 Mr. Metropolis said that an access at the Thorp Barn would have better sight distances.

359

360 Mr. Hinsdale reviewed an access off Greenbush Road for the horse community to the

361 Park, which took pressure off a Route 7 equine access. He would continue to work on the

362 best access to the Park for certain purposes. The plan would take 4 curb cuts on Route 7

363 and reduce the number to one, said Mr. Hinsdale.

364

365 **MOTION by Ms. Radimer, seconded by Ms. Stearns, to close the hearing regarding**366 **PC-14-11, Final Minor Subdivision Amendment, for Nordic Holsteins,**

367 **LLC/Timothy Hunt for a modification to the ‘view easement’ at 1040 Ethan Allen**
368 **Highway (Varney Farm Parcel).**

369 **VOTE: 6 ayes, 1 nay (Mr. Landler); motion carried.**

370

371 **ADJOURNMENT**

372 **MOTION by Mr. Joslin, seconded by Ms. Illick, to adjourn the meeting.**

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

374

375 The Planning Commission meeting was adjourned at 9:09 p.m.

376

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

378