

**TOWN OF CHARLOTTE  
PLANNING COMMISSION  
MAY 15, 2014**

**APPROVED**

*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; Gerald Bouchard, Marty Illick, Linda Radimer, Peter Joslin. Absent: Paul Landler, Donna Stearns.

Administration: Jeannine McCrumb, Town Planner/Zoning Administrator. Freeda Powers, Recording Secretary.

Others: Clark Hinsdale III, Steve Colvin, Ray & Sherry Applegate, Tom & Kris Larson, Nancy Wood, G.L. Harvie, Jim Ouimette, Martha Perkins, Sarah & Kristopher Larson, Stephen Rose, Bob Hyams, Joanna Cummings, Peter Walker

**AGENDA Items:**

- PC-14-16 Remand from the Environmental Division of the Vermont Superior Court in re appeal by Clark Hinsdale III of the Planning Commission's decision denying the Boundary Line Adjustment ("Leclair" lot and "Eno" lot, north side of 1824 Hinesburg Road), Docket No. 174-12-13 Vtec.
- PC-14-12 Sketch Plan Review for a Boundary Adjustment between Ranger, Karen, Carter Curran & Collin Branley at 1735 Lake Road and Thomas & Kristine Larson at 1007 Lake Road.

**CALL TO ORDER**

Mr. McDonald, Chair, called the meeting to order at 7:01p.m.

**APPROVE REGULAR AGENDA AND CONSENT AGENDA**

The Regular Agenda was approved.

The Consent Agenda was revised and the review of sketch letters was moved to 8 pm.

**PUBLIC COMMENTS**

Bob H. spoke from the audience, on behalf of the Conservation Commission He would like to see communication between the Planning Commission and the Conservation Commission regarding storm water issues as they relate to housing development and unregulated storm water from projects that do not require permits. Jeff M. said yes, this would be a good discussion to have and would tie in with the TMDL initiative. Bob H. said it seems a good time to take up the conversation while we are in the process of looking forward with the Town Plan. Linda R. said it would be an opportunity to also address culverts, etc. Joanna Cummings said the Conservation Commission will be having Karen Bates come talk on the 27<sup>th</sup>, and invited those interested to attend. Jeff M. agreed to put the item on a future agenda for further discussion.

Martha Perkins spoke from the audience, voicing her interest in the work on the Town Plan, and asked about the timeline of that revision process. Jeff M. said at the Town

Meeting held in March, they will be done with the preliminary draft. The Town Plan will be discussed this evening as well as on the 29<sup>th</sup>. There will be regular hearings for those drafts (workshops). Formal hearings will be held later this Fall, likely in September/October after which the revisions will be handed off to the Selectboard, around November. Ms. Perkins asked if the Board plans to share the drafts with the public. Jeff M. said yes, though emphasized that they are rough drafts. Ms. Perkins asked if the town posts public meeting minutes and agendas on the town website and/or on Front Porch Forum, suggesting those platforms may be a good place to get input. Jeannine M. said yes, they are posted on the town website.

Jeff M. reminded those present that the second meeting in every month is dedicated to the Town Plan.

**MINUTES: May 1<sup>st</sup>, 2014.**

**Motion by Mr. Joslin, Seconded by Ms. Radimer, to approve the Planning Commission minutes of 5/1/14 as written with edits:**

- **Line 93; delete: “was viewed”.**
- **Line 317; should read “preview”**
- **Line 332; should read “as long as”**
- **Line 127; perk tests have NOT been done yet**
- **Line 184; should read “kept plowed as a walking path”**
- **Line 226; change “snow” to “show”**
- **Line 236; question of the reference to 9.6 acres \*\*?? Jeannine M. commented that this was referenced from the Sketch Plan Map. Suggestion to change to read “south, according to sketch plan map.”**
- **Line 287; suggested change from “owner” to “buyer”**
- **Line 318; suggested to read “it could be”**

**VOTE: 5 ayes, 2 absent (Paul L. & Linda S.); motion carried.**

**PC-14-16 Remand from the Environmental Division of the Vermont Superior Court in re appeal by Clark Hinsdale III of the Planning Commission’s decision denying the Boundary Line Adjustment (“Leclair” lot and “Eno” lot, north side of 1824 Hinesburg Road), Docket No. 174-12-13 Vtec.**

Clark Hinsdale began by thanking the Board for accepting this remand. He introduced his wife who was present with him as well as his attorney, Jim Ouimette, and G.L Harvie from the Charlotte Solar Farm, LLC were available as resources to help answer any questions. He said this application is relatively simple; 2-Lots with an adjustment to the boundary line in order to accommodate a solar array. He would like to take the opportunity tonight to address questions or concerns raised by the Planning Commission in their prior decision.

Submitted with his application, he noted, were three additional items: 1) a memo dated May 1<sup>st</sup> from Mr. Hinsdale which discusses resource management, etc. 2) a memo from Mr. Ouimette dated May 1, 2014 and 3) a memo from Mr. Hinsdale dated May 13<sup>th</sup> which offers thoughts on the remaining 65 acres. Also submitted to the Commission at

the start of this meeting was a copy of the PSB Stipulation between Charlotte Solar and the Charlotte Selectboard and a copy of the Certificate of Public Good. He said there are three points for consideration in this application: Master Planning, Regulations, and Timing. He said he will not be proposing any new development until the solar project is up and producing. In regards to conservation analysis, he said, there remains the potential for resource conservation but also the potential to consider the future expansion of the East Charlotte Village. He plans to have an evaluation of the land to get a better understanding of the value of those remaining 65 acres. He said the goal was to provide documents which could help the board and public better understand how the solar arrays' location was decided (more in the center of the field vs. what he had proposed in the eastern portion of the field).

Since the Planning Commission is in the process of reviewing the Town Plan, Mr. Hinsdale suggested, they can decide which recommendations of the East Charlotte Study Committee they may wish to include in the new plan and associated regulations.

Mr. Hinsdale continued to describe the application; the 36.3 acre Bradley-Eno Lot was previously logged land and is wooded. The 46.2 acre LeClair lot has never been through subdivision. The total area is 79.66 acres. The applicant is proposing dedicating a lot to the company Charlotte Solar who currently leases the land for the array. The dedication of this lot to the solar company would result in a "U" shape of the remaining parcel (36.3A). He noted there are two very different land uses on this parcel; pasture and woodland. The woodlot has access only from Spear Street. With few (if any) required curb cuts, and a Master Plan, he said, the 65 acre parcel represents a great potential to the community.

Ms. Radimer noted the area is made up of primary agricultural soils and wondered what happens if the solar project goes away after the 25 years is up and said she thought that the parcel was being leased to Charlotte Solar. Mr. Hinsdale said the original proposal was to sell or lease approximately 15 acres for the solar project. Testimony provided goes into more detail, but likely in 25 years, the conservation discussions will have been settled. The state wants the potential for ag land to remain. Ms. Radimer said she is also struck by the timing of the process. She said the 2014 memo states "several years" but she said she doesn't recall the Selectboards' discussion prior to it being discussed with the Planning Commission. Mr. Hinsdale said that 3-4 years ago, this was discussed with the Selectboard; the Planning Commission, he noted, was not part of that process.

Linda R. asked Mr. Hinsdale if the 14 acres has been sold yet, or is it being leased? Mr. Hinsdale replied that it is currently under a lease/purchase option contract with the company Charlotte Solar. He said they have indicated interest in the purchase option which would include the 14.66 acres as well as the .34a ROW. He said if it were to remain leased, it may become an incompatible land use of the parcel. Also, he said, he has no personal interest in being the third party between the town and Charlotte Solar, Co. He said he is proud to be a part of bringing green energy to Charlotte. He voiced his opinion in favor of solar and other green energy options, saying we all need to consider ways of getting off of environmentally degrading energy uses.

Martha Perkins spoke from the audience, asking why Mr. Hinsdale felt it was important that the Selectboard and the Public Service Board chose the final site of the solar array. Mr. Hinsdale replied that he felt strongly that the eastern half of the meadow made better use of the overall parcel.

Steve Colvin (adjacent landowner) spoke, voicing his concerns with the location of the proposal and said he would like to have seen it pushed back further but recalls some pushback from the state as it related to potential impact of the woodland area. He said to ensure his status as an interested party he has submitted as part of the record his written testimony outlining his position against this Boundary Line Adjustment and potential future sale to Charlotte Solar. He has concerns with creating a commercial facility in the middle of an ag parcel. He noted that the decision has been made—this boundary adjustment will not affect Charlotte Solar's ability to continue the solar array. To be clear, he said, he is not against solar energy, but rather his concerns lie in the value impacts to his land and his ability to enjoy the view and character of the rural landscape around him.

Mr. Colvin also submitted a written statement from Elizabeth Bassett who was unable to attend the meeting this evening.

Mr. Hinsdale disagreed with Mr. Colvin's assertion that no new facts have been presented. Mr. Hinsdale reviewed the four major points he feels address Mr. Colvin's letter, including addressing the jurisdiction of the Planning Commission, agricultural impacts, forest resources and new information.

Ray and Sherry Applegate (neighbors to the East of the Colvin residence) spoke from the audience, saying they share Mr. Colvin's concerns.

Marty I. asked about the agricultural history of the parcel. Mr. Hinsdale explained the farming history of the land, saying at one time it was used for cows and adjunct crop land. Later, the land was primarily used for hay and as part of rotational grazing with the LeClairs. It is now well managed grazing pastureland. The parcel is all considered primary agricultural soil by the state.

Peter Walker spoke from the audience, saying he has been a local in Charlotte since 1973. His recollection of the property is that it won't perk, which means it cannot be developed residentially with effective sales values. He concurred the land was used for hay up until last year.

Martha Perkins spoke again from the audience, saying the impact on the character of the area is something to consider. She is sympathetic though she does understand what the developer is doing. She wondered how Mr. Colvin's concerns relate to the application at hand for a boundary adjustment. Mr. Colvin replied that his concern is with turning the land over to a commercial entity. He would prefer to see the land remain owned and managed by farmers.

Mr. Hinsdale reiterated the next step for the remaining 65 acres, which includes a Master Plan and resource evaluation. Martha P. asked Mr. Hinsdale if he would experience any hardship if this application were to be denied. Mr. Hinsdale said his reason for this request is financial; he would like to be able to sell this smaller lot to Charlotte Solar Farm, LLC.

Peter Walker spoke from the audience; saying in his view, the rent vs. sale discussion should not be part of this consideration. The issue is do we want to have an industrial enclave in the middle of ag land? Things change in 25 years, and he cautioned careful consideration for enforcement of the agreement at the end of that term which could be a potential challenge.

Jeff M. said he feels it would be beneficial to walk the site and continue the public hearing to give the Board an opportunity to review late submissions. Mr. Hinsdale said the Commission is welcome to do a site visit if they feel it would be beneficial.

Peter J. said he is interested in the timing of this application being that the town is in the middle of revising the Town Plan and the potential impact on the East Charlotte Village as it relates to this parcel.

Linda R. said the applicant has a commendable plan to gather info regarding resources of the parcel. She noted that the two sides of the remaining "U" shaped parcel will likely not be suitable for residential development which would increase the pressure on the wooded area of the parcel.

Gerald B. said in his view, this is an assemblage, not a Boundary Line Adjustment. He asked if the applicant had considered the north side/east side of the SW corner of Hinesburg Road and Spear Street. This may allow the applicant to mitigate some of the neighbors concerns without losing anything. Mr. Hinsdale said he is interested in utilizing the non-contiguous PRD process. He will continue the dialogue about this.

Gerald B. suggested the area may be good for a water source. Mr. Hinsdale said he is open to a range of options once they know better what the Town Plan reflects, what the landscape with solar arrays look like and what resources are on the remainder of the parcel.

Peter Walker agreed that discussions around this proposal should also include consideration of the potential expansion of the East Charlotte Village area as it relates to the location of the solar array and property value impacts of the solar project on neighboring residences.

**Motion by Ms. Illick, seconded by Mr. Joslin, to close the public hearing. Vote: 2 ayes, 3 nays (McDonald, Radimer, Bouchard).** The vote failed to pass. **Motion by Mrs. Radimer, seconded by Mr. Bouchard, to continue the public hearing to the 6/5/14 Planning Commission meeting with a site visit to take place prior to the start of the meeting. Vote: 3 ayes, 2 nays (Illick, Joslin).** The vote passed.

**PC-14-12 Sketch Plan Review for a Boundary Adjustment between Ranger, Karen, Carter Curran & Collin Branley at 1735 Lake Road and Thomas & Kristine Larson at 1007 Lake Road.** All parties were not present for the application hearing, and the Board agreed to reschedule the application. Staff will contact the applicants to reschedule the hearing.

**SKETCH LETTERS:** The Board reviewed two sketch letters (Hardy and Hauenstein). Both letters were approved.

**TOWN PLAN WORKSESSION:** The Board discussed Community Facilities and Utilities.

**ADJOURNMENT:** The Planning Commission meeting was adjourned at 10:15 p.m.