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**TOWN OF CHARLOTTE
PLANNING COMMISSION
JUNE 4, 2015**

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; Peter Joslin, Gerald Bouchard, Charles Pughe, Marty Illick (arrived at 7:28 p.m.). **ABSENT:** Paul Landler, Donna Stearns.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Michael Hinsdale, Diane Cote, Denise Danyow, Carol Small, Gary Small, Emile Cote, Robert Danyow, Charles VonTrapp, Scott Hardy, James Barker, Susan Zahn, David Miskell, Fritz Tegatz, Andrea Harvey, Jason Harvey, Dottie Walker, Tom Henry, Jean Henry.

6:15 PM SITE VISIT: to the Tegatz property located at 1000 Guinea Road.

AGENDA ITEMS:

- **PC-15-03 Final Plan Hearing for Kytoad LLC for a Minor Subdivision Amendment at 3795 Ethan Allen Highway.**
- **PC-15-12 Final Plan Hearing for Scott Hardy for a minor Subdivision at 197 Mutton Hill Road.**
- **PC-15-13 Sketch Plan Review for Tegatz Family Trust for a Boundary Adjustment at 1000 Guinea Road.**
- **Legislative Update H35–Water Quality and H40–Renewable Energy Workplan Update Discussion; Upcoming meeting schedule, ‘Mail’**

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 with the addition of opening the Harriet Patrick application and to continue the hearing to July 2, 2015.

Consent Agenda: none.

PUBLIC COMMENT

None.

REVIEW MINUTES FROM PRIOR MEETING

MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the Planning Commission minutes of 05/21/2015 as written, with edits:

- **Page 2, line 58 – insert “on” between “project” and “the Kurt”; line 73 – change to read “...installation of this size required...”**

- 47 • **Page 3, line 103 – replace “side” with “back”;**
48 • **Page 6, line 229 – change to read “..sound and visual. If the riding arena**
49 **wasn’t built then screening would still be needed.”**

50 **VOTE: 3 ayes, 3 absent (Ms. Illick, Mr. Landler, Ms. Stearns); motion carried.**

51

52 **PC-15-03 FINAL PLAN HEARING FOR KYTOAD LLC FOR A MINOR**
53 **SUBDIVISION AMENDMENT AT 3795 ETHAN ALLEN HIGHWAY**

54 Michael Hinsdale, applicant, appeared on behalf of the application.

55

56 STAFF NOTES

57 Mr. McDonald, Chair, reviewed staff notes.

58

59 APPLICANT COMMENTS

60 Mr. Hinsdale explained a proposed amendment to an existing subdivision application that
61 included a correction to the Route 7 road frontage and adding land to lot 2A, which went
62 from 1.27 acres to 1.50 acres, and reducing the existing barn lot. No new lots would be
63 created. The change did not impact the amount of open space, said Mr. Hinsdale.

64

65 PLANNING COMMISSION QUESTIONS/COMMENTS

66 Ms. McCrumb clarified that the Plat had not been recorded yet. Mr. Hinsdale continues to
67 work on the application as an adaptive reuse of an existing structure, which would require
68 a Conditional Use approval, said Ms. McCrumb.

69

70 There was discussion regarding the current open space identified on a site map; an open
71 space agreement that had not be filed at this time; and open space as identified on the
72 current site map that would remain as 6.465 acres.

73

74 Ms. McCrumb said that the applicant needed a waste water easement agreement as well
75 with Zoe Williams for a replacement area east of the barn.

76

77 **MOTION by Mr. Joslin, seconded by Mr. Bouchard, to close PC-15-03, A Final**
78 **Plan hearing for Kytoad LLC, for a minor Subdivision Amendment located at 3795**
79 **Ethan Allen Highway.**

80 **VOTE: 5 ayes, 2 absent (Mr. Landler, Ms. Stearns); motion carried.**

81

82 **PC-15-12 FINAL PLAN HEARING FOR SCOTT HARDY FOR A MINOR**
83 **SUBDIVISION AT 197 MUTTON HILL ROAD**

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

85

86 STAFF NOTES

87 Mr. McDonald reviewed staff notes.

88

89 APPLICANT COMMENTS

90 Mr. Hardy reviewed a site plan map, dated April 4, 2015, and Planning Commission
91 recommendations noted during a site visit that were addressed as were neighboring
92 property owners concerns as follows:

- 93 • A well shield that encroached onto the Danyow property was relocated entirely
- 94 onto the proposed Lot 1.
- 95 • An existing 10 acre lot would be subdivided into two 5-acre lots.
- 96 • Septic soils were located at the southern boundary.
- 97 • The proposed house site was shifted to the south.
- 98 • A 300' road frontage was achieved.
- 99 • A revised waste water permit would be filed with the state based on the relocated
- 100 field area.
- 101 • The Lot 1 building envelope was reduced as requested to $\frac{3}{4}$ acre.
- 102 • A building envelope for the existing structure was delineated.

103

104 PLANNING COMMISSION QUESTIONS/COMMENTS

105 Mr. McDonald asked for clarification regarding a road right-of-way. Mr. Hardy explained
106 that there was an existing 60' right-of-way along the Henry property boundary. In the
107 deeds there was language regarding an agreement between lots B and C that deviated the
108 right-of-way slightly. The agreement did not include Lot 1. He had access to his lot
109 through the existing roadway, or he could create a right-of-way through Lot 2 if needed
110 as shown on the site map, said Mr. Hardy.

111

112 Mr. Hardy asked attending neighbors how long a Casella dumpster located at the end of
113 the road had been in use.”

114

115 Mr. McDonald entered a letter, dated, May 1, 2015, from the Cote's and the Henry's to
116 Mr. Hardy and Mr. Hardy's attorney's letter in response, dated June 2, 2015, into the
117 record.

118

119 Mr. Hardy explained that the neighbor's letter was in response to his e-mail, dated
120 February 1, 2015, that once the house was finished he would put it on the market. Mr.
121 Hardy said that he would retain some of the land.

122

123 PUBLIC COMMENTS

124 Mr. Henry, an abutting neighbor, pointed to the location of his property on the site map.
125 There was a massive ledge and the road had been diverted around that ledge. The deed
126 agreement included lots B and C. Lot A was not included. Mr. Hardy had a northern
127 driveway. A proposed southern driveway would infringe on his land. Mr. Hardy doesn't
128 have a deeded right-of-way off Mutton Hill Drive. There was a road to the Hardy lot and
129 he should use that road, stated Mr. Henry.

130

131 Mr. Hardy explained proposed access to Lot 1 as noted on the site map as a 'grayed area'
132 heading south, not north. Two access points have been used for 14.5 years as per the
133 neighbors. There was a 15 year descriptive termination related to the use of an access,
134 said Mr. Hardy.

135

136 Ms. Danyow stated objections to the application related to a proposal to widen the lower
137 road to the Hardy lot. Whether the proposed access was a legal access was in question.
138 She had concerns regarding how the septic design might affect her property. She also had

139 concerns related to landscaping of Lot 1, proposed driveway improvements, drainage
140 onto her property, negative impacts to wildlife corridors and negative impacts to property
141 values, said Ms. Danyow.

142
143 Ms. McCrumb explained that the state septic rules. If there were not sufficient septic soils
144 to interlap the systems then two separate septic sites would be needed, said Ms.
145 McCrumb. Mr. Hardy stated that the Lot 1 replacement area was located on Lot 2. The
146 septic and water shields would not cross the property boundaries. The current septic and
147 secondary sites were shown on the site map. No septic shields go off the property,
148 clarified Mr. Hardy.

149
150 Ms. McCrumb noted that the Town consultant would review the septic proposals. The
151 primary septic was contained on Mr. Hardy's property, said Ms. McCrumb.

152
153 Mr. Cote pointed out a wildlife corridor that looped through the middle of the proposed
154 Lot 1 house site where deer, bear, bobcat, coyotes, and rabbits travel. There were a total
155 of 35-40 acres in the original subdivision. The properties were primarily all wooded. He
156 could see the Henry's and Small's homes from his property. The three houses were
157 clustered on 2 and 2.5 acre lots. Turkeys nested in the proposed Lot 1 building envelope.
158 Fragmentation of the land was a concern, stated Mr. Cote.

159
160 There was discussion regarding a state habitat block that was noted on the Town map.
161 Ms. Illick asked how the building envelope plan could be improved. Mr. Cote suggested
162 that the proposed house could be moved closer to the clearing near the existing house.

163
164 Mr. Hardy suggested that wildlife would move north onto the 200 acre Pizzagalli
165 property. Wildlife got use to houses and would move between the sites. It was the
166 Planning Commission's job to figure out the least impacts, said Mr. Hardy.

167
168 Mr. Cote said that he was not notified of the proposal since he was not an abutting
169 neighbor. He lived on the other side of the Danyow property. He was concerned
170 regarding impacts of the driveway and to the wildlife, reiterated Mr. Cote.

171
172 Mr. Small, an abutting neighbor, explained that the trash dumpster was never used. The
173 property owner trucked their trash from the garage. Regarding wildlife - a black bear was
174 at that house last year. He was concerned regarding proposed changes to widen the lower
175 part of the Mutton Hill Drive to Hardy's first driveway. It would take out trees and widen
176 the roadway shoulders. The roadway should be kept as is, said Mr. Small.

177
178 Mr. Cote asked if the road width would be an 18' travel-way as noted in an e-mail, dated
179 April 16, 2015. Ms. McCrumb said that she was at the site during the discussion. The
180 roadway from the Town's paved proton to the Hardy driveway was talked about. That
181 included ditching improvements to a certain point. She was unaware of further
182 improvements. The Town did not want a super highway there. The travel portion would
183 be consistent with the current 16' width, clarified Ms. McCrumb.

184

185 Mr. Hardy stated that no changes would be made now. He was asking that the 'trigger'
186 for the changes would be when he got a building permit, not at subdivision approval.

187

188 Ms. Small, 426 Mutton Hill Drive, said that Mr. Hardy had no right to a second
189 driveway. Wildlife impacts were a concern, stated Ms. Small. Ms. Cote said that she was
190 concerned regarding wildlife impacts as well.

191

192 Mr. McDonald explained an appeal process, which required participation in the hearing
193 discussions.

194

195 Mr. Danyow asked for clarification on the site map of the secondary septic site.

196

197 In response to a question regarding 300' road frontage related to driveways, Mr.
198 McDonald said a 50' right-of-way was needed for a driveway to a lot. The applicant
199 could propose a PRD with smaller lots sizes, suggested Mr. McDonald.

200

201 Mr. Bouchard stated that there were too many open issues, such as wildlife, access and
202 neighbor concerns. The hearing should be continued, said Mr. Bouchard.

203

204 Ms. Illick said there was a diverse number of wildlife in the area. An assessment had not
205 been called for. A question was if this was an area that called for an ecological
206 assessment, asked Ms. Illick. Mr. McDonald explained that Sketch Plan Review has been
207 done. There was no alternate location for the Lot 1 building envelope. If it was moved
208 toward the existing house then it would be on the septic field. The rights of neighbors
209 have to be weighed with the applicant's rights. It was not known how the lot would be
210 accessed. The concerns regarding the proposed roadway improvements and drainage
211 issues would be addressed, said Mr. McDonald.

212

213 Mr. Joslin reiterated access concerns to the 10 acre parcel. The Town would use the
214 wildlife map for detail, said Mr. Joslin.

215

216 Mr. Hardy pointed out that he had met with the Road Commissioner a month ago
217 regarding the roadway and driveway access.

218

219 There was further discussion regarding the roadway agreement as per the deeds and the
220 location of existing ledge. Mr. Hardy said that the road encroached onto his property by
221 5'. Mr. Henry replied no. The roadway was moved around the ledge and the
222 shoulders/ditching that were buttressing the road went onto the property by 2' versus 5',
223 explained Mr. Henry.

224

225 Mr. McDonald said that the applicant must provide right-of-way information. Mr. Hardy
226 said that he had a third option of using the existing roadway. It was that use that was
227 contested, said Mr. Hardy.

228

229 Mr. McDonald suggested that the proposed southern access would have less impact
230 related to construction and be the least disruptive where proposed. It was unclear if Mr.
231 Hardy had a right to use it, clarified Mr. McDonald.

232

233 Mr. Henry said that the attorney letter to Mr. Hardy noted that the deed agreement
234 excluded Lot A. It was a 60' right-of-way agreement between lots B and C. The attorney
235 assumed the south driveway was put in 20 years ago. It was installed by the property
236 owner in the fall of 2000 and was never a recognized driveway, said Mr. Henry.

237

238 **MOTION by Mr. Joslin, seconded by Mr. Bouchard, to continue PC-15-12, Final**
239 **Plan Hearing for Scott Hardy for a minor Subdivision at 197 Mutton Hill Road to**
240 **July 2, 2015.**

241 **VOTE: 5 ayes, 2 absent (Mr. Landler, Ms. Stearns); motion carried.**

242

243 Ms. McCrumb said that she would work with the Road Commissioner and Chris
244 regarding the Mutton Hill Drive road issues.

245

246 **PC-15-13 SKETCH PLAN REVIEW FOR TEGATZ FAMILY TRUST FOR A**
247 **BOUNDARY ADJUSTMENT AT 1000 GUINEA ROAD**

248 Fritz Tegatz, owner, appeared on behalf of the application.

249

250 Mr. McDonald, Chair, noted that he had a conflict of interest and recused himself.

251

252 STAFF NOTES

253 Mr. Joslin, Acting Chair, reviewed staff notes.

254

255 APPLICANT COMMENTS

256 Mr. Tegatz reviewed a request for a boundary adjustment as a subdivision adjustment for
257 two lots: to create an existing 10.8 acre lot to 166 acres as Lot 1, and a 120 acre Lot 2 as
258 shown in red and blue on a site map respectively.

259

260 Ms. McCrumb said that road frontage of 300' for Lot 2 would be ideal. A 60' right-of-
261 way could run along the Lot 2 boundary, said Ms. McCrumb.

262

263 PUBLIC COMMENTS

264 Ms. Zahn, abutting neighbor to the north, said that there was a stream that ran from the
265 blue lot. Mr. Tegatz noted a stream on the blue lot that ran onto Ms. Zahn's property.

266

267 Mr. Barker, an abutting neighbor, noted that the proposed blue lot line ran by his back
268 door. Would open space be conveyed, asked Mr. Barker. Mr. Tegatz replied that the open
269 space was part of the Stockbridge subdivision and included part of the proposed 120
270 acres. The Stockbridge lot was a separate lot, clarified Mr. Tegatz.

271

272 Mr. Barker asked what the plan was for the realigned lots. Mr. Harvey said that he
273 planned to build a single family house someday in the future. One house was allowed,
274 said Mr. Harvey.

275

276 Mr. Barker asked if the boundary lines of the two proposed lots were staked. Mr. Tegatz
277 replied yes. There were 6-7 pipes staked out. There was a 20' easement for Mr. Barker's
278 septic field noted on the site map, said Mr. Tegatz.

279

280 Mr. Barker asked if the southwest corner of the blue lot was pinned. Mr. Tegatz replied
281 that it was not pinned yet. The property would be surveyed after Sketch Plan Review,
282 said Mr. Tegatz.

283

284 PLANNING COMMISSION QUESTIONS/COMMENTS

285 Ms. Illick asked for clarification regarding the Tegatz' driveway. Mr. Tegatz pointed out
286 his driveway location on the site map and noted that the blue lot could be accessed off of
287 his driveway. There was an agricultural access at the end of the field. The blue lot would
288 have 300' of road frontage where a driveway could be, said Mr. Tegatz.

289

290 Ms. Zahn asked if there were any town rules regarding a driveway, which was proposed
291 next to her existing driveway at the boundary line. Ms. McCrumb reviewed Town
292 regulations related to a subdivision. An applicant would need to show septic capability at
293 Sketch Plan Review. This application was a boundary adjustment. The proposal was
294 going from two lots to two lots. The application was really a subdivision amendment,
295 said Ms. McCrumb.

296

297 SITE VISIT:

298 Mr. Joslin reported that the Planning Commission members met at the agricultural access
299 on the northern boundary and walked west over the wet area and culvert, and onto a hill.
300 There were good views to Stockbridge development and the water ways were clearly
301 seen, said Mr. Joslin.

302

303 Ms. Illick asked what soils were in the agricultural fields. Mr. Tegatz replied heavy clay.

304

305 Mr. Joslin asked Mr. Harvey if he was considering a building envelope. Mr. Harvey
306 replied that he would most likely build on the northwest meadow on the hill. The plan
307 was to cluster a house with the other existing houses, said Mr. Harvey.

308

309 Ms. Illick asked if he could use the Stockbridge road for access. Mr. Tegatz said that it
310 was an agricultural access for the field along the Stockbridge lot. Mr. Harvey said that he
311 had an option to use an access off Mr. Tegatz' driveway.

312

313 Mr. Joslin suggested that an access off Guinea Road would have good visibility there.

314 Ms. Zahn expressed concern that a new driveway off Guinea Road would add to the two
315 existing driveways already there and a driveway across the street from her driveway.

316

317 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to classify PC-15-13 Sketch**
318 **Plan Review for Tegatz Family Trust for a Boundary Adjustment at 1000 Guinea**
319 **Road as a Subdivision Amendment.**

320 **VOTE: 4 ayes, 1 recused (Mr. McDonald), 2 absent (Mr. Landler, Ms. Stearns);**
321 **motion carried.**

322

323 Mr. Joslin explained that staff would send a Sketch Plan letter with Planning Commission
324 comments to the applicant.

325

326 Ms. McCrumb explained that the applicant could submit a septic field site, septic
327 capacity design and a building envelope now, or defer submittals to later. A Sketch Plan
328 letter was good for 6 months, noted Ms. McCrumb.

329

330 David Miskell pointed out that the applicant would need to amend the ACT 250 permit,
331 which was part of the Stockbridge development. Ms. McCrumb said that she would
332 research the issue.

333

334 Mr. McDonald rejoined the Planning Commission as Chair at 8:45 p.m.

335

336 **ADJOURNMENT**

337 The meeting was adjourned at p.m.

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

339