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**TOWN OF CHARLOTTE  
PLANNING COMMISSION  
JUNE 5, 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, Paul Landler, Linda Radimer, Marty Illick. **ABSENT:** Donna Stearns, Peter Joslin.

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

**OTHERS:** Clark Hinsdale III, Tim Hunt, Suzanne Hinsdale, Peter Walker, Sarah Larson, Kristopher Larson, Collin Branley, Thomas Larson, Kristine Larson, Stephen Rose, William Pinney, and others.

**6:00 P.M. SITE VISIT:** 1824 Hinesburg Road, PC-14-16, “Leclair” lot and “Eno” lot, Clark Hinsdale III.

**6:15 P.M. SITE VISIT:** 1824 Hinesburg Road, PC-14-13, Nordic Holsteins/Hinsdale Testamentary Trust, Clark Hinsdale III.

**AGENDA ITEMS:**

- **PC-14-16 Continuance of Remand from the Environmental Division of the Vermont Superior Court in regard to appeal by Clark Hinsdale III of the Planning Commission’s decision denying the Boundary Adjustment (“Leclair” lot and “Eno” lot, north side of 1824 Hinesburg Road), Docket No. 174-12-13 Vtec.**
- **PC-14-13 Nordic Holsteins/Hinsdale Testamentary Trust Final Subdivision/Boundary Adjustment for properties located at 1824 Hinesburg Road and portion of adjacent Bean Farm.**
- **PC-14-14 Gary and Mary Thibault Final Subdivision for a 3-lot Subdivision at 1490 Carpenter Road. The subdivision will create 2-5± acre parcels with existing houses and an 80± acre farm parcel with existing farmstead complex.**
- **PC-14-12 Final Review for a Boundary Adjustment between Ranger, Karen, Carter Curran and Collin Branley at 1735 Lake Road and Thomas and Kristine Larson at 1007 Lake Road.**
- **PC-14-17 Final Review for a Boundary Adjustment between William and Deborah Pinney, 142 Museum Road and Phoebe Siemer, 88 Museum Road.**

**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:

- 47       • Peter Trono Final Subdivision Decision letter was moved from the Consent  
48       Agenda for further discussion in Deliberative Session.  
49       • Rod Dike Deed Language Approval to be done by Administrative approval.  
50       • Tim Hunt/Varney Farm Selectboard Agreement Approval

51 **MOTION by Ms. Illick, seconded by Mr. Landler, to accept the Tim Hunt/Varney**  
52 **Farm Charlotte Selectboard agreement.**

53 **VOTE: 5 ayes, 2 absent (Ms. Stearns, Mr. Joslin); motion carried.**  
54

55 **PUBLIC COMMENT**

56 None.  
57

58 **PC-14-16 CONTINUANCE OF REMAND FROM THE ENVIRONMENTAL**  
59 **DIVISION OF THE VERMONT SUPERIOR COURT IN REGARD TO APPEAL**  
60 **BY CLARK HINSDALE III OF THE PLANNING COMMISSION'S DECISION**  
61 **DENYING THE BOUNDARY ADJUSTMENT ("LECLAIR" LOT AND "ENO"**  
62 **LOT, NORTH SIDE OF 1824 HINESBURG ROAD), DOCKET NO. 174-12-13**  
63 **VTEC.**

64 Clark Hinsdale III, appellant, appeared on behalf of the appeal.  
65

66 Mr. Hinsdale stated that he had no more testimony, and asked for feedback from the site  
67 visit conducted this date.  
68

69 **SITE VISIT:**

70 Ms. Radimer suggested that since the solar farm would be in place for many years it  
71 made sense that the front acreage had potential future use for an expanded East Village  
72 area. She was having a hard time joining the back lot to the front lot since they were  
73 divided by the solar farm, said Ms. Radimer.  
74

75 Mr. Hinsdale reviewed the following options:

- 76       • Request that the Conservation Commission re- evaluate the property related to  
77       wildlife habitat and conservation value.
- 78       • If the 33 acre parcel stayed as is a future owner could ask for a 16.5 acre home  
79       site.
- 80       • The two lots could be added together for a total of 65 acres, and an open space  
81       agreement completed to preserve more land.
- 82       • The property entirely abuts the west border of the conserved Bean Farm and could  
83       be added as open space to the Bean Farm.  
84

85 Mr. Landler said that, personally, he would have been in favor of a subdivision versus a  
86 boundary adjustment. Mr. Hinsdale replied that he had feared that applying for a  
87 subdivision would have gotten conversations going regarding uses for the parcel. The  
88 solar array is where it is. There are three zones on the property – wooded, meadow and  
89 the solar array. The wooded area has access off of Spear Street and was already approved  
90 for development. With the current configuration as contiguous parcels the 33 acre parcel  
91 now had two access points off Spear Street and off Hinesburg Road, explained Mr.  
92 Hinsdale.

93

94 Ms. Illick pointed out that a Vermont Land Trust forestry resource evaluation done by  
95 Liz Thompson on the adjoining Bean Farm, and the ecological assessment done by Keith  
96 Thompson, County Forester, on the subject property should be on the record. The road to  
97 the solar array was in and completed. Lot 1 could have a pattern of development even  
98 though it was a 'dog' leg lot, said Ms. Illick.

99

100 Mr. Hinsdale said if a master plan had been requested during previous hearings there  
101 could have been one curb cut. Ms. Illick said that grazing cows as an agricultural use  
102 around the solar arrays could continue even as land use changes happen. There were  
103 agricultural uses on the Bean farm. She could see in a 25 year time period that the village  
104 boundary could move out to the lots, said Ms. Illick. Mr. McDonald suggested that in the  
105 future there could be clustered housing around the solar array.

106

107 Mr. Hinsdale said he had envisioned several options for master planning the parcels  
108 associated with permitting as he previously suggested. He was interested in seeing the  
109 outcomes of the Town Plan update now on-going, said Mr. Hinsdale.

110

111 Mr. Hinsdale explained that the two smaller pieces of the agricultural land were more  
112 usable connected to the Bean farm versus as two separate 'islands'. There was a natural  
113 break in the Bean farm hedgerow used as access to graze cows, as well as access to  
114 water. There was no cost benefit to put in water and fencing at a small 5 acre meadow  
115 behind the solar farm. The two lots as annexed to the Bean farm had a benefit. He didn't  
116 want to locate the solar arrays right on top of the Bean farm and the location was dictated  
117 during the PSB hearings. There should always be a buffer for a farm, stated Mr. Hinsdale.

118

119 In response to a question regarding a future expanded East Charlotte Village boundary,  
120 Ms. McCrumb said that she heard and understood the concerns expressed by Steve  
121 Colvin regarding future commercial areas in that location. The Planning Commission  
122 should keep that in mind as a master plan process was done, said Ms. McCrumb.

123

124 Mr. Hinsdale said that as viewed from Hinesburg Road the fencing and landscaping of  
125 the solar array had less impact then he had expected.

126

127 Mr. Bouchard pointed out that commercial areas required three-phase power, and that  
128 was already in place to serve the solar array.

129

130 Mr. Hinsdale said that in response to a suggestion for a community well by Gerald  
131 Bouchard two weeks ago, it went further than he was thinking of. In referencing the  
132 Burns property in the West Village that had water wells and septic capacity as an  
133 example, Mr. Hinsdale said that a community well could be included in an open space  
134 agreement. He could have an engineer look at the possibility and impacts of a well shield  
135 area related to the lot use, said Mr. Hinsdale.

136

137 Mr. Bouchard said that there was plenty of land on the 30 acre open area for a well shield  
138 buffer. Mr. Hinsdale explained that everyone in the East Village with small lots already

139 has water wells. Mr. Bouchard replied that concerns in the East Village were the small  
140 lots, topography, and water levels. There can't be water and septic both on the same small  
141 lots without running into issues, stated Mr. Bouchard.

142

143 Mr. Walker, neighbor, said there seemed a dilemma regarding the placing of the solar  
144 arrays in the middle of a big field. Now there were smaller acreages. Was that a dedicated  
145 road into the arrays, asked Mr. Walker. Mr. Hinsdale replied no. He had full use of the  
146 roadway, which was entirely on his land. The Charlotte Solar Farm, LLC, has an  
147 agreement to use the roadway, explained Mr. Hinsdale. Mr. Walker asked if the roadway  
148 agreement would still be in effect following the 25 year period, or could be moved. Mr.  
149 Hinsdale replied that he would ask his attorney. The Palmer access was an example  
150 where a roadway was moved, said Mr. Hinsdale.

151

152 Mr. Walker pointed out that the East Charlotte Village was partially into his 30 acre  
153 parcel. In terms of future village development would his property be a part of the village  
154 expansion too, asked Mr. Walker. Ms. McCrumb clarified that any change to the East  
155 Charlotte Village would come before the Town voters. Mr. McDonald noted that any  
156 future subdivision would come before the Planning Commission. Clark alluded that the  
157 back parcel could be accessed from Spear or Hinesburg roads, which was a spirited  
158 discussion during the Town Plan update work sessions, said Mr. McDonald.

159

160 Mr. Walker said that a Bean Farm connection with the northern and southern lots and the  
161 solar arrays in between made sense. Regarding commercial uses it was better to  
162 concentrate that in the middle around the village district, said Mr. Walker.

163

164 In a discussion of forest values of the back lot, Mr. Walker said that the wildlife experts  
165 indicated a deer yard, which was off limits. It would have been better to push the solar  
166 farm into the scrub land if the wood lot had been available, which would have resulted in  
167 a better agricultural field, said Mr. Walker. Ms. McCrumb clarified that a deer yard was  
168 specific to state review, while the Planning Commission would like to look at a wildlife  
169 piece in a broader view point. Ms. Illick said that the back 33 acres has high public value  
170 and should stay protected. Mr. Hinsdale pointed out that the Bean Farm was extensively  
171 evaluated before being conserved. Mud Brook moves northeast and cuts through a corner  
172 of the back lot to the Carpenter property, said Mr. Hinsdale.

173

174 **MOTION by Mr. Landler, seconded by Mr. Bouchard, to close hearing regarding**  
175 **PC-14-16, continuance of Remand from the Environmental Division of the Vermont**  
176 **Superior Court in regard to an appeal by Clark Hinsdale III of the Planning**  
177 **Commission's decision denying the Boundary Adjustment ("Leclair" lot and "Eno"**  
178 **lot, north side of 1824 Hinesburg Road), Docket No. 174-12-13 Vtec.**

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

180

181 **PC-14-13 NORDIC HOLSTEINS/HINSDALE TESTAMENTARY TRUST FINAL**  
182 **SUBDIVISION/BOUNDARY ADJUSTMENT FOR PROPERTIES LOCATED AT**  
183 **1824 HINESBURG ROAD AND PORTION OF ADJACENT BEAN FARM.**

184 Clark Hinsdale III, Trustee, appeared on behalf of the application.

185

186 STAFF NOTES

187 Mr. McDonald reviewed staff notes.

188

189 Ms. McCrumb said that a Sketch Plan Letter, dated 04/04/2014, was for a two-lot  
190 subdivision and a boundary adjustment.

191

192 APPLICANT COMMENTS

193 Mr. Hinsdale briefly reviewed a history of the property as follows:

194

- Two parcels were purchased at separate times for a total of 105-106 acres.

195

- The existing Bean mobile home with a well and septic was on a developed 5 acre lot was 300' wide by 700' deep.

196

197

- The 5 acre mobile home lot and a 50' wide right-of-way were excluded from the conserved Bean Farm.

198

199

- The Vermont Land Trust conceived a conservation plan to conserve a 71 acre parcel with a natural boundary line proposed using a small wooded area as shown on a site map.

200

201

202

- A 2 acre building envelope was proposed for Lot 2, which was a 1,200± tap sugar woods. There was an existing woods road through the sugar woods.

203

204

- Density would be transferred to the front lot. There could be 4 homes placed so that the homes each had privacy.

205

206

- As per the Planning Commission's Sketch Plan Letter he was instructed not to put density on 30 acres.

207

208

- An open space requirement could be met entirely on Lot 2.

209

210 PLANNING COMMISSION QUESTIONS/COMMENTS

211

Ms. Illick asked if the property was in current use. Mr. Hinsdale replied that the woods were not in current use.

212

213

214

Ms. McCrumb clarified that the sugar woods was an area of high public value. A building envelope needed to be identified for the lot and an open space agreement drafted.

215

216

217

Ms. Illick asked if the applicant was proposing three homes on Lot 3 of 13.41 acres. Mr.

218

Hinsdale replied that the proposal moved density from Lot 1, 71 acres of conserved land.

219

There would be 15 acres of open space on the front area, said Mr. Hinsdale.

220

221

In response to commission questions, Mr. Hinsdale said that the 71 acres was 100 percent

222

conserved with no development. A logical building envelope for Lot 2 was just into the

223

woods at a moon-shaped piece of meadow. There was a level woods road that went into

224

the woods, reiterated Mr. Hinsdale.

225

226 PUBLIC COMMENTS

227

Mr. Walker, abutting neighbor, said that Lot 3 ideally could be divided into 4 parts. A

228

question was what to do with Lot 2, which was proposed as a 17 acre lot with one house,

229

said Mr. Walker. Mr. Hinsdale explained a proposal from a previous interested buyer of

230 the lot using a site plan. There were quality maple trees in the woods, clarified Mr.  
231 Hinsdale.  
232 Mr. Hinsdale said that Planning Commission members who were interested in walking  
233 the woods could coordinate a visit with him.  
234  
235 Mr. Landler asked how open space on Lot 2 could be defined. Mr. McDonald said that  
236 Clark was proposing a density table. Would open space be defined on the building lot,  
237 asked Mr. McDonald. Mr. Hinsdale said he was proposing a 2 acre building envelope.  
238 The lot was big enough to meet regulatory requirements of open space. It could be a PRD  
239 that has open space. If the woods road was used and a home sited under the first row of  
240 maple trees there would be a view into a meadow. Water springs were on the Walker  
241 property above the lot, said Mr. Hinsdale.  
242  
243 Mr. McDonald summarized that the proposed building envelope and open space would  
244 need to be identified on the site map.  
245  
246 **MOTION by Ms. Radimer, seconded by Mr. Landler, to continue the hearing**  
247 **regarding PC-14-13 Nordic Holsteins/Hinsdale Testamentary Trust Final**  
248 **Subdivision/Boundary Adjustment for properties located at 1824 Hinesburg Road**  
249 **and a portion of the adjacent Bean Farm to July 3, 2014.**  
250 **VOTE: 5 ayes, 2 absent (Ms. Stearns, Mr. Joslin); motion carried.**  
251  
252 **PC-14-14 GARY AND MARY THIBAUT FINAL SUBDIVISION FOR A 3-LOT**  
253 **SUBDIVISION AT 1490 CARPENTER ROAD. THE SUBDIVISION WILL**  
254 **CREATE 2-5± ACRE PARCELS WITH EXISTING HOUSES AND AN 80± ACRE**  
255 **FARM PARCEL WITH EXISTING FARMSTEAD COMPLEX.**  
256 Joe Donegan, representative for Gary and Mary Thibault, appeared on behalf of the  
257 application.  
258  
259 STAFF NOTES  
260 Mr. McDonald reviewed staff notes.  
261  
262 Ms. McCrumb explained that the property was a working farm with two 5-acre lots  
263 excluded. There were existing houses on the lots and Joe rented the farm property.  
264  
265 APPLICANT COMMENTS  
266 Mr. Donegan briefly reviewed that there were no new houses proposed. He would own  
267 the farm, said Mr. Donegan.  
268  
269 PLANNING COMMISSION QUESTIONS/COMMENTS  
270 There were no questions.  
271  
272 **MOTION by Mr. Landler, seconded by Mr. Bouchard, to close the hearing for**  
273 **PC-14-14, Gary and Mary Thibault, for a Final Subdivision for a 3-lot Subdivision**  
274 **at 1490 Carpenter Road to create 2-5± acre parcels with existing houses and an 80±**  
275 **acre farm parcel with existing farmstead complex.**

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

277

278 **PC-14-12 FINAL REVIEW FOR A BOUNDARY ADJUSTMENT BETWEEN**  
279 **RANGER, KAREN, CARTER CURRAN AND COLLIN BRANLEY AT 1735**  
280 **LAKE ROAD AND THOMAS AND KRISTINE LARSON AT 1007 LAKE ROAD.**

281 Kristine Larson, co-applicant, appeared on behalf of the application.

282

283 Ms. Larson said that the applicants were not pursuing the boundary adjustment at this  
284 time.

285

286 Mr. McDonald asked if the applicant was withdrawing, or seeking a continuance of the  
287 application. Ms. Larson asked for a continuance.

288

289 **MOTION by Mr. Landler, seconded by Ms. Illick, to continue a Final Review, PC-**  
290 **14-12, for a boundary adjustment between Ranger, Karen, Carter Curran and**  
291 **Collin Branley at 1735 Lake Road and Thomas and Kristine Larson at 1007 Lake**  
292 **Road to August 7, 2014.**

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

294

295 **PC-14-17 FINAL REVIEW FOR A BOUNDARY ADJUSTMENT BETWEEN**  
296 **WILLIAM AND DEBORAH PINNEY, 142 MUSEUM ROAD AND PHOEBE**  
297 **SIEMER, 88 MUSEUM ROAD.**

298 William Pinney, owner, appeared on behalf of the application.

299

300 **STAFF NOTES**

301 Mr. McDonald reviewed staff notes.

302

303 Ms. McCrumb explained that the ortho-photograph in the PC packet does not show the  
304 lot lines.

305

306 **APPLICANT COMMENTS**

307 Mr. Pinney explained that the site drawing showed the proposed boundary change. The  
308 two properties were owned by the same family in the past. The driveway originally ran  
309 close to the house. When he purchased the property from the family the properties were  
310 surveyed incorrectly. A part of the driveway ended up on the other lot. A solution was to  
311 do a boundary adjustment versus moving a driveway, said Mr. Pinney.

312

313 Ms. McCrumb reviewed state wastewater permit requirements. She was working with  
314 Bill Pinney on showing where the septic and water systems were on the property. The  
315 wastewater exemption did apply in Mr. Pinney's case, said Ms. McCrumb.

316

317 **MOTION by Mr. Landler, seconded by Mr. Bouchard, to close the Final Review**  
318 **hearing for a Boundary Adjustment between William and Deborah Pinney, 142**  
319 **Museum Road and Phoebe Siemer, 88 Museum Road.**

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

321

322 **ADJOURNMENT**

323 **MOTION by Mr. Landler, seconded by Mr. Bouchard, to adjourn the meeting.**

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

325

326 The Planning Commission meeting was adjourned at 8:42 p.m.

327

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

329