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**TOWN OF CHARLOTTE  
PLANNING COMMISSION  
JULY 16, 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, Gerald Bouchard, Paul Landler, Charles Pughe, Marty Illick (arrived at 7:01 p.m.). **ABSENT:** Donna Stearns.  
**OTHERS:** Marvin Fishman.

**6:00 PM SITE VISIT: to the Fishman/Kraft property located at 197 Oak Hill Road.**

**AGENDA ITEMS:**

- **CONTINUATION: PC-15-12 Final Plan Hearing for Scott Hardy for a minor Subdivision at 197 Mutton Hill Road.**
- **PC-15-15 Sketch Plan Review for Marvin Fishman and Doreen Kraft for a 2-lot Minor Subdivision at 197 Oak Hill Road.**

**CALL TO ORDER**

Mr. McDonald, Chair, called the meeting to order at 7:00 p.m.

**APPROVE REGULAR AGENDA AND CONSENT AGENDA**

The agenda was approved with the addition of Deliberative Session regarding PC-15-03, Kytoad LLC application.

Consent Agenda: none.

**PUBLIC COMMENT**

None.

**CONTINUATION: PC-15-12 FINAL PLAN HEARING FOR SCOTT HARDY FOR A MINOR SUBDIVISION AT 197 MUTTON HILL ROAD.**

**MOTION** by Mr. Joslin, seconded by Mr. Landler, to continue the Final Plan Hearing for PC-15-12, Scott Hardy for a Minor Subdivision at 197 Mutton Hill Road, to August 6, 2015.

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

**PC-15-15 SKETCH PLAN REVIEW FOR MARVIN FISHMAN AND DOREEN KRAFT FOR A 2-LOT MINOR SUBDIVISION AT 197 OAK HILL ROAD.**

Marvin Fishman, owner, appeared on behalf of the application.

**STAFF NOTES**

Mr. McDonald reviewed staff notes, and said that a site visit was conducted this date.

**APPLICANT COMMENTS**

48 Mr. Fishman explained that an existing 10.5 acre parcel would be subdivided into two  
49 lots as follows:

- 50 • Lot 1, the upper lot, would include an existing house and shed on 6.5 acres.
- 51 • Lot 2, an undeveloped lot, of 3.5 acres was a potential future smaller home for the  
52 Fishman's, or the lot would be given to his children.
- 53 • There were large fields located below the existing house.
- 54 • Oak Hill Road from Roscoe Road to the top was 'owned' by three homeowners.
- 55 • The existing house had a drilled well and a septic.
- 56 • He assumed that the potential 3.5 acre Lot 2 would perc and a well would be  
57 drilled.
- 58 • A driveway to Lot 2 would be constructed.

59

#### 60 PLANNING COMMISSION QUESTIONS/COMMENTS

61 Mr. Joslin asked for clarification regarding proposed boundaries between the two lots.  
62 The east field would have an easy access to Lot 2, which could consist of mostly field  
63 and some woods, or there was a hedgerow on the west side of the large oak tree that  
64 could be a natural boundary, said Mr. Joslin. Mr. Fishman said that at the woody area the  
65 'trees' consisted of buckthorn and brushy trees. At the westerly area where we stood  
66 during the site visit there were smaller oaks and butternut trees. He would not like to take  
67 those trees out, said Mr. Fishman.

68

69 Mr. Fishman explained that he has thinned out the smaller trees near the butternut and  
70 12" oak tree to encourage the younger trees to grow.

71

72 Ms. Illick asked if Mr. Fishman would designate a building envelope on Lot 2. Mr.  
73 Fishman replied no.

74

75 Mr. McDonald asked if Mr. Fishman would consider a PRD for the 3.5-4 acre lot.

76

77 Mr. Bouchard noted that if a boundary line was draw about 10' from the butternut tree  
78 that would be close to 4 acres. Where the existing house was located it would be hard to  
79 subdivide a smaller lot there, said Mr. Bouchard.

80

81 Mr. McDonald said that the application was a minor subdivision. An open space did not  
82 need to be designated for the smaller lot. However, the applicant would need to perc test  
83 Lot 2, and if a building envelope was designated that would locate a future home site and  
84 protect the open space on the lot should the lot be sold off, suggested Mr. McDonald.

85

86 There was discussion regarding merits of a PRD for a proposed lot of less than 5 acres; a  
87 PRD based upon resources on a lot, or areas of high public value; and differences  
88 between a building envelope 'box' area and a house location, which could be anywhere  
89 within a building envelope.

90

91 Mr. Fishman said that the lots would be odd shaped in order to create two five acres. Mr.  
92 McDonald suggested placing a building envelope around the existing house, shed and  
93 garden. That would leave the proper setbacks, said Mr. McDonald.

94

95 Mr. Fishman explained that deer and turkeys ran through the ridge area where the  
96 Planning Commission had suggested a new house site. Water drained from the hill to the  
97 upper field and it stayed wet in that corner, said Mr. Fishman.

98

99 Mr. Landler pointed out that increasing the number of houses to 5 homes triggered  
100 improvements to the road as per the road standards. The lower road would need to be 14'  
101 wide to the edge of the new driveway, said Mr. Landler. Mr. McDonald read the Town  
102 road standard section. Mr. Fishman said he would measure the width of the road.

103

104 Mr. McDonald asked if Mr. Fishman had a right-of-way easement in his deed for an  
105 access to a new lot. Mr. Fishman replied yes.

106

107 Following further discussion regarding possible clustering of two building envelopes, Mr.  
108 Fishman said that a survey was done during the original subdivision. The existing septic  
109 was located toward the garden area. He would consider a building envelop for a new Lot  
110 2, said Mr. Fishman.

111

112 Mr. Fishman explained that he thought of asking Sandy Scofield to sell a portion of her  
113 field along his boundary line so that two 5-acre lots could be created. Privacy and space  
114 between neighbors were important factors. Clustering two houses together would be a  
115 problem, said Mr. Fishman.

116

117 Mr. McDonald summarized:

118

- A perc test on the proposed Lot 2 would need to be done prior to a formal  
119 application.
- Identify building envelopes.
- The Planning Commission would send a Sketch Plan letter to the applicant with  
120 suggestions and concerns.

121

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**MOTION by Mr. Joslin, seconded by Mr. Bouchard, to classify PC-15-15, Sketch  
125 Plan Review for Marvin Fishman and Doreen Kraft as a 2-lot Minor PRD  
126 Subdivision; property located at 197 Oak Hill Road.**

127

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

128

129

#### **DELIBERATIVE SESSION**

130

**MOTION by Mr. Joslin, seconded by Ms. Illick, to enter Deliberative Session to  
131 discuss PC-15-03, Kytod LLC, Final Plan application for a Minor Subdivision and  
132 PRD, Findings of Fact.**

133

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

134

135

The Planning Commission entered Deliberative Session at 7:01-7:05 p.m. and continued  
136 at 7:45 p.m.

137

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139

140 **ADJOURNMENT**

141 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to exit deliberative session and**  
142 **adjourn.**

143 **VOTE: 6 ayes, 1 absent (Ms. Stearns); motion carried.**

144

145 The meeting was adjourned at 8 p.m.

146

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

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