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**TOWN OF CHARLOTTE
PLANNING COMMISSION
AUGUST 6, 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: Peter Joslin, Acting Chair; Gerald Bouchard, Donna Stearns Marty Illick, Charles Pughe. **ABSENT:** Jeff McDonald, Paul Landler.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Richard Cunningham, Michael Russell, Jonathan Couture, A. J. LaRusa, Denise Danyow, Emile Cote, Diane Cote, Carol Small, Lester Small, Scott Hardy, James Foley, Mike Dee, J Friez, Robert Danyow, Tom Henry, Jean Henry, and others.

AGENDA ITEMS:

- PC-15-16 Final Plan Application for Jonathan Couture & Kim Anderson and Nancy & Tom Smith for Major Subdivision Amendment at Vineyard View (Lots 1-5)
- Continuance of PC-15-08 Final Plan Hearing for Harriet Patrick Trust for a Boundary Adjustment between properties at 1355 Church Hill Road. (M05B02L07.1 and M05B02L07)
- Continuation of PC-15-12 Final Plan Hearing for Scott Hardy for a Minor Subdivision at 197 Mutton Hill

CALL TO ORDER

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

APPROVAL OF REGULAR AGENDA / CONSENT AGENDA

The agenda was approved.

PUBLIC COMMENT

Mr. Russell asked if the Planning Commission would proceed with proposed Land Use Regulation changes. Mr. Joslin said that the Commission was not prepared to discuss the proposed changes. A discussion could be taken up under Other Business this evening, suggested Mr. Joslin.

REVIEW MINUTES (07/02/2015, 07/09/2015)

Review of the minutes was deferred due to a lack of a quorum.

PC-15-14 PRELIMINARY PLAN APPLICATION FOR JONATHAN COUTURE & KIM ANDERSON AND NANCY & TOM SMITH FOR MAJOR SUBDIVISION AMENDMENT AT VINEYARD VIEW (LOTS 1-5)

Jonathan Couture, owner, appeared on behalf of the application.

STAFF NOTES

Mr. Joslin reviewed staff notes.

48

49 APPLICANT COMMENTS

50 Mr. Couture reviewed main items from the Preliminary Plan hearing:

- 51 • Final draft Plat showing an access driveway off of Vineyard View.
- 52 • Delineation added to the Plat to show a trail easement.
- 53 • Notes updated as requested.

54

55 PLANNING COMMISSION QUESTIONS/COMMENTS

56 Mr. Joslin asked for clarification regarding a referenced area in the northwest corner of
57 Lot 3. Mr. Couture explained that was to provide an accessory structure space. He has
58 had discussions with his northern neighbor regarding purchasing their development
59 rights. Lots 3, 4 and 5 had a proposed total of 60,000 square feet of building envelope.
60 The building envelope on Lots 3 and 5 were reduced by 20000 feet for a new otal of
61 40,000 square feet. The wastewater area was reduced by 20', said Mr. Couture.

62

63 Ms. Illick asked where the open space total acreage was notated, and if there was open
64 space delineated on the 4.8 acre Lot 1. Mr. Couture replied that the net open space area
65 hasn't changed. The amendment to the open space agreement hasn't changed. The lot
66 numbering has changed as noted in the open space agreement, said Mr. Couture.

67

68 Ms. McCrumb said that she would confirm that open space was included on Lots 1 and 3.

69

70 Ms. Illick expressed concern regarding density and if an accessory structure on Lot 3 was
71 a proposed dwelling. Mr. Couture explained that an accessory structure could be a
72 dwelling under Town regulations. It could not go over 1,000 square feet. A structure
73 could be sited in the trees and out of the Mount Philo viewshed, suggested Mr. Couture.

74

75 Ms. McCrumb asked if Mr. Couture and Tom Smith would be amenable to an
76 amendment to permit an accessory structure now and then transfer the density in the
77 future. It could be accomplished as a boundary adjustment, said Ms. McCrumb.

78

79 Ms. Illick asked if there was a stormwater conveyance onto Lot 3 for erosion control. Mr.
80 Couture explained that Steve Revell calculated flow rates of 1-2 gpm. The Agency of
81 Natural Resources didn't require a permit as per the calculations. Both pieces were
82 addressed in the application, said Mr. Couture.

83

84 Ms. McCrumb asked if the only intent was for subsurface drainage from foundations
85 collection. Mr. Couture replied it was for the footing drains. He had a professional's
86 opinion, said Mr. Couture. Ms. Illick stated that she didn't want to see 'no erosion control
87 necessary' written in the Planning Commission's decision.

88

89 Ms. Illick asked if it was the homeowners who would maintain the road. Mr. Couture
90 relied that the homeowners took care of the roadways as per a written homeowners
91 agreement. Mr. Joslin asked if the roadway was covered by an engineering storm water
92 study, or not.

93

94 Ms. McCrumb stated that there should be a written homeowners agreement shared
95 between 5 homeowners with a section that the Town would deal with erosion ‘blow outs’
96 of driveways to be paid for by the homeowners.
97

98 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to close the hearing for PC-15-**
99 **16, Final Plan Application for Jonathan Couture & Kim Anderson and Nancy &**
100 **Tom Smith for a Major Subdivision Amendment at Vineyard View (Lots 1-5).**

101 **VOTE: 5 ayes, 2 absent (Mr. McDonald, Mr. Landler); motion carried.**
102

103 **CONTINUANCE OF PC-15-08 FINAL PLAN HEARING FOR HARRIET**
104 **PATRICK TRUST FOR A BOUNDARY ADJUSTMENT BETWEEN**
105 **PROPERTIES AT 1355 CHURCH HILL RD. (M05B02L07.1 and M05B02L07)**

106 Richard Cunningham, Ms. Patrick’s representative, and Chris VonTrapp, agent, appeared
107 on behalf of the application.
108

109 STAFF NOTES

110 Mr. Joslin reviewed staff notes.
111

112 APPLICANT COMMENTS

113 Mr. Von Trapp reviewed that three existing deeded parcels included the Tavern lot, a
114 carriage barn apartment lot, and a back lot. The Tavern lot boundary line would move
115 back and 4.5 acres would be added for a total of 7.6 acres. The Carriage barn lot would
116 remain the same. The back lot has an existing agricultural access off Route 7. If that
117 access were changed in the future it would require VTrans oversight. There was no
118 proposal for any building or development of the back lot, stated Mr. Von Trapp.
119

120 PLANNING COMMISSION QUESTIONS/COMMENTS

121 Ms. Illick asked for clarification of the Tavern lot and if two houses were proposed. Mr.
122 Von Trapp replied no. The proposal was to move the Tavern lot boundary line back for a
123 total of 7.6 acres. The carriage house was on its own deeded lot. The back lot would
124 become 20 acres. There were three existing lots and only three lots were proposed, said
125 Mr. Von Trapp.
126

127 No further questions.
128

129 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to close the hearing for PC-15-**
130 **08 Final Plan Hearing for Harriet Patrick Trust for a Boundary Adjustment**
131 **between properties at 1355 Church Hill Road (M05B02L07.1 and M05B02L07).**

132 **VOTE: 5 ayes, 2 absent (Mr. McDonald, Mr. Landler); motion carried.**
133

134 **CONTINUATION OF PC-15-12 FINAL PLAN HEARING FOR SCOTT HARDY**
135 **FOR A MINOR SUBDIVISION AT 197 MUTTON HILL**

136 Scott Hardy, owner, and James Foley, agent, appeared on behalf of the application.
137

138 STAFF NOTES

139 Mr. Joslin reviewed staff notes, and noted that the hearing was a continuation. There
140 were major issues regarding the proposed access. The Planning Commission has received
141 a letter from James Foley, attorney for Mr. Hardy and Catherine Dingle of Murphy,
142 Sullivan and Kronk, representing neighbors. Mr. Hardy has a deeded 60' right-of-way on
143 the lot. At the previous hearing there was discussion regarding the use of the Mutton Hill
144 Drive right-of- way, topographical contours and a possible shared road, said Mr. Joslin.

145

146 APPLICANT COMMENTS

147 Mr. Hardy explained that he had a 60' deeded right-of-way. A portion of Mutton Hill
148 Drive had been moved over some time in the past, which was all on the Henry's property.
149 He was not sure why the roadway location wasn't corrected at the time, said Mr. Hardy.

150

151 Mr. Joslin reviewed staff notes and Town road standards related to a subdivision that
152 served 5-6 homes. Mr. Hardy would be required to widen Mutton Hill Drive to the first
153 driveway, said Mr. Joslin. Mr. Foley clarified that the applicant was not going to use
154 Mutton Hill Drive to access the lot.

155

156 Mr. Joslin asked if the applicant had submitted any new driveway design elements. Mr.
157 Hardy replied that he would ask if he could submit a driveway design after the
158 application was approved. There were engineers that could design a driveway that
159 followed town standards, said Mr. Hardy. Ms. McCrumb said that the Town would not
160 want to set precedence for 'lines on a paper'. An engineering drawing should be
161 submitted showing what the access would look like, a drainage collection system and
162 what the driveway might impact. The applicant needs to show that he had deeded access
163 as a first step, explained Ms. McCrumb.

164

165 Mr. Foley said that if the Planning Commission denied the application, then the applicant
166 needed a clear statement of what an engineering drawing was required to show and what
167 a road needed to comply with the Town regulations. Ms. McCrumb replied yes. At this
168 point the applicant has not provided any information that meets the Town standards, said
169 Ms. McCrumb.

170

171 Mr. Foley pointed out that the Town wasn't asking the applicant to provide any building
172 designs that would meet height standards, for example. Ms. McCrumb replied that the
173 Planning Commission did ask for building envelopes and Mr. Hardy did provide that.

174

175 Mr. Hardy asked if he provided an engineering drawing of an acceptable access to the lot
176 what would be the result if the Planning Commission said they didn't like the design.

177

178 Mr. Pughe said that providing needed information was not a condition of approval – it
179 was a part of the application. Ms. McCrumb explained that in terms of a road design,
180 there needs to be communication and neighbors would have input. There might be some
181 variability in a road lay out; for example, how you bridge changes for a road that would
182 basically meld it with the existing road, said Ms. McCrumb.

183

184 Mr. Foley pointed out that the entire original subdivision layout was approved on paper
185 with the 60' right-of-way in the deed. Ms. McCrumb replied yes. It was accepted under
186 different regulations back then. It was unknown why the whole right-of-way wasn't
187 corrected when the roadway was bumped over, said Ms. McCrumb.

188

189 Ms. McCrumb said that the Kevin LaRose water supply design for a replacement septic
190 system for Lot 1 was vague. Mr. Hardy replied it was an existing system and was
191 approved. Ms. McCrumb clarified that the Town's technical reviewer noted that there
192 wasn't enough design information. It was just a circle on the site map. The application
193 should include soils data and an actual footprint size only for the replacement area, said
194 Ms. McCrumb. Mr. Hardy said he thought the issue went away. Ms. McCrumb said that
195 it did for Lot 2 since it was a mound system. Mr. Hardy said that the design was for a
196 mound system for Lot 1 as well. The state changed the septic rules in 2007, said Mr.
197 Hardy.

198

199 Ms. McCrumb said the language regarding tree cutting was vague and should be
200 tightened up. A consultant could help with the proper language, said Ms. McCrumb.

201

202 PUBLIC COMMENTS

203 Ms. Daniel, neighbor, said that she agreed with the staff report that the Hardy application
204 was an incomplete application.

205

206 Mr. Cote, neighbor, reviewed concerns regarding the siting of a new house and septic that
207 would overlap a state habitat block as pointed out at the last meeting. Mr. Cote pointed
208 out where turkey nest, and bobcat, bear and deer moved through a corridor along a
209 natural slope on the Hardy property on a Town overhead map.

210

211 Mr. Cote read references from the Charlotte Town Plan regarding house locations near
212 areas of high public value, page 38, Section 4.4.3, regarding recognition of patterns of
213 scattered housing development, and Development Review processes identified to protect
214 resources under the jurisdiction of the Planning Commission. Mr. Cote suggested putting
215 limits of development in a state habitat block, and moving the proposed house location to
216 the other side of the septic and higher up on the lot.

217

218 Ms. Illick suggested clustering the new house closer to the existing house and the
219 Henry's house. The area was ledgy in that location and it might not be feasible, said Ms.
220 Illick.

221

222 There was lengthy discussion regarding the locations of the existing housing that was
223 concentrated in the wooded area; wild life movements; and a suggestion to move the
224 proposed building envelope/house site to the west side of the proposed septic site, which
225 would move a new house out of the animal corridor as a viable option.

226

227 Mr. Hardy said that would put a house high on the knoll of Mutton Hill Road. Ms.
228 McCrumb suggested flipping it over and higher. Mr. Cote pointed out that past
229 development has been along the ridge and all in the wooded area.

230

231 Ms. Illick said that the neighbors knew the area and animal movement over the land. The
232 Town usually asked an applicant to hire a consultant to identify zones of influence of
233 humans. If a house site could be selected in a mutually agreeable location that would save
234 money on hiring a consultant, said Ms. Illick.

235

236 Mr. Hardy said he was not sure what to say about the topography, distances between
237 existing homes and the options for a house on Lot 2. Mr. Bouchard said that
238 topographically the land sloped down hill. Ms. McCrumb said there was ledge up on top
239 where the septic is.

240

241 Mr. Cote said the area was Monkton quartzite so blasting might be needed. Up on the
242 other side the ledge could serve as a base, or the house could be flipped on the other side
243 of the septic where there might be enough soil for digging, said Mr. Cote.

244

245 Mr. Pughe asked if Mr. Hardy was proposing an access using the 60' right-of-way along
246 Mutton Hill Road. That would require widening the road up to the first driveway, said
247 Mr. Pughe. Ms. McCrumb said that was Mr. Hardy's proposal.

248

249 Mr. Foley said that it would be a reasonable access if the neighbors could come together
250 in agreement if the application was approved. It was set up with a deeded 60' right-of-
251 way and that was a straight shot to the lot, said Mr. Foley.

252

253 Mr. Foley said that the applicant was not making a shared driveway proposal. There was
254 a 60' right-of-way. Towns should be careful about getting caught in a neighbors' dispute.
255 The road exists and the proposal would add 2-3 trips per day, said Mr. Foley. Mr. Hardy
256 said that a driveway was built and used by the prior owners. Lot 2 could use it. Lot 1
257 would use it more. Logic indicates that a homeowner wouldn't want a car going across
258 their front lawn or behind the house and barn, said Mr. Hardy.

259

260 Mr. Henry expressed concern that Mr. Hardy would put his infrastructure on a neighbor's
261 property. The land contour lines were a 20' higher elevation on our property versus Mr.
262 Hardy's. Our drive was a single lane road. Hardy's driveway was in place, and he didn't
263 understand why Mr. Hardy was trying to use our lane, said Mr. Henry.

264

265 Mr. Foley stated that he tried to make it clear Mr. Hardy was not using Mutton Hill Drive
266 on the Henry's property. He was just talking about using the 60' right-of-way, said Mr.
267 Foley.

268

269 Mr. Joslin said he understood that the cross-hatched road section on the site map was to
270 be removed. Mr. Hardy replied that he would leave that to the decision of the Lot 2
271 owner if it would be used or not. It was a better egress than the first driveway that was
272 built, said Mr. Hardy.

273

274 Mr. Joslin asked if a better option was to bisect the road and run it a shorter distance to
275 the lot from the existing driveway. Mr. Foley pointed out where the 60' right-of-way
276 followed the roadway and went across the Henry's property on the site map.

277

278 Mr. Daniel said he would agree with the use of some of existing driveway and cutting
279 across Lot 1. Mr. Henry said he agreed as well. The garage location of existing house
280 would block any car lights coming in, said Mr. Henry. Mr. Foley stated that it was not a
281 part of the application.

282

283 Mr. Dee, northerly neighbor that abutted Mr. Hardy's property, said that Mr. Hardy
284 would need to modify Mutton Hill Drive as per the Town road guidelines and rules for 6
285 houses.

286

287 Mr. Joslin asked if Mr. Hardy would consider re-submitting modifications/options on the
288 proposed application related to a driveway design and changes to the proposed Lot 2
289 building envelope. The hearing could be continued, suggested Mr. Joslin. Mr. Foley said
290 that the applicant didn't want a continuance. The Planning Commission should issue a
291 decision, said Mr. Foley.

292

293 Mr. Henry expressed concern that if the Hardy access used the 60' right-of-way it would
294 create impervious surface erosion onto his property. It would require an engineered
295 design, said Mr. Henry.

296

297 **MOTION by Ms. Stearns, seconded by Ms. Illick, to close the hearing for PC-15-12**
298 **Final Plan Hearing for Scott Hardy for a Minor Subdivision at 197 Mutton Hill**
299 **Drive.**

300 **VOTE: 5 ayes, 2 absent (Mr. McDonald, Mr. Landler); motion carried.**

301

302 **DELIBERATIVE SESSION**

303 The Planning Commission entered Deliberative Session at 8:30 p.m. and exited
304 deliberative session at 8:45 p.m.

305

306 **OTHER BUSINESS**

307 **Land Use Regulations – discussion only**

308 Mr. Joslin explained that the permitted land use changes as proposed by the citizens
309 group would need to include a review of performance standards and other pieces first.
310 The Planning Commission wanted to make sure that what was sent to the Selectboard
311 was complete and ready for review by the Selectboard, and wouldn't come back for
312 further work, said Mr. Joslin.

313

314 Ms. McCrumb explained the timing needed to warn a Planning Commission hearing
315 notice, and warning for a Selectboard meeting. The Town Plan updates may not be ready
316 for a public vote by the November Special Meeting. The revisions could be ready for the
317 March Town Meeting, said Ms. McCrumb.

318

319 Ms. Illick suggested a joint Planning Commission/Selectboard meeting. Ms. McCrumb
320 would issue an invitation to the Selectboard to attend the August 20, 2015 Planning
321 Commission Town Plan update work session. That meant putting off any applications to
322 a future meeting, said Ms. McCrumb.

323

324 **Upcoming Agenda:**

- 325 • 5:00 p.m. Site Visit for an East Village tour, meet at the Grange.
- 326 • 7:00 p.m. Invite the Selectboard to the 08/20/2015 Town Plan Work Session.

327

328 **Mail:**

329 None.

330

331 **ADJOURNMENT**

332 The meeting was adjourned at 9:10 p.m. Stearns/ Bouchard. Vote 5-0 in favor.

333

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

335