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**TOWN OF CHARLOTTE
PLANNING COMMISSION
SEPTEMBER 17, 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, Marty Illick, Donna Stearns, Charles Pughe. **ABSENT:** Paul Landler.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Ben Pualwan, Geoff Marchand, Susie Marchand, George Darling, Jane Krasnow, George McCain, Eddie Krasnow, Tom Walsh, Susan Krasnow, Ed Cafferty, Gunner McCain, Kristen Howell, David Garbose, John Snow, Mike Krasnow, Robert Morse, R Ball, John Frigault, and others.

AGENDA ITEMS:

- PC-15-02R Revised Sketch Plan Review for KR Properties, LLC, for a 12-lot Planned Residential Development off One Mile Road. (SE corner of intersection with Mount Philo Road)
- PC-15-19 Sketch Plan Review for Robert Morse for a Minor Subdivision at 5780 Mount Philo Road.

CALL TO ORDER

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

APPROVAL OF REGULAR AGENDA / CONSENT AGENDA

Added: Deliberative Session: Hardy application – to be signed.

Consent Agenda: none.

PUBLIC COMMENT

None.

**PC-15-02R REVISED SKETCH PLAN REVIEW FOR KR PROPERTIES, LLC,
FOR A 12-LOT PLANNED RESIDENTIAL DEVELOPMENT OFF ONE MILE
ROAD. (SE CORNER OF INTERSECTION WITH MOUNT PHILO ROAD)**

Mr. Joslin recused himself as a neighbor to the applicant.

Gunner McCain, representative, appeared on behalf of the application.

STAFF NOTES

Mr. McDonald reviewed staff notes.

APPLICANT COMMENTS

Mr. McCain reviewed changes made to reflect Planning Commission comments received that included the following:

- 47 • One proposed shared curb cut to replace two eliminated curb cuts to Lots 3 and 4
- 48 off One Mile Road.
- 49 • Lot sizes were reduced and the excess acreage would be added to the three
- 50 existing Krasnow family lots.
- 51 • A buffer on the Mount Philo Park/Krasnow boundary line was increased to 75'.
- 52 • A Wild Life report has been completed.
- 53 • Wildlife corridor connections were mapped on the site map.
- 54 • Identified proposed open space on the site map.
- 55

56 PLANNING COMMISSION QUESTIONS/COMMENTS

57 Mr. McDonald reviewed that the application was at the Sketch Plan level, which was an
58 informal hearing. The application could be classified as a major PRD subdivision.
59 Preliminary and Final Review were warned hearings, said Mr. McDonald.

60
61 Mr. McDonald suggested linking up the driveway to an identified corridor. Mr. McCain
62 said that the corridor was an “enhanced” corridor. A balance was struck between what the
63 Planning Commission was concerned about and what the Krasnow’s were attempting to
64 do, said Mr. McCain.

65
66 Mr. Pughe asked for clarification regarding Lots A, B, and C and Lots 1, 2, and 3. Mr.
67 McCain explained that Lots A, B, and C were existing Krasnow home lots from an earlier
68 subdivision. The Krasnow’s were increasing their lots in size. The proposal says it was a
69 12 lot subdivision, but they were really creating 8 lots, for a total of 9 lots. The 9th lot was
70 one large lot, said Mr. McCain.

71
72 Ms. Illick said that the core forest should stay intact and any proposed houses should stay
73 out of the “green” area. The Town habitat maps should be applied versus the state
74 mapping. The Town was less flexible regarding retaining and keeping habitat and
75 corridor links so that there was connection between them. As a PRD the applicants could
76 use this as an opportunity to cluster the houses and preserve more habitat. The proposed
77 lot sizes and building envelope sizes were larger than usually done in Charlotte. They
78 should be kept out of the woods. She would like to see more connectivity on the Kimball
79 Brook side, said Ms. Illick.

80
81 Mr. McCain explained that the Kimball Brook side would be left alone. What was the
82 Planning Commission asking the applicant to do, asked Mr. McCain. Ms. Illick replied
83 that the driveway on One Mile Road could potentially be shared. The Town was not
84 worried so much about any endangered or rare species in the Mount Philo area. The trees
85 have a lot more value. The Town asks people to look at habitat layers as identified by the
86 Town maps. She didn’t see that in the wildlife report – zones of influence on resources,
87 said Ms. Illick.

88
89 Ms. Howell, wildlife consultant, asked if Ms. Illick was concerned about human
90 disturbance, tree cutting, or large lawns. Ms. Illick replied that dogs were a big concern
91 and a house was a big impact related to zones of influence. The corridors and woods were

92 a zone of influence for the movement of animals. A third party survey should be done on
93 land values, suggested Ms. Illick.

94
95 Mr. McCain said that regarding clustering, the applicant applied a PRD concept and the
96 character of neighborhood when laying out the lots. A tightly clustered PRD concept was
97 not appropriate in this part of Town. He would review the protocols and for follow up
98 meetings. He questioned how strong a wildlife habitat existed in the Mt Philo area, which
99 has been developed. A state parks area was a double edged sword. He looked at the
100 activity at the Park, at the developed areas, and animal usage. There were no endangered
101 or rare species, other than a brown snake, which was not found on the Krasnow property,
102 said Mr. McCain. Ms. Illick suggested that the applicant should take a broader look
103 beyond ‘endangered’ species.

104
105 Ms. Howell said regarding human disturbance, the whole parcel was in pasture 30 years
106 ago, livestock was pastured there, and there were bike and hiking paths throughout the
107 area. The ‘humans’ were there already. Concerns about dogs and zones of clearing could
108 be addressed through conditions, said Ms. Howell.

109
110 Mr. McDonald asked Ms. Howell to present her findings.

111
112 Ms. Howell briefly reviewed a written 6-page wildlife report, noting that the Krasnow’s
113 have owned the 130 acre parcel a long time. The green area identified as core habitat was
114 no different from the forested area, or the Kimball Brook area. She explored the property
115 several times: Area 1 – the Krasnow’s lot and didn’t find a lot of species habitat there,
116 Area 2 – was forest types, Area 3- was the ‘green’ area, and Area 4 – Kimball Brook.
117 There were some wetland areas on Lot 7 that would be delineated. The proposed house
118 and building envelopes could be moved. The pond in a hatched area was dug in a wetland,
119 said Ms. Howell.

120

121 PUBLIC COMMENTS

122 Ms. Marchand, 292 One Mile Road, said a building envelop in the field was a concern. It
123 might impact her view. Would someone be allowed to put a house in the corner, asked
124 Ms. Marchand. Mr. (Michael) Krasnow said the idea was that no house would be seen
125 from the Marchand house. No one would be able to build in the Marchand view, but
126 would be behind the trees. The forest was protected and untouched, said Mr. Krasnow.

127

128 Mr. Pualwan, neighbor, asked if the wildlife survey was done on two separate days. Ms.
129 Howell replied yes.

130

131 Mr. Pualwan pointed to his property on the site map and expressed concern that the
132 proposal would impact his one and only view, which was a special view for him. He
133 could see the field and tree line. The largest proposed house site would be dead center on
134 his view. He heard Mr. Krasnow comment that the proposal wouldn’t impact the scenic
135 views and the proposal fit in with the development in the area, said Mr. Pualwan. Mr.
136 Krasnow reiterated that the proposed building envelop and house site was not in the
137 meadow. It was all up by the woods and not in the middle of the field, said Mr. Krasnow.

138 Mr. McCain said that the building envelope was up against the tree line and a house
139 would be up against the trees. A few more trees could be planted around the house site.
140 This was a concept plan. The individual lot owners would come in with their own house
141 plans. The Planning Commission could add language to the lots that would address those
142 concerns, suggested Mr. McCain.

143

144 Mr. Joslin said lot sizes are larger than normally seen and the large lot in the field could
145 be moved over. The east side Lot 1 building envelop was quite large and could be made
146 smaller, suggested Mr. Joslin.

147

148 Mr. McDonald said Lots A, B, and C are already established. Building envelopes should
149 be set around the existing houses. All the lots should have building envelopes of a similar
150 size, said Mr. McDonald.

151

152 Mr. (Michael) Krasnow said that their homes were on 8 acres each and all on an 88 acre
153 lot. They have protected the land. It made sense to put the land in the hands of personal
154 owners. Regarding lot sizes, someone on Quarter Mile Road might like one-half acre to
155 take care of, or 5 acres with wood lot. There was septic to do 17 homes. We decided that
156 would be too many. We spent three years trying to get two different land trusts interested
157 in preserving the land without success. Thirty-five years ago he sat on a board to create a
158 Town Plan. Planning Commission role was to protect land owners rights, and protect the
159 Town's rights as he understood it. It has been hard planning this application. He didn't
160 think that all the lots would be sold in one year – it may take many years, said Mr.
161 Krasnow.

162

163 Mr. Pughe asked what the trail easement was for. Mr. (Michael) Krasnow said a path was
164 created 25 years ago so that they could walk to the park. The path was retained so that
165 they could still have access to the park, said Mr. Krasnow.

166

167 Ms. Marchand suggested putting an article in the newspapers alerting Townspeople that
168 the Krasnow parcel should be saved. Ms. McCrumb said that the meadow/field was
169 already protected. The applicants were not willing to give up that house site, said Ms.
170 McCrumb.

171

172 Mr. McDonald suggested enrolling a nature corridor into the open space. Mr. McCain
173 replied that it was a subcategory of the open space.

174

175 Mr. McDonald noted that there were two wells in the upper corner of the meadow on the
176 site map. Mr. McCain said that there were two new wells. The Krasnow's invested
177 money to show that there was water available. One well has 25 gpm. An issue at the
178 Town and state levels was that the applicant would need to show that water could serve
179 multiple houses. More work was needed to analyze the water. One 4-bedroom house used
180 0.7 gpm of water, for example. The 25 gpm well could serve all the development, said
181 Mr. McCain.

182

183 Ms. Illick asked if the gully lines along Lots 6, 7, and 8 were for drainage. Mr. McCain
184 replied some water drained through the area and would be mapped. The gullies don't
185 have defined water flows. There were not really intermittent streams in the gullies, said
186 Mr. McCain.

187

188 Mr. (Eddie) Krasnow pointed out that the water draining off the Park land onto the
189 Krasnow parcel was an issue that needed to be discussed. Mr. McCain pointed to a farm
190 lane put in by a former property owner up to an open area that was now Park land. The
191 lane has multiple culverts and hugs along the Krasnow's property and water from the
192 Park drains onto the Krasnow's, said Mr. McCain.

193

194 Ms. Illick said that a history and purpose of building envelopes should be done. That way
195 everyone would understand what a building envelop was. Structures were built within a
196 building envelop and 'farming' could be done outside a building envelop. It would be
197 fine to have a smaller building envelope, said Ms. Illick. Mr. McCain said that the
198 building envelops as conceptualized would give flexibility to a new owner.

199

200 Ms. Illick said that Lots A, B, and C have been expanded to have larger building
201 envelopes. It would be better to have smaller envelopes to make things more consistent,
202 suggested Ms. Illick.

203

204 Mr. McDonald said that it appeared that Lot 9 had steep slopes of greater than 25 percent.
205 Mr. McCain replied no.

206

207 **MOTION by Ms. Stearns, seconded by Mr. Bouchard, to classify the PC-15-02R,**
208 **Revised Sketch Plan by KR Properties, LLC, for a 12-lot Planned Residential**
209 **Development off One Mile Road, as a Major PRD Subdivision.**

210 **VOTE: 5 ayes, 1 recused (Mr. Joslin), 1 absent (Mr. Landler); motion carried.**

211

212 Mr. Joslin rejoined the Planning Commission.

213

214 **PC-15-19 SKETCH PLAN REVIEW FOR ROBERT MORSE FOR A MINOR**
215 **SUBDIVISION AT 5780 MOUNT PHILO ROAD.**

216 Robert Morse, owner, appeared on behalf of the application.

217

218 STAFF NOTES

219 Mr. McDonald reviewed staff notes.

220

221 APPLICANT COMMENTS

222 Mr. Morse said he owned a 10.5 acre parcel that would be divided equally in half east to
223 west. His parents would build a house next to his lot.

224

225 SITE VISIT:

226 Mr. Joslin reviewed that a site visit was done. The members attending walked westerly
227 and down a trail cut to the south to the property line. A mound system was in the

228 southeast section of the parcel. The grade close to the road was quite steep, as was the
229 existing driveway, reported Mr. Joslin.

230

231 Mr. Morse said that he would eliminate the current curb cut, which was dangerous, and a
232 new shared driveway would be located near the new bisecting boundary line. One branch
233 would go around the existing mound system and down to a proposed house site, and the
234 other branch would go to his existing house, said Mr. Morse.

235

236 PLANNING COMMISSION

237 Ms. Illick asked if there was sufficient road frontage to subdivide the parcel. Ms.

238 McCrumb said that the road frontage would not meet town regulations. The lots would
239 not have frontage of 300' each, said Ms. McCrumb.

240

241 Mr. Morse said that he discussed putting the land below an existing hedge row in open
242 space in lieu of shorter road frontage. The parcels next door did it in the past, noted Mr.
243 Morse.

244

245 Ms. Illick asked if an area on the site map was hay land. Mr. Snow replied yes; it was a
246 hay field that he had hayed in the past. Mr. Morse has asked him to stop haying it, said
247 Mr. Snow. Mr. Morse clarified that he had asked Mr. Snow to stop haying until the
248 subdivision was done. He would like John to keep haying it once it was subdivided. Mr.
249 Morse indicated there was also a VAST trail across Mr. Snow's property in that area.

250 Mr. Snow said that Mr. Morse had asked him to stop haying it due to concerns of
251 'adverse possession'.

252

253 Ms. Illick asked if the primary visual impact was the existing Morse house. Mr. Snow
254 explained that all the surrounding homes were originally developed along that line.

255

256 Mr. Garbose, neighbor, said that primary visual impacts weren't the Morse house. The
257 Morse's wouldn't allow anyone to keep the view shed from Mount Philo Road clear and
258 now it has grown up in brush. The Planning Commission should address the visual
259 impacts along side the Mount Philo Road view corridor, stated Mr. Garbose.

260

261 Mr. McDonald asked if a new driveway would initially open up a view. Mr. Garbose
262 replied that initially it might. Then the Morse's would allow it to grow up again. Mr.
263 Garbose said that he lived on the east side of Mt Philo Road and the view was obscured.

264

265 Ms. Illick said that Mount Philo Road was a scenic road to the west. The privacy of
266 homes was wanted, pointed out Ms. Illick. Mr. Garbose replied that the Morse house sat
267 down lower and was private.

268

269 Mr. Morse said he had sound and visual concerns. There was one neighbor that had
270 proposed to top his trees. He told that neighbor that if he would plant a hedge in place of
271 the trees to go ahead. The neighbor was from New Jersey and didn't want to pay for the
272 hedge, said Mr. Morse.

273

274 Mr. Garbose said that Mr. Morse should create a view shed for the neighbors and people
275 driving down Mount Philo Road. Mr. Morse said that he paid \$100,000 for the lot. It was
276 for sale a long time and the neighbors could have bought it, stated Mr. Morse.

277

278 There was discussion of a previous subdivision of the former farm by Claflin, and
279 questions on lot numbers 1, 2, and 3. Mr. Snow explained that at the time the subdivision
280 was done Mike had sliced a part of a field and added it to his sister's lot to enlarge that
281 lot. Ms. McCrumb said that Mr. Morse's lot was Lot 1.

282

283 Ms. McCrumb asked if the neighbors to the south allowed Mr. Snow to cut hay there. Mr.
284 Snow replied yes, and explained equipment used for a straight cut versus following a
285 more curving nature of the land. Mr. Morse was concerned that by 'adverse possession'.
286 Mr. Snow might claim the property if Mr. Snow continued to cut hay, explained Mr.
287 Snow.

288

289 Mr. McDonald stated that Mr. Snow's land was not conserved, and read the 1996 minutes
290 of a hearing for the Claflin subdivision application. There were two 10-acre lots, Lots 1
291 and 2, and the rest of the land was in Lot 3. The decision notes that open space was to be
292 applied to Lot 3, said Mr. McDonald. Mr. Snow expressed surprise, and said that he had
293 purchased the lots for agricultural use and optioned the two 10-acre lots at the same price
294 back to Mike. When it was subdivided he was not aware of the open space requirement,
295 said Mr. Snow.

296

297 Ms. McCrumb clarified that if Mr. Snow subdivided his parcel then 55 acres of open
298 space would be maintained.

299

300 Mr. Snow said that he was represented by Chuck Dunham during the 1996 application
301 hearing and was not apprised of the approval condition. There were 90 acres remaining.
302 He could put open space on that, plus another '10 acres' for the lots that were sold off.
303 Mr. Morse has said that he would put land west of the tree line into open space and that
304 would reduce Mr. Snow's open space obligation on the Morse lot said Mr. Snow. Mr.
305 McDonald said that a future Planning Commission would make that determination.

306

307 Mr. Garbose asked if the Planning Commission could address the road frontage, new
308 driveway, and view sheds by making Mr. Morse take care of and husbanding the land.
309 Mr. McDonald replied that the Planning Commission could with the new driveway.

310

311 Mr. Garbose stated that he totally supported a plan to plant hedges and hiding a house.

312

313 Ms. McCrumb asked where Mr. Garbose's driveway was located in relation to the
314 proposed new driveway. Mr. Garbose replied that it was a little bit to the north of where
315 the proposed new driveway would be and across the road.

316

317 Ms. McCrumb asked Mr. Morse to contact the Charlotte Road Commissioner regarding
318 the new driveway location related to sight distances and grades from the driveway to the
319 road.

320

321 Ms. Illick said that Mr. Morse should address the invasive species growing along the road
322 frontage.

323

324 **MOTION by Ms. Stearns, seconded by Ms. Illick, to classify PC-15-19, Sketch Plan**
325 **application by Robert Morse, as a Minor Subdivision and PRD at 5780 Mount Philo**
326 **Road.**

327 **VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.**

328

329 Mr. McDonald explained that a Sketch Plan letter would be sent to Mr. Morse with
330 comments, and one warned hearing would be held. Mr. Morse should wait until he had
331 received the Sketch Plan letter before surveying the property, said Mr. McDonald.

332

333 **REVIEW MINUTES FROM PRIOR MEETING(S) – 7/2, 7/9, 7/16/ 8/6, 8/20**

334 **MOTION by Ms. Stearns, seconded by Mr. Bouchard, to approve the Planning**
335 **Commission minutes of 07/02/2015 as written, with corrections:**

336

- 337 • Page 3, line 125 – insert the following “water quality and stormwater
338 management was discussed regarding Lot 4”;
- 339 • Page 4, line 140 – replace the word “requirements” with “plan”;
- 340 • Page 5, line 188 – insert the word “southerly” before “view”, and the word
341 “new” before “buffer”.

341

VOTE: 6 ayes, 1 absent (Mr. Landler); motion carried.

342

343 **MOTION by Mr. Bouchard, seconded by Mr. Joslin, to approve the Planning**
344 **Commission minutes of 07/09/2015 as written, with corrections:**

345

- 346 • Page 1, line 31 – replace the word “ran” with “run”;
- 347 • Page 4, line 159 – replace the word “particular” with “particularly”;

347

VOTE: 4 ayes, 3 absent (Ms. Illick, Ms. Stearns, Mr. Landler); motion carried.

348

349 **OTHER BUSINESS**

350 **Upcoming Agenda:**

351 Meeting Schedule – No meeting on October 1, 2015; Town Plan and Land Use
352 Regulation amendment public hearing rescheduled from October 8th to October 22nd;
353 regular meeting October 15th - Development Review.

354

355 **MOTION by Illick, second by Joslin to enter deliberative session.**

356 **DELIBERATIVE SESSION**

357 The Planning Commission entered Deliberative Session at 8:30 p.m.

358 The Planning Commission exited Deliberative Session at 8:40 p.m.

359

360 **MOTION by Illick, second by Joslin to Adjourn. Vote: 6-0 in favor.**

361 The meeting was adjourned at 8:45 p.m.

362

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

364

365