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**TOWN OF CHARLOTTE
PLANNING COMMISSION
SEPTEMBER 18, 2014**

DRAFT

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, Peter Joslin, Marty Illick, Donna Stearns, Linda Radimer (arrived 7:02 P.M.).

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: David Marshall, Ben Avery, Lee Ann Cox, Enrique Corredera, Carrie Spear, Sara Shays, John Quinney, Jim Wells, Sarah Thompson, Bruce Hasse, Stephany Hasse, David Quickel, Kim Anderson, Jonathan Couture, Susan Moraska, Fritz Tegatz, Tina Scharf, and others.

AGENDA ITEMS:

6:15 PM: Site Visit – PC-14-20 Vineyard View Dr.

7:25 PM: PC-14-19 BlackRock Construction: Preliminary Subdivision Application for a 9-lot Planned Residential Development at 2369 Spear Street.

8:15 PM: PC-14-20 Jonathan Couture: Sketch Plan Application for Subdivision Amendment for properties located on Vineyard View Drive.

6:15 PM: Site Visit – PC-14-20 Vineyard View Dr.

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 following additions:

- Waste Water Municipal Grant application – Chair to sign document.
- Town Plan Workshop schedule - discussion

Consent Agenda: none

PUBLIC COMMENT

None.

MINTUES: June 19, July 9, August 7, 2014

MOTION by Ms. Radimer, seconded by Ms. Illick, to approve the Planning Commission minutes of June 19, 2014 as written, with the following edits:

- Page 1, line 45 – correct the spelling of “edited”.
- Page 3, line 94 – change the word “here” to “her”; line 99 – change the word “agriculture” to “agricultural”; line 101 – insert the words “it is” between the words “so” and “there”; line 120 – insert the word “was” between the words “wood” and “available”.

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

49 **MOTION by Ms. Stearns, seconded by Ms. Illick, to approve the Planning**
50 **Commission minutes of July 9, 2014 as written, with the following edits:**

- 51 • **Page 5, line 199 – add the adjournment time of “8:20 p.m.”**

52 **VOTE: 4 ayes, 2 absent (Mr. McDonald, Mr. Landler, Ms. Radimer); motion**
53 **carried.**

54

55 **MOTION by Ms. Illick, seconded by Mr. Bouchard, to approve the Planning**
56 **Commission minutes of August 7, 2014 as written, with the following corrections:**

- 57 • **Page 2, line 77 – replace “11” with “6”.**

58 **VOTE: 4 ayes, 2 absent (Ms. Stearns, Ms. Radimer); motion carried.**

59

60 **PC-14-19 BlackRock Construction: Preliminary Subdivision Application for a 9-lot**
61 **Planned Residential Development at 2369 Spear Street.**

62 David Marshall, Civil Engineering, Inc., appeared on behalf of the application.

63

64 STAFF NOTES

65 Mr. McDonald reviewed staff notes.

66

67 APPLICANT COMMENTS

68 Mr. Marshall reviewed submissions as follows:

- 69 • Sheet 2.0, neighborhood features and topographic characteristics of the 52 plus
70 acre lot that included three major drainages identified as Angus Brook, Valley
71 View Brook, and Great Swamp Brook; open fields and wetlands along Spear
72 Street and forested areas that sloped uphill to the east; resource areas located to
73 the east end of the lot; a proposed driveway alignment utilizing high points in the
74 wetland area; proposed landscaping to screen vehicle headlights from neighbors
75 to the north; driveway profile details; and storm water components for storm
76 water treatment, retention and a fire pond.
- 77 • Sheet C-1, preservation of the majority of agricultural soils and reduced footprints
78 of proposed housing.
- 79 • Sheet WP-1, ortho-photographic map of the proposed homes footprints within a
80 wooded area.

81

82 PUBLIC QUESTIONS/COMMENTS

83 Ms. Shays, northern neighbor, expressed concern that the Planning Commission was
84 holding a public hearing for a 9-lot subdivision along her southern border when the
85 Planning Commission had denied her proposed 5-lot subdivision application two years
86 ago. It was clear that the Town wanted to keep all Spear Street homes located close to the
87 road to preserve the valley and ridge. The area features included wildlife, rural character
88 and views. The ridge was an asset to Spear Street. Her land in back was hayed. She has a
89 barn and three horses. Her riding ring was currently dry and usable. Sarah Thompson's
90 riding ring was wet most of the time. She was concerned that cutting trees on the slopes
91 would create water drainage issues. The Town would open a 'can of worms' if the
92 Planning Commission approved the proposed development, said Ms. Shays.

93

94 Ms. Spear asked how the developer would retain the brook that ran between the proposed
95 houses. Mr. Marshall replied that Valley View Brook was small in nature and a buffer on
96 either side of the brook would be maintained. The only impact was one driveway
97 crossing. A fire pond would serve to contain, treat and release water in a managed
98 manner, said Mr. Marshall.

99

100 Mr. Marshall explained a proposal to install a large diameter culvert in the Angus Brook
101 that drained through the open field where the proposed driveway crossed the brook. In
102 the spring there would be a large amount of water flow through the big culvert. The intent
103 was not to create any changes in the field, said Mr. Marshall.

104

105 PLANNING COMMISSION QUESTIONS/COMMENTS

106 Mr. McDonald reviewed that Preliminary and Final approvals were a two-step process
107 for applications.

108

109 Mr. Landler stated that he previously thought he had a conflict of interest as relates to this
110 application but does not.

111

112 Ms. Illick reviewed a list of questions formed during the Sketch Plan hearing regarding
113 the agricultural field. Mr. Avery, application representative, said that the 7-10 acre
114 agricultural field is hayed by LaPlatt River Angus farm. It was low quality feed with a
115 \$4,000-6,000 value if three cuts were done, said Mr. Avery.

116

117 Ms. Radimer said she understood it was a wet meadow and had limited use. Mr. Avery
118 replied that it could be hayed later in the year for one or two cuts usually.

119

120 Ms. Illick asked what percentage of the hay from the field did it represent of all the hay
121 that LaPlatt River Beef put up. Mr. Quickel replied that LaPlatt had many hay fields
122 located through out Chittenden County. This particular field was 1-2 percent of his total,
123 said Mr. Quickel.

124

125 Mr. Landler asked what the total area in acres was for 9 homes. Mr. Marshall replied
126 there were 52 acres more or less. Mr. Landler said that it appears that the applicant
127 was proposing more houses than allowed for a 50 PRD related to the acreage. Mr.
128 McDonald explained that that a PRD was supposed to generate more open space. The
129 Town Plan language regarding a 52 PRD said that a PRD shouldn't allow for more
130 residential units than would be allowed for the acreage. For example, if the developer
131 had proposed 54 acre lots and there were 52 acres then there were enough acres for the
132 55 proposed number of homes, minus wetlands or prime agricultural soils, said Mr.
133 McDonald.

134

135 Mr. Tegatz asked for clarification of the proposed storm water mitigation plan. Mr.
136 Marshall replied that a 10-year retention pond design was used that would hold 3.6" of
137 water in a 24 hour period.

138

139 Mr. Quickel, easterly neighbor, said that his farm property bordered the lot. There were
140 corridors of development in the Valley View Drive homes. That has had an impact on the
141 wildlife that moved south and north through that corridor. He was concerned regarding
142 increased impacts if the proposed development was allowed, said Mr. Quickel.

143

144 Mr. Hasse, neighbor, expressed concern related to potential physical impacts of the
145 proposed development to the wetlands and accommodations to make a road. A culvert
146 would be sizable. What would these things look like and was it possible to create an
147 artist's rendering of the road crossing the field, culvert, visibility of houses in the forest
148 elevation for each lot. How many houses would be visible from Spear Street and the
149 field. What were the impacts on wildlife and habitat, asked Mr. Hasse.

150

151 Mr. Quinney, Spear Street neighbor, expressed concern on impacts to the edge of the
152 field and forest vista looking north and east.

153

154 Ms. Thompson asked if the Town had their own ecology report, and would the Town
155 consider fewer houses built closer to Spear Street versus in the woods.

156

157 Mr. Marshall said the developer did not reduce the number of houses, but did reduce the
158 footprint. The higher density was appropriate to the top of the ridge and would be in line
159 with the existing Valley View homes. Pine trees would be retained as screening from
160 below. One home was sited closer to the forest edge, said Mr. Marshall.

161

162 In response to further questions, Mr. Marshall said that an access was explored from the
163 Valley View driveway. It was not an option. Clearing of trees would be limited in the
164 deeds so views could not be opened up. The proposed storm water pond was designed to
165 hold additional water to be released in a managed way and should not impact Ms. Shays'
166 property. He did not see a water issue down stream. The driveway crossing and culvert
167 were appropriately sized. A wetland permit and stream alteration permit would be
168 required, explained Mr. Marshall.

169

170 Ms. Scharf, wildlife consultant, reviewed a written report that had been submitted to the
171 Planning Commission related to the existing grassland field that was regenerating into
172 forest at the eastern edge of the forest line, two types of forest land heading further
173 easterly, the area around Valley View Brook, and a recommendation to conserve the
174 forest area around the Great Swamp Brook.

175

176 Ms. Radimer asked for a survey of the types of trees found. Ms. Scharf replied that there
177 were some hop hornbeam, but no oaks or beech. The developer has sited the driveway
178 and home sites that avoided disruption of mature trees identified during the survey, said
179 Ms. Scharf. Mr. Marshall reiterated that a home owners association would have rules
180 related to the trees.

181

182 Ms. Radimer expressed concern that each of the 9 homes might have dogs, cats, and
183 children running loose that would impact wildlife habitat. Ms. Scharf said that PRD

184 regulations should include language regarding animals, whether leashed, controlled, or
185 fenced. She concurred that more houses would likely result in more impact.

186

187 Ms. Illick said that having a zone of influence protocol regarding preferred habitat was an
188 important conversation. Valley View was representative of where the character of a
189 neighborhood had already impacted zones of influence, said Ms. Illick.

190

191 Mr. Joslin asked that if the developer considered 6 or 5 homes versus the proposed 9
192 homes, would that design go from 'pretty good' to really good. Ms. Scharf replied that it
193 was not her job to say. Bobcats or foxes would go around the homes. She felt that the
194 siting of the homes was a good design, said Ms. Scharf.

195

196 Mr. Wells, owner of 70 acres to the northeast of the lot, said that when he purchased his
197 property he conserved 40 acres for wildlife habitat protection. He spent a lot of time
198 walking those woods. If the proposed subdivision was allowed that would extend the
199 damage done in Valley View. Could his property be un-conserved. The 8 proposed
200 homes, road, people, dogs, and children would affect the whole area, said Mr. Wells.

201

202 Ms. Thompson submitted additional summer time photographs taken at the edge of the
203 scrub and newer woods of bear, deer, fox, and the hay field. The Planning Commission
204 should consider a second site visit now to see how exceptionally wet the field gets. The
205 first site visit was done during winter when the wetland was snow covered. She would be
206 most impacted in terms of the watershed. Her riding ring was located next to the property
207 line where the proposed road and pond would go, said Ms. Thompson.

208

209 Ms. McCrumb entered an e-mail received from Trini Bianchi, Valley View resident,
210 dated 09/14/2014, and a letter from Robert Silverstein, dated 09/18/2014 into the record.

211

212 Mr. Corredera asked if the Planning Commission had engaged other expertise. He would
213 submit a video of water flows through the wetlands, said Mr. Corredera. Ms. McCrumb
214 said that the Town contracted with Jeff Parsons. He went out to the property a week ago.
215 A report has not been received yet, said Ms. McCrumb.

216

217 The Planning Commission members spoke in favor of another site visit.

218

219 Ms. Illick asked Ms. Scharf to make a judgment call regarding wildlife value of the forest
220 versus the field. Ms. Scharf said that the habitat at the eastern most end of the lot was
221 more valuable. It would be better to site the homes in the field versus the forest. Grass
222 land birds were declining in Vermont. She was not sure how the state valued bobolinks.
223 The fields were going back to wood land, said Ms. Scharf.

224

225 There was further discussion of turkeys located in the pines, impacts to nesting grassland
226 bird in hay fields, and how many times the field was hayed.

227

228 **MOTION by Mr. Joslin, seconded by Mr. Landler, to continue the public hearing**
229 **regarding PC-14-19, BlackRock Construction, Preliminary Subdivision Application**

230 for a 9-lot Planned Residential Development at 2369 Spear Street to Thursday,
231 October 16, 2014 at 7:15 p.m., and to schedule a site visit on Saturday, October 11,
232 2014, at 9:00 a.m.

233 **DICUSSION:**

234 Mr. McDonald asked that the proposed roadway, building sites and pond be staked
235 out.

236

237 Mr. Hasse pointed out that a previous real estate listing had proposed three lots on
238 the ridge and an open field. Blackrock told him that 5 lots were proposed on the
239 ridge and one home along Spear Street. Then he heard that there would be 8 homes.
240 Now 9 homes were proposed. He was concerned regarding the escalating number of
241 homes and the driveway access onto Spear Street at a blind spot. Spear Street was a
242 high speed area with low visibility, stated Mr. Hasse.

243

244 Ms. Thompson submitted written letters signed by neighbors for the record.

245 **VOTE: 7 ayes; motion carried.**

246

247 **PC-14-20 Jonathan Couture: Sketch Plan Application for Subdivision Amendment**
248 **for properties located on Vineyard View Drive.**

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

250

251 **STAFF NOTES**

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

253

254 **APPLICANT COMMENTS**

255 Mr. Couture reviewed the following points:

256

- 257 • Two acres would be sold to a neighbor to the north.
- 258 • Two development rights would be transferred from Palmer Lane to Vineyard
259 View, referenced in PC-09-28, a November 17, 2009 application signed by the
260 Planning Commission, Findings of Fact. Palmer Lane was in the Mt Philo view
shed and located off the west side of Route 7.
- 261 • The existing Lot 5 would be subdivided into Lots 5, 6 and 7 using the transferred
262 development rights.
- 263 • Ten acres would be conserved.
- 264 • Lots 6 and 7 would share a driveway. Lot 5 would have a single access off
265 Vineyard View.
- 266 • Road widening needs to be addressed.
- 267 • Additional plantings were up for discussion.
- 268 • Lot 4 would increase in size. The building envelope doesn't change.

269

270 **PLANNING COMMISSION QUESTIONS/COMMENTS**

271 Ms. Illick asked for information regarding a pedestrian path right-of-way along State
272 Park Road.

273

274 Mr. Joslin asked if the proposal would trigger a fire pond requirement. Mr. Couture said
275 he would need to talk with the Fire Chief.

276

277 Mr. McDonald said that the Planning Commission would need to revisit the Lot 5 view.
278 There was no tree cutting allowed on Lot 4. Landscaping on Lot 4 would be looked at to
279 protect the Mt Philo views, said Mr. McDonald. Ms. McCrumb clarified that Lot 4 was
280 largely a wetland and there was no tree cutting.

281

282 Ms. Illick suggested that drainage in the area should be addressed. The Big Oak
283 development had substantial drainage issues, said Ms. Illick. Mr. Couture said that the
284 drainage issues have been addressed. Drainage easements were needed on Lot 4 and the
285 western most edge of the lot could be looked at. Ms. McCrumb pointed out that the open
286 space on the east side of Lots 4, 3 and 2 could not be changed.

287

288 Mr. Bouchard said that Note 5 had a proposed 20' wide pedestrian path easement on Lot
289 4. Ms. Radimer said that it was to be a floating easement.

290

291 In response to a question regarding the size of the new lots, Mr. Couture said that 36'x24'
292 modular homes plus a garage were planned for each of the lots. One owner wanted to
293 face Mt Philo, and the other one wanted to face State Park Road, said Mr. Couture.

294

295 Mr. McDonald reviewed that setbacks for the PRD should be looked at, as well as
296 plantings and hedgerows. The applicant would talk to the Fire Chief regarding a fire pond
297 versus residential sprinkler systems.

298

299 Ms. Illick asked that slopes for Lot 4 be shown on the site map, and that the applicant
300 should consult a hydrologist.

301

302 **MOTION by Mr. Landler, seconded by Mr. Joslin, to classify PC-14-20, request by**
303 **Jonathan Couture, Sketch Plan Application for a Subdivision Amendment for**
304 **properties located on Vineyard View Drive as a major subdivision amendment to**
305 **add Lots 6 and 7.**

306 **DISCUSSION:**

307 **Ms. McCrumb asked if there was a wastewater plan. Mr. Couture replied that**
308 **capacity for 6 homes existed. The deed for Lot 2 had language that Lots 1 and 2**
309 **could be removed from the capacity, but an ACT 250 amendment was required. He**
310 **had identified septic capacity on Lot 2 already, said Mr. Couture.**

311 **VOTE: 7 ayes; motion carried.**

312

313 Mr. McDonald reviewed next steps and that a Sketch Plan letter would be sent to the
314 applicant.

315

316 Mr. Couture asked if the owner of Lot 2 could transfer development rights to the
317 southeast corner of Lot 4. Mr. Landler explained that Lot 4 had open space and wetland
318 issues. There was no flexibility to transfer rights to Lot 4, clarified Mr. Landler.

319

320 **DELIBERATIVE SESSION**

321 None.

322

323 **OTHER BUSINESS**

324 The Planning Commission signed a Wastewater Municipal Grant application document.

325

326 Town Plan Work session schedule:

- 327 • 09/25/2014, Housing and Economic Development
- 328 • 10/02/2014

329

330 Ms. McCrumb to research costs for a Special Election in November.

331

332 **ADJOURNMENT**

333 **MOTION by Ms. Illick, seconded by Ms. Stearns, to adjourn the meeting.**

334 **VOTE: 7 ayes; motion carried,**

335

336 The Planning Commission meeting was adjourned at 9:25 p.m.

337

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

339

340

341