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**TOWN OF CHARLOTTE  
PLANNING COMMISSION  
NOVEMBER 5, 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, Donna Stearns, Charles Pughe, Marty Illick (arrived 7:05 p.m.)

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

**OTHERS:** Fritz Tegatz, David Marshall, Johns Congdon, Andy Grayson, David Nichols, and others.

**AGENDA ITEMS:**

- PC-15-20 Final Plan Hearing for Fritz & Betsy Tegatz for a Minor Subdivision Amendment at 1000 Guinea road (M05B07L32.0)
- PC-15-21 Sketch Plan Review for Clark Hinsdale III/Johns Congdon II for a Minor Subdivision Amendment at 640 Bingham Brook Road/3700 block of Spear Street (M10B011.01-C and M06B01L27-1)
- PC-15-22 Final Plan Hearing for Andrea Grayson/Mark A Keppel for a Minor Subdivision Amendment at 322/327 Oak Hill Road (M10B02L21-1)
- PC-15-23 Sketch Plan Review for Tom and Elizabeth Scatchard for a Minor Subdivision Amendment at 697 and 707 Dorset Street (M03B02L07.0)

**CALL TO ORDER**

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

**APPROVAL OF REGULAR AGENDA/CONSENT AGENDA**

There were no changes to the Regular Agenda.

Consent Agenda: none.

**PUBLIC COMMENT**

None.

**MINUTES: 10/15/2015 and 10/22/2015**

**MOTION by Mr. Bouchard, seconded by Mr. Joslin, to approve the PC minutes of 10/15/2015 as written, with additions/corrections.**

**VOTE: 4 ayes, 1 abstention (Ms. Stearns), 1 absent (Ms. Illick); motion carried.**

**MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the PC minutes of 10/22/2015 as written, with additions/corrections.**

**VOTE: 4 ayes, 2 abstentions (Ms. Stearns, Ms. Illick); motion carried.**

**PC-15-20 FINAL PLAN HEARING FOR FRITZ & BETSY TEGATZ FOR A MINOR SUBDIVISION AMENDMENT AT 1000 GUINEA ROAD (M05B07L32.0)**

Mr. McDonald recused himself.

48

49 Fritz Tegatz appeared on behalf of the application.

50

51 STAFF NOTES

52 Mr. Joslin, Acting Chair, reviewed staff notes.

53

54 APPLICANT COMMENTS

55 Mr. Tegatz reported that the wetlands and septic permits were still under review at the  
56 state level. Wetlands have been delineated on the site map. A proposed driveway would  
57 follow an existing farm road. The farm road did not have a culvert prior to 1989 and the  
58 state determined that a culvert was not grandfathered. He will pay for the cost to install  
59 one, said Mr. Tegatz.

60

61 PLANNING COMMISSION QUESTIONS/COMMENTS

62 Mr. Pughe asked if the questions regarding the driveway location was settled. Mr. Tegatz  
63 explained that there was 300' of road frontage along Guinea Road. The agricultural entry  
64 would be moved further south of a neighboring property as shown on the site plan. A  
65 culvert over the wetland would be located at the narrowest point. He would continue to  
66 use the field for an agricultural use. The stream buffer was 100' due to the wetlands, said  
67 Mr. Tegatz.

68

69 **MOTION by Ms. Illick, seconded by Ms. Stearns, to close the hearing regarding**  
70 **PC-15-20, Final Plan Hearing for Fritz & Betsy Tegatz, for a Minor Subdivision**  
71 **Amendment at 1000 Guinea Road (M05B07L32.0).**

72 **VOTE: 5 ayes, 1 recused (Mr. McDonald); motion carried.**

73

74 Mr. McDonald rejoined the Planning Commission.

75

76 **PC-15-21 SKETCH PLAN REVIEW FOR CLARK HINSDALE III/JOHNS**  
77 **CONGDON II FOR A MINOR SUBDIVISION AMENDMENT AT 640 BINGHAM**  
78 **BROOK ROAD/3700 BLOCK OF SPEAR STREET (M10B011.01-C AND**  
79 **M06B01L27-1)**

80 Johns Congdon II, owner, appeared on behalf of the application.

81

82 STAFF NOTES

83 Mr. McDonald reviewed staff notes.

84

85 APPLICANT COMMENTS

86 Mr. Congdon explained that the intent was to formalize an agreement with Clark  
87 Hinsdale III that (Mr. Congdon) had exclusive rights to 15.5 acres off of Bingham Brook  
88 Road. He and Clark had discussions on options and they decided to stay with the original  
89 agreement. Nothing has changed. The land use would be the same: to conserve the  
90 balance of the land so that there would be contiguous conserved land from Spear Street to  
91 Guinea Road. Nordic Farms, LLC, would hay the field and Clark would continue a  
92 sugaring operation in the wooded parcel. Clark would not sell the sugar bush, said Mr.  
93 Congdon.

94

95 PLANNING COMMISSION QUESTIONS/COMMENTS

96 There was discussion regarding a proposed boundary line as shown on the site map; and a  
97 deferred second lot that was in Current Use, formerly the Adams Berry Farm, that could  
98 have a building on it.

99

100 PUBLIC COMMENTS

101 Mr. Nichols asked if there was a residential right-of-way access to the back lot. Mr.  
102 Congdon replied that the original agreement with Clark was still in place. Clark uses the  
103 existing agricultural access to the hay field, said Mr. Congdon.

104

105 Mr. Congdon reviewed site plan notes:

- 106 • Note 4 - a 50' right-of-way on Spear Street, and
- 107 • Note 5 – a 50' right-of-way and utility easement off of Bingham Brook Road.

108

109 Ms. McCrumb noted that a 113 acre area abutted David Nichols' property. Staff would  
110 confirm if the Spear Street access was an agricultural access, and research if the noted  
111 High Public Value area was forested, said Ms. McCrumb.

112

113 Mr. Pughe asked if the proposed 50' utility easement was on the proposed 15.5 acre area.  
114 Ms. McCrumb said that was an agricultural access for Clark Hinsdale. Staff would  
115 confirm that access use. The Planning Commission could restrict the use to agricultural  
116 only and not for residential use, suggested Ms. McCrumb.

117

118 **MOTION by Mr. Joslin, seconded by Ms. Stearns, to classify PC-15-21, Sketch Plan**  
119 **Review for Clark Hinsdale III/Johns Congdon II, 640 Bingham Brook Road/3700**  
120 **block of Spear Street (M10B011.01-C and M06B01L27-1), as a Minor Subdivision**  
121 **Amendment.**

122 **DISCUSSION:**

123 **Mr. Nichols said that there were two different land owners: the wooded lot and**  
124 **Johns Congdon's lot, and asked for clarification of a minor subdivision amendment**  
125 **related to a boundary adjustment. Ms. McCrumb explained that the Adams Berry**  
126 **Farm was Lot 1, and Clark Hinsdale had Lot 2. The properties were created from a**  
127 **previous subdivision and the application involves that lot, said Ms. McCrumb.**

128 **VOTE: 6 ayes; motion carried.**

129

130 **PC-15-22 FINAL PLAN HEARING FOR ANDREA GRAYSON/MARK A**  
131 **KEPPEL FOR A MINOR SUBDIVISION AMENDMENT AT 322/327 Oak Hill**  
132 **Road (M10B02L21-1)**

133 Andrea Grayson, owner, appeared on behalf of the application.

134

135 STAFF NOTES

136 Mr. McDonald reviewed staff notes.

137

138 APPLICANT COMMENTS

139 Ms. Grayson explained that she has had discussions regarding the property division with  
140 Mr. Keppel. Options included the following:

- 141 • A 24 acre lot with the existing house and a 10± acre lot with the existing cabin;
- 142 • A 5± acre lot with the existing house and a 29 acre lot with the cabin. The 29  
143 acres were in Current Use and conserved.
- 144 • Divide the two lots with a boundary line so that both lots would have deeded  
145 access to Lewis Creek.

146

147 Ms. Grayson said that it was just a boundary adjustment, everything already existed and it  
148 was a Sketch Plan review. She was uncertain of the option at this point. She would  
149 submit a final application, said Ms. Grayson.

150

#### 151 PLANNING COMMISSION QUESTIONS/COMMENTS

152 Mr. McDonald said that questions listed in Staff Notes included identifying building  
153 envelopes, and if each structure had existing septic and water.

154

155 Ms. McCrumb said that the Agency of Natural Resources (ANR) had a list of  
156 requirements regarding wastewater systems. Ms. Grayson stated that she had an approved  
157 permitted septic for the cabin lot. Both lots existed; it was just a change of the boundary  
158 line, reiterated Ms. Grayson.

159

160 Ms. Illick noted that the ANR has a wastewater exemption form. Ms. McCrumb would  
161 provide a copy of the ANR requirements to Ms. Grayson.

162

163 Mr. McDonald reviewed that the Planning Commission would send a sketch plan letter to  
164 the applicant.

165

166 Ms. Grayson suggested a one-half acre building envelope for the cabin. It was already  
167 cleared, said Ms. Grayson.

168

169 Ms. McCrumb noted that if a 29 acre lot was selected then two acres would need to be  
170 removed from the Current Use parcel for the cabin homestead.

171

172 Ms. Grayson asked for a continuance.

173

174 Mr. McDonald summarized the following points:

- 175 • Identify a building envelope around the cabin of one-half acre;
- 176 • Exempt two acres from Current Use;
- 177 • Identify a parking area and any other outbuildings/structures on the site plan.

178

179 **MOTION by Ms. Illick, seconded by Ms. Stearns, to continue PC-15-22, Final Plan**  
180 **Hearing for Andrea Grayson/Mark A Keppel for a Minor Subdivision Amendment**  
181 **at 322/327 Oak Hill Road (M10B02L21-1) to December 3, 2015.**

182 **VOTE: 6 ayes; motion carried.**

183

184 **PC-15-23 SKETCH PLAN REVIEW FOR TOM AND ELIZABETH SCATCHARD**  
185 **FOR A MINOR SUBDIVISION AMENDMENT AT 697 AND 707 DORSET**  
186 **STREET (M03B02L07.0)**

187 Tom Scatchard, owner, appeared on behalf of the application.

188 **STAFF NOTES**

189 Mr. McDonald reviewed staff notes, and reported that a site visit was conducted on  
190 Saturday, October 31, 2015.

191

192 **APPLICANT COMMENTS**

193 Mr. Scatchard briefly reviewed a history of the property. He had purchased two 10 acre  
194 'spaghetti' lots in 1975, known as 697 Dorset Street, and built a house. The lots were  
195 merged into one 20 acre parcel. He purchased a 15.6 acre lot next door and built another  
196 house five years ago, known as 707 Dorset Street. He lives in the 707 Dorset Street house  
197 and his son had lived at the 697 Dorset Street house for a while. He had considered five  
198 options as follows:

- 199
- 200 • Sell the 697 Dorset Street house with 5 acres ('donut hole') to include the existing  
201 septic;
  - 202 • Sell the 697 Dorset Street house with more land going to the original boundary  
203 line;
  - 204 • Create a 3-lot PRD;
  - 205 • Create a 5 acre lot with a shared driveway using the existing driveway that  
206 branched off to the 697 house,
  - 207 • Create a right-of-way for his use to a wood lot in the back of the property.

208 Mr. Scatchard pointed to an existing septic that serviced the 707 Dorset Street house on  
209 the site map and explained that he could create a boundary line between the two houses  
210 that either zigzagged around the septic, or left the septic on the 697 Dorset Street lot and  
211 create a septic easement. The current driveway went to the 707 Dorset Street house and  
212 then to the other house.

213

214 **PLANNING COMMISSION QUESTIONS/COMMENTS**

215 There was discussion regarding the 707 Dorset Street house septic related to options for  
216 locating a new boundary line; and 'zoning' language for the lots as per Alma St George  
217 that pre-dated current zoning bylaws.

218

219 Mr. McDonald suggested maintaining straight boundary lines with a septic easement to  
220 stay with the 707 Dorset Street house lot. Currently there were 20 acres with the 697  
221 Dorset Street house and 15.7 acres with the 707 Dorset Street house, reviewed Mr.  
222 McDonald.

223

224 Mr. Scatchard said that he would consult with an attorney regarding subdividing the 20  
225 acre lot and if it was possible to create a 5 acre lot. Ms. St George's daughter, Lucia  
226 Plante, still resided in Charlotte and she may be able to consent to the change, said Mr.  
227 Scatchard.

228

229 Ms. Illick asked if the property was in Current use. Mr. Scatchard replied no. If 5 acres  
230 were divided off then that would leave 30 acres that could be put in Current Use. Zoning  
231 regulations have changed over time. His preference was alternative 2, said Mr. Scatchard.  
232

233 Ms. Stearns asked if the three existing outbuildings met the setback requirements. Mr.  
234 Scatchard said that the houses met the setback requirements. The three outbuildings were  
235 in poor shape and may come down, said Mr. Scatchard.  
236

237 Ms. Illick said that the riparian areas should have a buffer protection.  
238

239 Ms. McCrumb said that a summarized letter would be sent to the applicant.  
240

241 Mr. McDonald suggested that the applicant consider a PRD of less than 5 acre lots with  
242 density still going with the lots.  
243

244 **MOTION by Ms. Stearns, seconded by Mr. Bouchard, to classify PC-15-23, Sketch**  
245 **Plan Review for Tom and Elizabeth Scatchard, at 697 and 707 Dorset Street**  
246 **(M03B02L07.0), as a Minor Subdivision Amendment**

247 **VOTE: 6 ayes; motion carried.**  
248

#### 249 **OTHER BUSINESS**

##### 250 **Upcoming Agenda:**

251 Meeting Schedule – Planning Commission members, Mr. McDonald and Mr. Joslin to  
252 present a draft budget at the Selectboard meeting, Tuesday, November 17, 2015, at 7:45  
253 p.m.  
254

255 Ms McCrumb reported that Paul Landler had resigned from the commission. Ms. Stearns  
256 would be resigning effective at the end of November, said Ms. McCrumb.  
257

258 Mr. Joslin asked staff to present data related to water management and impacts to  
259 Charlotte's roads and Town rights-of-way.  
260

#### 261 **ADJOURNMENT**

262 The meeting was adjourned at 8:30 p.m.  
263

264 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.  
265