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**TOWN OF CHARLOTTE
PLANNING COMMISSION
NOVEMBER 6, 2014**

APPROVED

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, Linda Radimer, Donna Stearns, Marty Illick.

ADMINISTRATION: Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Carrie Spear, David Marshall, Lee Ann Cox, Enrique Corredera, Sarah Thompson, Zeb Martin, Trina Bianchi, Eunice Froellger, Robert Silverstein, Ben Avery, Sue Moraska, Bob Hyams, Larry Hamilton, Linda Hamilton, Fritz Tegatz, Peter Trono, Jason Bushey, Jensa Bushey, David Quickel, John Quincy, Alex Wolff, Gary Landrigan, Janet Landrigan, Kris Larson, Tom Larson, Sara Shays, Sarah Larson, Kristopher Larson, Collin Branley, and others.

AGENDA ITEMS:

7:15 PM Continuation of PC-14-19 BlackRock Construction: Preliminary Subdivision Application for a 9-Lot Planned Residential Development at 2369 Spear Street.

8:00 PM PC-14-12 Continuation of Final Review for a Boundary Adjustment between Ranger, Karen, Carter Curran & Collin Branley at 1735 Lake Road and Thomas & Kristine Larson at 1007 Lake Road.

8:20 PM PC-14-22 Jason & Jensa Bushey: Final Minor Subdivision Review for a 2-Lot Planned Residential Development at 648 Bingham Brook 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 following additions:

- Budget discussion.
- Thibault Mylar - sign

Consent Agenda:

- PC-14-13 Continuation of Hearing for Nordic Holsteins/Hinsdale Testamentary Trust Final Subdivision/Boundary Adjustment for properties located at 1824 Hinesburg Road and portion of adjacent Bean Farm (south side of Hinesburg Rd). Applicant has requested another continuance to the first meeting in February, 2015.

MOTION by Mr. Landler, seconded by Ms. Illick, to approve a request for a continuation of a Hearing for Nordic Holsteins/Hinsdale Testamentary Trust Final Subdivision/Boundary Adjustment for properties located at 1824 Hinesburg Road

47 **and a portion of the adjacent Bean Farm (south side of Hinesburg Road) to the first**
48 **Planning Commission meeting in February, 2015.**

49 **VOTE: 7 ayes, 0 nays; motion carried.**

50

51 Mr. McDonald asked if there was a schedule for Town Plan discussions. Ms. McCrumb
52 replied that there were two meetings scheduled in December, 2014.

53

54 In response to a question regarding a Planning Commission budget process, Ms.
55 McCrumb said that a handout outlining the process and previous budgets for comparison
56 purposes was given to commission members for review. A FY14-15 budget could be
57 built based on the Planning Commission needs and the Town Plan process. The Planning
58 Commission was scheduled to present a preliminary budget to the Selectboard on
59 Thursday, November 13, 2014, said Ms. McCrumb.

60

61 Mr. McDonald, Chair, signed the Thibault Mylar on behalf of the Town of Charlotte.

62

63 **PUBLIC COMMENT**

64 None.

65

66 **MINTUES: October 16, 2014**

67 **MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the Planning**
68 **Commission minutes of October 16, 2014 as written, with the following edits:**

- 69 • **Page 1, 2nd paragraph from the bottom, 2nd sentence – change to read**
70 **“Encroachment into a significant habitat area was...”.**

71 **VOTE: 7 ayes, 0 nays; motion carried.**

72

73 **CONTINUATION OF PC-14-19 BLACKROCK CONSTRUCTION:** 74 **PRELIMINARY SUBDIVISION APPLICATION FOR A 9-LOT PLANNED** 75 **RESIDENTIAL DEVELOPMENT AT 2369 SPEAR STREET.**

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

77

78 **STAFF NOTES**

79 Mr. McDonald reviewed staff notes.

80

81 **APPLICANT COMMENTS**

82 Mr. Marshall reviewed details of proposed stormwater and road infrastructure plans and
83 issues utilizing Sheet 4.0, Sheet 4.1 and C-2 as follows:

- 84 • Topographical features on the north side of the property that included steep slopes
85 on the east side of Spear Street, agricultural fields, mapped wetlands, Angus
86 Brook, forested areas and steeper slopes going further eastward. Map contours
87 equaled a 2' change in elevation,
- 88 • The applicant would use the existing Thompson's driveway to enter the property.
89 'Corner' distances related to sight distances required a 550' sight line based on a
90 50 mph speed. Spear Street was posted at 45 mph. There were crest curve
91 limitations of 770' sight lines to the north and 565' to the south, except for an
92 obstructing tree. The 'stopping' sight distances exceeded those distances.

- 93 • A paved apron was proposed onto Spear Street.
- 94 • Thompson's driveway has an 11 degree slope and the re-design seeks to flatten
- 95 the entrance approach, which would require grading and fill. Thompson's
- 96 driveway would need to be raised as well.
- 97 • Going easterly, a curve would be introduced in the roadway northerly with
- 98 screening to minimize headlight impacts to the Thompson house. At Angus Brook
- 99 A retention pond would pick up and control water flow rates of discharge water.
- 100 • Crossing Angus Brook would be subject to state permits including a Stream
- 101 Alteration permit. A culvert 10' by 7' high would be large enough to minimize
- 102 'backwater' effects. The bottom 2' of the culvert would be buried and natural soil
- 103 in the bottom of the culvert would assist water movement.
- 104 • A 4' culvert located at the Tenney store area and a 5' culvert crossing under
- 105 Hinesburg Road were located south of the subject property.
- 106 • Crossing a wetland required a state Wetland permit. Alan Quackenbush, state
- 107 agent, had suggested that a roadway should follow a natural high point through
- 108 the wetlands.
- 109 • Going easterly into the woodlands the driveway would loop around a deep
- 110 fire/stormwater retention pond. The driveway would serve a dual purpose as a
- 111 road and a built up 'dam' for the pond.

112

113 PLANNING COMMISSION QUESTIONS/COMMENTS

114 Mr. McDonald noted that the property was in a flood plain and a wetland. Now there was
115 a proposal to create a dam and funneling water. The water flow would be at a higher
116 velocity. Did that conversation come up, asked Mr. McDonald. Mr. Marshal said that
117 there were added features, such as culverts, to relieve 'backwater' impacts to keep the
118 water on the property and off neighboring properties. Water velocities have to the same
119 pre and post development. The design flow rate was at 6' per second for a 50 year event,
120 explained Mr. Marshall.

121

122 Ms. Radimer said that Hurricane Irene showed that there could be significantly higher
123 rates of flow. Why not think in terms of 100, or 200 year events, asked Ms. Radimer. Mr.
124 Marshal replied that a 50 year event met state level expectations. Planning for a 50 year
125 event provided a high level of confidence on the roadway design. If the vertical profile of
126 the road was looked at you would see that the road bed went down hill then flattened and
127 went up again, which was an opportunity for water flow to go over the roadway. The
128 design instituted several 'relief' valves to maintain the integrity of the culvert, said Mr.
129 Marshall.

130

131 Ms. Illick asked if a state Stormwater permit was needed. Mr. Marshall explained that a
132 state stormwater permit review would oversee the project pre and post development. The
133 applicant would be required to follow those requirements, reiterated Mr. Marshall.

134

135 Mr. Marshall reviewed Sheet 4.1 related to the next one-third of the property going from
136 the agricultural field to the forested edge that included slopes of greater than 25 percent.
137 The proposed roadway alignment would go between two 25 percent slope areas, which
138 would require fill and cut to a plateau. The roadway serviced a majority of the proposed

139 home sites at the plateau. A hammerhead turnaround was designed at a flatter area near
140 the home sites and at a shared driveway to two homes set away from the other homes.
141 Soils on the west side of the ridge were permeable for 2' down and the slope would pull
142 water flow down hill, said Mr. Marshall.

143
144 Mr. Marshall explained a proposed community waste water system for 9 homes that
145 included individual pump stations at each home, and individual force main lines that went
146 to a low level main pump station. Waste would go to a waste water disposal site. A waste
147 water management permit was required, said Mr. Marshall.

148
149 Mr. Marshall said that the roadway would go over a 15" culvert in a Valley View
150 neighborhood stream. Mr. McDonald suggested increasing the culvert to 18" minimum,
151 which the Road Commissioner usually advised. Was the hammerhead gravel, and was it
152 for fire equipment use, asked Mr. McDonald. Mr. Marshall replied yes. More detail
153 would be added for the hammerhead on the site map, said Mr. Marshall.

154
155 Mr. McDonald asked for clarification regarding the side slopes of the proposed
156 fire/retention pond, and if guard rails would be needed for the roadway. Mr. Marshall
157 said that guard rails could be added as a safety feature. The pond side slopes were 2:1,
158 clarified Mr. Marshall.

159
160 Mr. McDonald said the proposals would change the contours of water flow and he
161 thought the flow would go to the north and onto a neighboring property. Mr. Marshall
162 explained pre and post development runoff would be the same for a 'drop of water' flow
163 running downhill. The roadway would be super elevated and reducing the amount of
164 water flow and pushing it to the retention pond, reiterated Mr. Marshall.

165
166 Mr. McDonald asked if a stream alteration permit would be required at the upper brook
167 crossing. Mr. Marshall explained events that triggered a stream alteration permit review.
168 The brook flow did not trigger that review, said Mr. Marshall.

169
170 Mr. Joslin asked if water flowing from Lots 3, 4, 5, 6 and 7 would direct water down to
171 the fire pond. Was the pond built for a 50 year event, asked Mr. Joslin. Mr. Marshall
172 replied it was designed to manage flows using a 50 year event, although standard was for
173 a 10 year design flow. The design of the development was to intercept water flow to
174 swales and to the pond. There were methods for mitigating drips of water, or low design
175 flows, coming from the homes, for example water off roofs, via using best management
176 practices to get drops of water to filter into the soil, said Mr. Marshall.

177
178 Mr. Joslin said that the north bend in the road, north of the fire pond, looked to be pitched
179 to the south and looked like a dam. Mr. Marshall said that fill would be used to create a
180 berm. The roadway along the top of the berm was a component of the design, said Mr.
181 Marshall.

182

183 Mr. Joslin asked where the outflow from the pond was. Mr. Marshall explained that the
184 pond had an outlet structure at the end of the pond that went along the roadway and
185 flowed to the south side of the big culvert.

186

187 Ms. Radimer asked how high the dam was on the south side looking from north to south.
188 Mr. Marshall relied about a 4' elevation change from the road way to a safety bench.
189 There would be a second aquifer bench composed of 6"-12" of soil where plants would
190 be established. There was a 12'-14' change with fill there at the roadway side to the
191 safety bench and into the pond itself, said Mr. Marshall.

192

193 Mr. Bouchard asked if the house site closest to the road had its own septic system. Mr.
194 Marshall reiterated that an individual pump station went to a force main along the road to
195 a main pump station. The force main would be 4'6" underground as per regulations.
196 There were no septic soils in that area, said Mr. Marshall.

197

198 Mr. Landler expressed concern regarding a proposed 9-home design. The property
199 doesn't carry nine homes. The regulations spell out that there shouldn't be more homes
200 than a basic 5 acre development would allow. A PRD was needed to put in 9 homes, said
201 Mr. Landler. Mr. Marshall said that 9 homes on 5 acre lots could be build in a straight
202 subdivision. The design would show that a 9-home PRD was possible, said Mr. Marshall.
203 Mr. Landler said he would like to see 9 lots without a PRD. Mr. Marshall said that he
204 would e-mail a design to Jeannine McCrumb.

205

206 Mr. Joslin asked how much greater the water flow rate would be from those homes in the
207 spring. Mr. Marshall explained amounts of contributory water flows. There were water
208 flows draining down from the east side of the Angus Brook and more acres on the west
209 side all draining to a big culvert. The home sites don't have sandy soils. If soils were
210 represented as "C" soils equal to suitable for septic, "D" soils as clay soils, and "E" soils
211 as impervious soils, then this property was "D" and "E". When contours were changed
212 and trees removed you would control runoff with containing moving water to a pond. The
213 post development run off rate should be the same as pre development, reiterated Mr.
214 Marshall.

215

216 Ms. Illick reviewed that the Town's wildlife consultant spoke to the general development
217 layout as 'not in keeping' with the habitat assessment. This plan does not protect areas of
218 high public value. She was not in support of the general layout, stated Ms. Illick.

219

220 Mr. Marshall explained that the development process looked at 10 high public values and
221 applied those values in an overlay mapping process. The applicant was hearing public
222 comments that homes shouldn't be as presented and should be further west, said Mr.
223 Marshall. Ms. Illick stated that homes near or in the steep slopes/core habitat would have
224 a substantial encroachment to high public values.

225

226 Mr. Marshall said that they were hearing that homes were not ideal in the woods. We
227 have also heard suggestions for using the field for homes. A question was, was that the

228 way to go. We have heard Donna Stearns say we should preserve the agricultural values,
229 pointed out Mr. Marshall.

230

231 Ms. Illick said that density was not in character for the neighborhood. The property could
232 be suitable for a conservation fund project, suggested Ms. Illick.

233

234 Ms. Radimer asked for clarification regarding Sheet 4.1 that proposed a home south of
235 the fire pond. The slopes above that were steep and it was expensive to build a fire pond.
236 Was it possible to stop the development at that driveway and maneuver more houses
237 closer to the west below that one house. She supported a suggestion by Ms. Illick to put
238 some homes in the lower area, said Ms. Radimer.

239

240 Mr. Avery, Black Rock representative, said that we're hearing from the Planning
241 Commission and community that less than 9 homes and more that one house could be a
242 compromise. He would look for clear direction from the Planning Commission and input
243 from the community. He would like to discuss possibilities outside of a Planning
244 Commission meeting, suggested Mr. Avery.

245

246 Mr. Landler asked the applicant to present a reasonable non-PRD plan that showed how
247 many houses could go on the parcel and a PRD plan for comparison.

248

249 Ms. McCrumb pulled up a revised layout on the Town computer system for review. Mr.
250 Marshall said that the roadway design stayed the same, and identified lots with minimum
251 road frontage that represented 5 acre lots. There could be 9 units with open space to the
252 far east end if development was done as a straight subdivision. High public value areas
253 had to be taken into account as shown in map overlays of the property. This property
254 encompassed all those high value areas. Areas of least resistance on paper were sited as
255 shown. Straight subdivision rules applied, and the viability of that approach could be
256 explored. Mr. Avery has pointed out that this was a good time to look at a better way to
257 do this, noted Mr. Marshall.

258

259 Mr. McDonald suggested that the application could return to Sketch Plan review, which
260 was a brain storming review. A collaboration was possible, said Mr. McDonald. Mr.
261 Marshall replied that the applicant had reacted to the commission's Sketch Plan letter
262 with a design. They would like to continue with a Preliminary Plat level versus Sketch
263 Plan, said Mr. Marshall.

264

265 Mr. Joslin said that regarding Sketch Plan; some people come in with a 'napkin' sketch.
266 You came in with a well developed plan and at that point the Planning Commission
267 reacted to that well developed plan. We understand the applicant invested time and
268 money, said Mr. Joslin. Mr. Avery replied that he didn't have an interest in negotiating
269 against himself. This was not an in-expensive parcel. He has had talks with the
270 Conservation Commission regarding a balance of what was do-able for the Conservation
271 Commission and for us. His was a business and he had to have something that worked.
272 He could consider a smaller number of homes and with the Conservation Commission
273 and Planning Commission. He needed to know what that number of homes was and style

274 of home. There were differences between expensive executive style homes versus cottage
275 styles. Comments from the Planning Commission would help. His mission at this meeting
276 tonight was to say he was open to compromise and needed direction, said Mr. Avery.
277

278 PUBLIC COMMENTS

279 Mr. Corredera, Spear Street resident, said that community inputs key guiding principals
280 involved a scale of development and character to convey development that exists from
281 2471 Spear Street and northward related to the character of driveways and homes. This
282 project was out of scale and character. A culvert the size proposed, a roadway over
283 wetlands and homes in the woods was difficult to envision without a visual
284 representation. A smaller number of homes built along Spear Street wouldn't necessitate
285 a roadway as proposed. That would leave the rest of the parcel in its present form, said
286 Mr. Corredera. Mr. Avery replied that the visual impact of the project as you drove down
287 Spear Street was minimal. Homes in the field would be a visual impact, stated Mr. Avery.
288

289 Mr. Corredera reiterated that he was talking about development in straight line along
290 Spear Street near the street.
291

292 Ms. Spear asked if the project would be like Williams Woods behind the school. She
293 didn't see those homes at all. She would be able to see the proposed homes from the store
294 in the winter, said Ms. Spear. Mr. Avery replied that Ms. Spear wouldn't see the homes
295 from the store. Mr. McDonald clarified that the Williams Woods development project
296 had reduced the number of lots and homes and locations to reduce impacts from sight
297 views.
298

299 Ms. Shays, abutting neighbor, said she disagreed that houses and the roadway were not
300 an impact coming down Spear Street. A turn in a road 14' higher than the landscape and
301 with shiny guard rails would be very visible. In order to build the houses the trees would
302 have to be striped out. That would bald the ridge. This development doesn't conform eith
303 existing development patterns from Carpenter Road all the way down Spear Street.
304 Keeping homes closer to Spear Street was better, stated Ms. Shays.
305

306 Ms. Thompson thanked the PC and Mr. Avery for listening and changing the design. She
307 could see her riding ring from Spear's Store. The proposal would cut up open field vistas
308 with a road and culvert. Keeping 3-4 homes along Spear Street follows development
309 practices along the street.
310

311 Mr. Tegatz, 1,000 Guinea Road resident, asked if the geology of the soils and
312 topography would add to the water flows. Mr. Marshall reiterated that a state
313 Construction Stormwater Runoff permit was needed to design and implement mitigation.
314 The soils were loose on the top, hard pan below the soils, and ledge below that. The
315 fill/slope creation would be appropriate for post construction flows, said Mr. Marshall.
316

317 Ms. Bianchi thanked the Planning Commission for hearing the community. A four-home
318 clustered development across from Valley View Drive was built close to Hinesburg
319 Road. That could be done for the BlackRock development to keep wetlands and wildlife

320 habitat intact, suggested Ms. Bianchi. Mr. Avery said he would be eager to work with the
321 Conservation Commission, or Land Trust to make it happen.

322

323 Mr. Bouchard asked if there was septic capacity on the west side of the brook. Mr.
324 Marshall replied no. Septic would need to go on the east side where there were
325 appropriate soils, said Mr. Marshall.

326

327 Mr. Bouchard asked if Lot 2 had suitable septic soils. Mr. Marshall explained that the
328 depth of the ground water was too high. He looked for septic soils at the lower foot hill
329 and didn't find any. The soils met the state standards higher up on the hill, said Mr.
330 Marshall.

331

332 Mr. Bouchard asked if the project would still have to use that upper area. Mr. Marshall
333 replied yes. Directional bore technology has improved in the past 20 years. Force main
334 lines would have to go up to the identified septic area. A 20'-30' wide corridor would be
335 required and that corridor would have to be chosen carefully. Temporary wood 'floating'
336 mats would be used to cross wetlands to get equipment and materials where needed, said
337 Mr. Marshall.

338

339 Mr. Hyams, Charlotte Conservation Commission, said that the commission had concerns
340 regarding proposed stormwater management and would reserve those comments for later.
341 It sounds like the applicant might come back with a different design, explained Mr.
342 Hyams.

343

344 Ms. Hamilton, resident, spoke in support of returning to Sketch Plan review and
345 brainstorm a new design. She recommended talking to abutting neighbors regarding
346 possible septic easements off site, said Ms. Hamilton.

347

348 Mr. Quincy, abutting neighbor, said the wetlands and undisturbed forest area provided a
349 natural water management system and doesn't cost anything.

350

351 Mr. McDonald said that the Planning Commission would draft comments and direction
352 for the applicant to consider.

353

354 **MOTION by Mr. Joslin, seconded by Ms. Radimer, to continue the hearing for PC-**
355 **14-19, BlackRock Construction, for a Preliminary Subdivision application, for a 9-**
356 **lot Planned Residential Development at 2369 Spear Street to Thursday, December 4,**
357 **2014.**

358 **VOTE 7 ayes, 0 nays; motion carried.**

359

360 **PC-14-12 CONTINUATION OF FINAL REVIEW FOR A BOUNDARY**
361 **ADJUSTMENT BETWEEN RANGER, KAREN, CARTER CURRAN & COLLIN**
362 **BRANLEY AT 1735 LAKE ROAD AND THOMAS & KRISTINE LARSON AT**
363 **1007 LAKE ROAD.**

364 Collin Branley, Tom and Kristine Larson, applicants, appeared on behalf of the
365 application.

366

367 STAFF NOTES

368 Mr. McDonald reviewed staff notes.

369

370 APPLICANT COMMENTS

371 Mr. Branley reviewed a site map that noted existing properties located off Lake Road and
372 a proposed right-of-way that would give the Larson's access to their wood lot.

373

374 Mr. Larson clarified that they would exchange 5 acres of their lot for 0.02 acres from Mr.
375 Branley for a permanent 60' right-of-way.

376

377 Ms. Larson said that the boundary adjustment was contingent upon a curb cut approval
378 for the right-of-way. Ms. McCrumb said that the applicant currently had a curb cut
379 application before the Selectboard.

380

381 PLANNING COMMISSION QUESTIONS/COMMENTS

382 Mr. Joslin asked if a Class 4 road existed off Holmes Road. Ms. McCrumb said that it
383 may have been thrown up and would need to be researched.

384

385 Ms. Illick asked for clarification regarding Mr. Larson's plans for the wood lot. A 50'
386 right-of-way would reduce impacts, suggested, Ms. Illick. Mr. Larson replied that the
387 land was in Current Use. He would consult with a forester regarding a forest management
388 plan. He needed a 60' wide right-of-way to take his tractor in to work in the woods. The
389 extra 10' would allow him to weave through the trees without cutting any down, said Mr.
390 Larson.

391

392 There was discussion regarding the location and flow of an existing stream related to a
393 possible realignment of the Branley/Larson boundary line. Ms. McCrumb said that there
394 should be discussion regarding the stream characteristics.

395

396 Ms. Illick reviewed that the Holmes stream went through agricultural fields and through
397 the Branley property. She would like to see an ortho-map overlaid on the site map versus
398 a paper drawn map, said Ms. Illick. Mr. Branley said he would like to keep a boundary
399 line as proposed on the site map and keep the stream on his property.

400

401 Mr. Landler asked if the application was for a boundary adjustment only. Ms. McCrumb
402 replied yes. The application would define the width of the property and that defined the
403 width of a right-of-way, said Ms. McCrumb.

404

405 Mr. Joslin asked if something would have to be built across the stream to gain access to
406 the woods. Was there more than just a curb cut needed, asked Mr. Joslin. Mr. McDonald
407 noted that the Larson parcel was in Current Use for agricultural and forest management.

408

409 Ms. Illick asked for clarification that the east boundary line be moved west of the Holmes
410 Brook tributary. Mr. Larson pointed out existing boundary lines on the site map, and said
411 that the proposal was to move it to the west side of the stream.

412

413 Mr. Branley stated that the property had been surveyed last year and he would prefer to
414 keep it as shown.

415

416 There was further discussion regarding the proposed line on the west side of the stream as
417 shown on an ortho-map. Mr. Larson said that the change would increase the Branley
418 property from 10 acres to 15 acres and change the current triangular shape to a more
419 rectangular shaped lot.

420

421 Ms. Larson asked Mr. Branley if he had any plans to subdivide the forested area. Mr.
422 Branley stated that the request for the 5 acres was to square up his lot and provide a
423 buffer. He was not looking to develop the property, said Mr. Branley.

424

425 Ms. McCrumb re-drew a possible boundary line in yellow using a computer generated
426 program on an aerial view of the subject properties for comparison purposes.

427

428 **MOTION by Mr. Joslin, seconded by Mr. Bouchard, to close the hearing for PC-14-**
429 **12, Final Review for a boundary adjustment between Ranger, Karen, Carter**
430 **Curran and Collin Branley, 1735 Lake Road, and Thomas and Kristine Larson,**
431 **1007 lake Road.**

432 **DISCUSSION:**

433 **Ms. Larson said that they signed an agreement with their neighbor that there would**
434 **be no development of the property. She was trusting her neighbor to stick to the**
435 **agreement, said Ms. Larson.**

436 **VOTE 7 ayes, 0 nays; motion carried.**

437

438 **PC-14-22 JASON & JENSA BUSHEY: FINAL MINOR SUBDIVISION REVIEW**
439 **FOR A 2-LOT PLANNED RESIDENTIAL DEVELOPMENT AT 648 BINGHAM**
440 **BROOK ROAD.**

441 Jason Bushey and Jensa Bushey, owners, appeared on behalf of the application.

442

443 **STAFF NOTES**

444 Mr. McDonald reviewed staff notes.

445

446 **APPLICANT COMMENTS**

447 Mr. Bushey reviewed a proposal to subdivide an existing 10 acre lot into two lots,
448 surveyed septic areas and a plan to protect a natural wooded area that would be 'sugared'
449 in the future.

450

451 Ms. McCrumb said that a written Open Space agreement was received 11/05/2014, for
452 the record.

453

454 Ms. Illick asked if the 5.18 acres noted on a site map was the open space. Mr. Bushey
455 explained that wording for the open space would go on the deed. The 5.18 acres of 7.68
456 acres would be preserved. A ledge area would be included in the protected area. A Plat

457 Map was drawn by Summit Engineering, Inc, and showed a building envelope, said Mr.
458 Bushey.

459

460 Ms. McCrumb said that there were different ways to show open space. Jason wants to
461 manage the woods as a wood lot and had composed language. The open space was shown
462 on the site map. Staff could draft a note that the 7.68 acres could not be split further,
463 suggested Ms. McCrumb. Mr. Bushey pointed out that the lot was not conducive to
464 further subdivisions.

465

466 Ms. Illick said that it should be documented that the parcel can't be subdivided
467 perpetually. Ms. McCrumb suggested a further discussion.

468

469 Mr. McDonald asked if a building envelope was designated for Lot 2. Mr. Bushey replied
470 yes, and pointed to a building envelope on the site map, his existing house, and open
471 space areas that totaled 5.18 acres including the ledge. He could write words to preserve
472 5.18 acres and not indicate a location on the site map, suggested Mr. Bushey.

473

474 Mr. Joslin expressed concern regarding the building envelope size. Mr. Bushey said it
475 was one-half an acre in size.

476

477 Mr. McDonald suggested that the Planning Commission could clearly define the open
478 space in the approval for the record.

479

480 PUBLIC COMMENT

481 Mr. Trono, abutting neighbor, spoke in support of the proposal. Mr. Bushey has a
482 building envelope for the existing house, and was proposing a second building envelope,
483 pointed out Mr. Trono. Mr. Bushey said that he was not intending to change the building
484 envelope. His intention was to preserve 5.18 acres, said Mr. Bushey. Ms. McCrumb
485 suggested showing the open space as cross-hatching lines on the site map.

486

487 Mr. McDonald suggested closing the hearing, and for Mr. Bushey and Ms. McCrumb to
488 define open space.

489

490 Ms. Illick suggested deleting the sentence "...no permanent foundations for buildings
491 will be permitted" from the proposed open space agreement.

492

493 Mr. McDonald said that the subdivided lot building envelope needed dimensions noted
494 on the site map. Mr. Bushey said that there were two corner dimensions noted. There was
495 about one-half an acre. He clipped a corner due to a wet area, said Mr. Bushey.

496

497 Mr. McDonald asked staff to note the building envelop dimensions on the Final Plat.

498

499 **MOTION by Ms. Radimer, seconded by Mr. Bouchard, to close the hearing for PC-**
500 **14-22, Jason and Jensa Bushey, Final Minor subdivision review for a 2-lot Planned**
501 **Residential Development at 648 Bingham Brook Road.**

502 **VOTE: 7 ayes, 0 nays; motion carried.**

503

504 **DELIBERATIVE SESSION**

505 **Motion by Mr. Joslin, seconded by Ms. Radimer, to enter Deliberative Session.**

506 **VOTE: 7 ayes, 0 nays; motion carried.**

507

508 The Planning Commission entered Deliberative Session at 9:30 p.m.

509 **Motion by Ms. Illick, second by Ms. Radimer, to come out of Deliberative Session.**

510 **VOTE 7 ayes, 0 nays; motion carried.**

511

512 The Planning Commission came out of Deliberative Session at 10:20 p.m.

513

514 **ADJOURNMENT**

515 **MOTION by Mr. Bouchard, seconded by Ms. Stearns, to adjourn the meeting.**

516 **VOTE 7 ayes, 0 nays; motion carried.**

517 The meeting was adjourned at 10:21 p.m.

518

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

520