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**TOWN OF CHARLOTTE
PLANNING COMMISSION
SEPTEMBER 1, 2016**

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; Peter Joslin, David Kenyon, Gerald Bouchard, Charles Pughe, Puspa Luitel. **ABSENT:** Marty Illick.

ADMINISTRATION: Daryl Benoit, Town Planner.

OTHERS: Clark Hinsdale III, Suzanne Hinsdale, Tim Hunt, Michael Bedell, Eliza Bedell, Peter Demick, Jeff Broge, Patrice DeMarco.

6:00 PM SITE VISIT: PC-16-116-SK, Clark Hinsdale III, 301 East Thompson's Point Road.

AGENDA ITEMS:

- PC-16-116-SK- Subdivision Modification and Amendment of the Estate of Marietta J. Palmer Subdivision and George and Merry Lynn Reynolds Subdivision Application PC-05-37
- Deliberations

CALL TO ORDER

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

APPROVAL OF REGULAR AGENDA/CONSENT AGENDA

Regular agenda approved as presented.

Consent Agenda: none.

PUBLIC COMMENT

None.

MINUTES: August 4, 2016

MOTION by Mr. Kenyon, seconded by Mr. Pughe, to approve the Charlotte Planning Commission minutes of 08/04/016 as written, with edits:

- Page 1, line 24 - replace the word "will" with "with"; line 50 – after the word "culvert" add "(ravine)"; line 59 – correct the spelling of "publicly".

VOTE: 4 ayes, 2 abstentions (Mr. Kenyon, Mr. Bouchard), 1 absent (Ms. Illick); motion carried.

PC-16-116-SK: 301 EAST THOMPSON'S POINT ROAD: REVIEW OF A SKETCH PLAN FOR THE APPROVAL OF A BUILDING ENVELOPE ON A NON-CONSERVED PORTION OF THE PROPERTY. THE PROPERTY IS LOCATED IN THE RURAL DISTRICT.

Clark Hinsdale III, owner, appeared on behalf of the application.

48

49 STAFF NOTES

50 Mr. McDonald reviewed staff notes, and explained the Sketch Plan process.

51

52 APPLICANT'S COMMENTS

53 Mr. Hinsdale explained a complex history of the former Palmer property that involved an
54 approved 7-lot subdivision where none of the lots were sold, an original subdivision done
55 by the estate of Marietta J. Palmer; the PC-04-20 application for a 5-lot subdivision, the
56 PC-05-37 application for a modification to move a septic and boundary line; a proposal
57 by Jonathan Couture to put in more houses from Palmer Lane up to Vineyard View Drive
58 that was never done; and a 2014 Sketch Plan letter created by Jeannine McCrumb, the
59 former Charlotte Town Planner/Zoning Administrator.

60

61 Mr. Hinsdale said that he had purchased 6 lots in the commercial area, a corner lot, and a
62 lot across the road. There is a density chart for the 2004 subdivision and a footnote in the
63 2014 Sketch Plan letter related to the PC-05-37 permit regarding remaining density. In
64 the 2004 application the Planning Commission stated that a portion of land west of
65 Palmer Lane shouldn't be developed. There wasn't ever an Open Space Agreement, but
66 (Mr. Hinsdale) gave the conservation rights to the Vermont Land Trust. He retained four
67 "development rights", said Mr. Hinsdale.

68

69 Mr. Hinsdale pointed out a septic easement on the Palmer Lane property, and three
70 potential areas for a home site where there were no easement impacts on a building
71 envelope. There is nothing in the permit history to prohibit further subdivision. The best
72 single use of the property is as a single farm unit that includes a farm stand envelope and
73 a home site further in the back away from the farm stand use, said Mr. Hinsdale.

74

75 Mr. Hinsdale stated that he was proposing to waive any rights to further subdivide the
76 property and a follow up with an application to transfer out any other development rights.

77

78 PLANNING COMMISSION QUESTIONS/COMMENTS

79 Mr. McDonald asked for clarification regarding a farm house that Mr. Hinsdale would
80 utilize transferred density. Mr. Hinsdale replied it is the old Aube farm house on Route 7.
81 It was approved for a tri-plex apartment building in the 1980's. A letter from the Planning
82 Commission made them tear out one apartment. The regulations are more favorable to an
83 adaptive reuse now. He would transfer development rights from the Palmer property.
84 There is a one-half acre building envelope. A four-plex could be built in the future, or the
85 esthetics of how to develop it, or not, could be addressed. For example, he could consider
86 area 1 and area 2 on the east side of the lot. There is a farm stand envelope with a good
87 well of 40 gpm. The best soils are on the upper half. He has re-topped the soil where
88 Danny Palmer took it off years ago. When Higbee Road was relocated the Charlotte Road
89 Commissioner, Hugh Lewis, Jr, spread the top soil from there on the field and turned it
90 into productive agricultural land, said Mr. Hinsdale.

91

92 PUBLIC COMMENTS

93 Mr. Demick, abutting neighbor, asked where Mr. Hinsdale could locate a single building.
94 Mr. Hinsdale explained that the parcel should be considered as one lot with a total of 58.9
95 acres. There is a residential building envelope on the total acreage, a farm stand building
96 envelope of 3 acres and 5 acres across the road, said Mr. Hinsdale.

97
98 Mr. Demick handed out copies of a summary of the 2005 Planning Commission Findings
99 of Fact history, and stated that there is a 'no-build zone' in the Boyle Plan and should
100 never be built on. The Planning Commission used the plan to show a no build zone and a
101 build zone, said Mr. Demick. Mr. Hinsdale clarified that the area under the dotted line
102 shouldn't be built on.

103
104 Mr. Demick handed out 3 colored photographs of the current view shed and conservation
105 easement from Mt Philo to Lake Champlain, and explained proposed subdivision where
106 the Planning Commission denied a housing site on Lot 2. The Planning Commission
107 made Mike and Eliza move their house site further south. The Planning Commission
108 wanted to leave the entire view corridor open. Lot 2 is a no build zone. His own land has
109 a no build zone as well, said Mr. Demick.

110
111 Mr. Demick reviewed the Palmer two lots the Planning Commission rejected 10 years
112 ago. The Planning Commission can't let Hinsdale build a house there now. The Planning
113 Commission moved Mike and Eliza's house out of the viewscape, reiterated Mr. Demick.

114
115 Ms. DeMarco, neighbor, said she understood there is a no build zone as per the footnotes.
116

117 Mr. Hinsdale said the ability to move development rights is a recent regulation change. In
118 the previous Town Plan two versions ago there were no options to transfer the
119 development rights onto a non-contiguous parcel. The Planning Commission should read
120 the records and site maps. There are gradations and symbols on the site map where the
121 land could never be developed. The Planning Commission made an observation it
122 "shouldn't be developed". He donated development rights to the VLT. Mr. Demick
123 should also donate his. There are differentiations of viewscales in the rural and suburban
124 areas. The Amish have smaller farms with a house "out by themselves" and barns visible
125 from the roadways. There is a relationship between farm buildings and the farm
126 landscape. This is what makes an agricultural landscape, said Mr. Hinsdale.

127
128 Mr. Hinsdale said he is proposing a farm stand on 40 acres along Route 7 with a 40 gpm
129 well. The Kenyon's farm is an exception since they farm a lot of acreage. The Town has
130 made an effort to retain its rural/agricultural landscape, and has conserved a large portion
131 of land. We are seeing more horse businesses, CSA's and smaller farms now. You can
132 farm intensively on 10 acres of land. He is proposing a single farm stand with a house on
133 the property that is owned, operated and farmed as a non-sub dividable farm unit,
134 explained Mr. Hinsdale.

135
136 Mr. McDonald summarized that Mr. Hinsdale is talking about the whole parcel. Mr.
137 Hinsdale confirmed that he is talking about the whole thing.
138

139 Mr. McDonald asked if there are 4 development rights. Mr. Hinsdale replied that in the
140 2014 Sketch Plan letter the parcel is 59 acres as per the notes. One development right has
141 been used, which is the Demick's house as per the 2005 application. There are 4 rights
142 left, said Mr. Hinsdale.

143

144 Mr. McDonald asked if Mr. Hinsdale is proposing to use one development right for a
145 house and a building envelope. You are saying "no further subdivision on this," asked
146 Mr. McDonald. Mr. Hinsdale replied that the Planning Commission can find that the
147 property is a single non sub-dividable lot, that there are three transferable rights
148 remaining. The Planning Commission can make the two pieces of land: one a Vermont
149 Land Trust land, and one a conservation easement that restricts all development,
150 suggested Mr. Hinsdale.

151

152 Mr. Demick said that the findings from the PC-04-20 application discourages building
153 envelopes and read into the Findings of Fact into the record. May 5th Mr. Hinsdale stated
154 he wanted to move the septic and boundary line – see Maps 12 and 13. The Planning
155 Commission can't say no and then 10-12 years later allow it. This is about a viewscape,
156 stated Mr. Demick.

157

158 Mr. Hinsdale said that the 2004 proposal was for a 10 acre and 7 acre lot with everything
159 but a 50' setback be subdivide-able land. West of Palmer Lane doesn't apply to the
160 proposal. What Peter talked about is across the road, said Mr. Hinsdale.

161

162 Ms. DeMarco pointed out that there is language in the maps and in the Town record.
163 Building envelopes proposed were considered and the Planning Commission made the
164 applicant move the houses further south. The rest of the acreage is a no build zone. The
165 Planning Commission's Decision has already been made. A question is why we are back
166 here again, asked Ms. DeMarco.

167

168 Mr. Hinsdale explained that Lot 2 created subdivision of 100 acres of land by the
169 Palmer's. That includes Pete's house with a barn on it. Lot 2 didn't include road frontage.
170 He purchased the road frontage separately. There were 3 Palmer family estates open at
171 the same time. A question is what the mother inherited. The 2004 process was settling
172 three estates. A density chart was created. That road was already a through road to a
173 development. Danny was approved for 9 lots and it was revised to 3 lots based on the
174 law, current regulations and authority the Planning Commission at that time. He
175 purchased the acreage in stages, reiterated Mr. Hinsdale.

176

177 Mr. Bedell, neighbor, said that in 2004 the Final Plat hear Findings of Fact is 11 pages,
178 and read #17 into the record. Town Map #13, designates "Thompson's Point Road as
179 most the scenic", said Mr. Bedell.

180

181 Mr. Hinsdale pointed out that Mike's house has a level treeless area that can be seen from
182 Route 7. He is proposing a 20 acre area with large trees screening a proposed building
183 site from Route 7. Farm houses are 'out by themselves', said Mr. Hinsdale, and suggested
184 that Daryl and the Planning Commission read the records and consider his point of view.

185

186 Mr. Joslin asked for clarification regarding the subdivision PC-05-37 related to the
187 location of Lot 2B. Mr. Hinsdale pointed out Lot 2B on the site map.

188

189 Mr. Joslin asked if there are two lots now and you are proposing to make it one lot. Mr.
190 Hinsdale replied yes. Mr. Benoit said according to the Town tax maps Mr. Hinsdale
191 receives one tax bill. Mr. Hinsdale said he gets one tax bill on it.

192

193 Mr. Demick expressed concern regarding the lot and boundary line. Can you put a water
194 line under a town road, asked Mr. Demick. Mr. McDonald replied yes, with Town
195 permission. Mr. Hinsdale said that Danny already did it. It is permit process with the
196 Selectboard, said Mr. Hinsdale.

197

198 Mr. McDonald summarized that the request is for a Subdivision Amendment. A question
199 is if it should be classified as a major, or minor subdivision. A major subdivision requires
200 two hearings, and a minor is one hearing. This may be a major classification since the
201 Palmer's subdivision involved 4 or 5 lots, said Mr. McDonald.. Mr. Hinsdale clarified
202 that he was not seeking to modify any lot lines.

203

204 Mr. Demick suggested that the application is a PRD. Mr. McDonald said that staff would
205 research and make sure the application is classified correctly.

206

207 Mr. Demick asked what happens to the people who wanted that lot 10 years ago and the
208 Planning Commission denied it. Can they come back now, asked Mr. Demick.

209

210 **MOTION by Mr. Joslin, seconded by Mr. Bouchard, to classify PC-16-116-SK, as a**
211 **Major Subdivision Modification, pending review by Town staff.**

212 **DISCUSSION:**

213 **Mr. Hinsdale pointed out that what is not known is the number of lots in the**
214 **subdivision, or how many are modified.**

215

216 **Mr. Joslin asked if staff finds it isn't a major subdivision, do we have to change it**
217 **and reopen the hearing. Mr. Benoit said that the application shouldn't have been**
218 **warned so soon. It should have been warned for October. We are closer to adopting**
219 **a new Town Plan, said Mr. Benoit.**

220

221 **Mr. McDonald said that applications are warned as a Sketch Plan in order to notify**
222 **abutting neighbors.**

223

224 **Mr. Hinsdale clarified when he first came in Daryl said to warn it for August. Then**
225 **the neighbors came in. He could have had a default 45 days to hear it, said Mr.**
226 **Hinsdale.**

227

228 **Mr. Benoit said he made a mistake; he should have allowed more time to research**
229 **the records.**

230

231 **AMENDMENT by Mr. McDonald, to classify the application as a Major**
232 **Subdivision, subject to staff review, and the Planning Commission would issue a**
233 **letter.**

234 **DISCUSSION:**

235 **Mr. Joslin explained the sketch plan review process.**

236 **VOTE: 6 ayes, 1 absent (Ms. Illick); motion as amended carried.**

237

238 **NEXT STEPS:**

- 239 • Review PC-04-20 and PC-05-37, which is available on the Town website
240 • Staff to review the filed Mylar for Lot 2B and report back to the Planning
241 Commission
242 • Consider continuing the hearing

243

244 **DELIBERATION**

245 The Planning Commission entered Deliberative Session at 8:15 p.m.

246

247 **ADJOURNMENT**

248 **MOTION was made and seconded to adjourn the meeting.**

249 **VOTE:**

250

251 The meeting was adjourned at p.m.

252

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

254