

**TOWN OF CHARLOTTE
PLANNING COMMISSION
SEPTEMBER 5, 2013**

APPROVED

MEMBERS PRESENT: Jeff McDonald, Chair; Gerald Bouchard, Peter Joslin, Linda Radimer, Donna Stearns. Absent: Marty Illick, Jim Donovan.

ADMINISTRATION: Dean Bloch, Town Planner; Tom Mansfield, Zoning Administrator.

OTHERS: David Miskell, Peter Trono, Bob Mesaros, Kate Mesaros, Geneve Trono, , Liam Murphy, Steven Milbank, Theresa Hudziak, Joann Cummings, Heather McKim, Charlotte Citizen, and others.

AGENDA ITEMS:

- Peter Trono; Sketch Plan Review; 2 lot subdivision; Mandi's Way
- James and Theresa Hudziak; Re-open Final Plat Hearing to correct a defect in notice to affected property owners for a 2 lot subdivision at 4368 Lake Road

SITE VISIT: to Mandi's Way (off Bingham Brook Road near Spear Street) to inspect location of proposed 2 lot subdivision

CALL TO ORDER

Mr. McDonald, Chair, called the meeting to order at 7:06 p.m.

APPROVE REGULAR AGENDA AND CONSENT AGENDA

The Regular Agenda was approved.

The following Consent Agenda items were removed for discussion in Deliberative Session:

- Sketch plan letter for Michael ad Barbara McGinnis
- Request from Michael Hinsdale for extension to submit final plan application for 2 lot subdivision at 3825 Ethan Allen Highway

PUBLIC COMMENT

Joanna Cummings, Conservation Commission representative, explained that the commission would like to meet jointly with the Planning Commission regarding a proposed Development Review process that would include a site review check list that would assist the commission in providing timely responses of applications to the Planning Commission. Language used in the process would be such that anyone could understand and use the format, said Ms. Cummings.

Mr. Joslin suggested that the site review pro-forma should include wildlife assessments.

Staff would schedule a joint Planning Commission/Conservation Commission discussion for the October 17, 2013 Planning Commission meeting.

MINUTES:

MOTION by Mr. Joslin, seconded by Mr. Bouchard, to approve the Planning Commission minutes of August 15, 2013 as written with edits.

VOTE: 5 ayes, 2 absent (Ms. Illick, Mr. Donovan); motion carried.

PETER TRONO; SKETCH PLAN REVIEW; 2 LOT SUBDIVISION; MANDI'S WAY

Peter Trono and Geneve Trono, owners, and David Miskell, agent, appeared on behalf of the application.

STAFF NOTES

Mr. McDonald reviewed staff notes.

APPLICANT COMMENTS

Mr. Miskell briefly reviewed a history of the proposed subdivision as follows:

- 57.3 acres had been donated to the Land Trust as open space.
- Lot 2, currently owned by Peter Trono, would be given to his son Zac.
- Lot 3 was owned by Derek and Amanda Trono.
- Lot 1 consisted of all the remaining acreage with a building envelope for Peter Trono.
- A 2011 subdivision modification for a boundary adjustment was approved. A revised Sketch Plan map was submitted for Planning Commission review.
- Lot 4 owned by Lucas and Geneve Trono consisted of 2.2 acres with a building envelope and on-site septic and water well.
- The land was in Current Use except for the 2 +/- acres each for Peter, Derek and Zac's lots.
- The woods were used for an active maple sugaring operation.

PLANNING COMMISSION QUESTIONS/COMMENTS

Mr. Bloch asked if there was a natural delineation of the easterly boundary. Mr. Trono explained that there was a down hill slope that would be fenced for raising animals in the future. The fence would be the boundary, clarified Mr. Trono.

Mr. McDonald asked if the easements to Lots 2 and 3 were shown on the revised site map. Mr. Miskell said that the easements were not shown since they were already approved at an earlier hearing. Mr. Trono explained that power easements to his proposed house started from a transformer pad by Zac's house. A septic mound was on the west side of Derek and Mandi's house, and there was a separation between the pump station line and power line along Derek and Mandi's driveway. The Mandi's Way right-of-way easement was 60' wide and it would continue up to his building envelope. The corn field was conserved with the Land Trust and his proposed house would be set back into the woods. The intent was to have a garage into the house from the driveway end. The proposed house would be oriented to have views, said Mr. Trono.

Mr. Bloch reviewed that the subdivision was between family members. There were no concerns regarding the proposed residential lots and agricultural uses as per Town regulations. Mr. Trono explained that the housing lots would not interfere with the farming operation. Structures would not approach the edge of the farm fields at all. The corn field would act as a buffer. Emergency vehicles would access the house sites via the driveway, or could drive across the field at times. There were pear and apples trees that would be preserved along the edge of the field, said Mr. Trono.

There was brief discussion regarding a dog-leg shape related to the easement, which was a natural boundary of what was given to the Land Trust. Mr. Bloch asked if the driveway would cut the westerly boundary. Mr. Miskell replied yes.

Mr. Bloch reviewed prior discussions regarding a possible PRD subdivision that would allow the land already conserved to be used to meet the Town regulation for open space. Mr. McDonald said that the Planning Commission could indicate that in the Findings. Mr. Trono said he would put that in writing.

MOTION by Mr. Joslin, seconded by Ms. Stearns, to classify the Peter Trono Sketch Plan for a 2 lot subdivision, located at Mandi's Way, as a major PRD subdivision.

VOTE: 5 ayes, 2 absent (Ms. Illick, Mr. Donovan); motion carried.

JAMES AND THERESA HUDZIAK; RE-OPEN FINAL PLAT HEARING TO CORRECT A DEFECT IN NOTICE TO AFFECTED PROPERTY OWNERS FOR A 2 LOT SUBDIVISION AT 4368 LAKE ROAD

Theresa Hudziak, owner, Liam Murphy, attorney, and Jack Milbank, engineer, appeared on behalf of the application.

STAFF NOTES

Mr. McDonald reviewed staff notes.

APPLICANT COMMENTS

Mr. Murphy explained that following the August 15, 2013 public hearing it was discovered that two of the abutting neighbor's notices were returned. The notices went to the street addresses instead of Post Office boxes. The applicant requested to re-open the hearing. Issues raised at the previous hearing would also be addressed, said Mr. Murphy.

Mr. Murphy explained a revised site plan as follows:

- Concerns regarding the well shield were addressed by moving the well to the southwest corner of Lot 4B.
- A well shield easement granted from Lot 4A to Lot 4B have been recorded in the deed.
- There would be written language to protect the Hop hornbeam trees and that any land development outside the building envelope, driveway and septic easements would be managed via a Forestry Management Plan.

- Sheet C1-1 shows the location of a culvert, the force main, and driveway across the wet lands.
- A list of proposed conditions has been submitted for the Hudziak subdivision application.

Mr. Milbank reviewed that a consultant had been hired to do a wetlands delineation for the Hudziak's in July. There would be a 50' buffer on the east side of driveway. On the west side was a Class II wetland, which would require a 50' buffer as well. The force main and culvert were depicted on the revised site map, said Mr. Milbank.

Mr. Milbank briefly reviewed the new state wetland rules related to wetland impacts of more than 3,500 square feet. Mr. Murphy stated that there were no wetland impacts other than the two buffers. The rule comes under the General Buffer Impacts since there would be less than 3,500 square feet of impact, clarified Mr. Murphy.

Mr. Bloch noted that the site map says there was an intermittent stream. Would the culvert need to be over sized, or more than one culvert, asked Mr. Bloch. Mr. Milbank explained that the stream in this situation was a slight depression and was more like a swale. A 12" culvert at the high point would more than handle the flow, said Mr. Milbank.

Mr. Milbank said that the driveway runs along the high point. Mr. Murphy said the driveway would serve one house and traffic would be minimal.

Mr. Bloch pointed out that the driveway would be 12' wide. The Town regulations call for a 14' wide driveway, said Mr. Bloch. Mr. Milbank replied that it would be wider than the existing driveway. There was room to go wider, said Mr. Milbank.

Mr. Bloch read proposed Condition #2 that "...prior to any development outside the building envelope...". What development might happen there, asked Mr. Bloch. Mr. Murphy replied that it didn't make sense to have a forestry plan when nothing was planned for that area. The term "land development" was used as a broad term. For Lot 4B, for example, it might mean trails, said Mr. Murphy.

Mr. Mesaros said his house was on Lot 2A. He had a mutual objective with Ms. Hudziak to maintain a natural barrier between houses. Was there potential to move the Hudziak building envelope to a lower area, asked Mr. Mesaros. Ms. Hudziak replied no. Mr. Murphy explained that the septic area was located in that area. That was where physical soils acceptable for a septic were. The wetlands and 50' buffers created a limited area. The building envelope would stay where proposed, said Mr. Murphy.

Mr. Mesaros asked if anything would be built in the larger area. Mr. Murphy explained that there would be no structures outside the building envelope. There could only be one house on the lot, stated Mr. Murphy.

Mr. Mesaros asked what the existing path was. Ms. Hudziak replied that it was a cross country ski path.

Mr. Mesaros asked if there were any plans for tree removal in the large area. Ms. Hudziak replied no.

Mr. Mesaros thanked Ms. Hudziak for moving the well shield.

Mr. McDonald pointed out that the Sheet C1-1 well shield label needs a notation.

Mr. Mesaros reviewed points as he understood them:

- Any additional development in the building envelope might include a future barn.
- The existing ski path would stay where it was.
- He used an existing shared septic. Ms Hudziak did not use that shared system. Last October/November he noticed Ms. Hudziak that he would have to clear a 10' area around the septic mound and easement as per state regulations. He had it surveyed and submitted a plan to Ms. Hudziak. The 10' area has been marked with yellow survey poles.
- He has asked that a maximum amount of tree coverage maintain between their properties. He has proposed two options. Option 1 would establish a 'no cut zone' around that septic easement area via the 50' setbacks, except for the 10' marked area. Option 2 would encompass the shared reserve septic field. Trees within the 10' zone would be cut and he would plant evergreens as a screen at the edge of the 10' clearing. There was a small 'island' where he could plant the evergreens.

Mr. Mesaros handed out a proposed 'no cut zone' plan and site map to Ms. Hudziak and the Planning Commission. Mr. Mesaros pointed out the existing septic tank, septic line, and drain field on a topographic map and showed the small 'island' where there were sumacs growing outside the 10' cut area.

Mr. Murphy suggested that it sounded like a private agreement between two parties. Technically the issue was an existing septic field, which should be exempt in case someone needed to use it. If it was agreeable, the no cut zone would not interfere with that use, said Mr. Murphy. Mr. McDonald said the Planning Commission could have input regarding maintenance rights. Mr. Murphy suggested saying '... except for use of the septic field...' if there was no cutting in the 50' setback.

Mr. Joslin asked if it was possible to have a potential home location on the east, or west side of the building envelope. Ms. Hudziak replied that it could, but unlikely.

Mr. McDonald said the request was to make sure the area remained wooded. Mr. Mesaros said he would like it in writing in case the Hudziak property was ever sold. Mr. Bloch said it was an issue between neighbors that could be written, recorded in the land records, or shown on the site map. Mr. Murphy suggested that any clearing outside of the building envelope should have a forestry management plan. There could be a condition

that vegetation within 50' of the boundary line should be preserved. The applicant has no desire to cut those trees, stated Mr. Murphy.

MOTION by Mr. Joslin, seconded by Ms. Radimer, to close the James and Theresa Hudziak Final Plan hearing to correct a defect in notice to affected property owners for a 2 lot subdivision at 4368 Lake Road.

VOTE: 5 ayes, 2 absent (Ms. Illick, Mr. Donovan); motion carried.

DELIBERATIONS

MOTION by Mr. Joslin, seconded by Mr. Bouchard, to enter Deliberative Session.

VOTE: 5 ayes, 2 absent (Ms. Illick, Mr. Donovan); motion carried.

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

The Planning Commission recessed Deliberative Session and a motion was made and seconded to approve a request from Michael Hinsdale for an extension to submit a Final Plat application for a 2 lot subdivision at 3825 Ethan Allen Highway. Motion carried 5 ayes, 2 absent (Ms. Illick, Mr. Donovan).

The Planning Commission re-entered Deliberative Session.

ADJOURNMENT

The Planning Commission meeting was adjourned at 9:30 p.m.

Respectfully submitted, Kathlyn L. Furr, Recording Secretary