

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Champlain Valley Co-Housing (Applicant)
James Callery, Sprague Huntington, Holly Callery, and Virginia Beams (Property Owners)

Preliminary Plat Hearing
For A
Planned Residential Development
Creating 26 Dwelling Units And Common Buildings
Application # PC-02-22

Background

The applicant received Sketch Plan Review on September 6 and September 20, 2001 and amended the Sketch Plan on February 21, 2002.

Application

The application is attached as Appendix A.

Public Hearing

A public hearing for the Preliminary Plat Application was opened on October 17, 2002 and continued on November 7, 2002; December 5, 2002; and January 2, 2003.

William Maclay, Sheila Braun and David Marshall were present at the hearing representing the applicant.

Adjoining property owners and other parties present were: Michael Buscher, James Callery, Holly Callery, Tom Catanzarita, Bob Costanza, Chris Davis, Amy Demetrowitz, Marc Greenblatt, Linda Hamilton, Clark Hinsdale Jr., Clark Hinsdale III, Carl Johnson, Frank Lambert, James Lawrence, Alice Lawrence, David Miskell, Chip Patillo, Debbie Ramsdell, Daniel Rosen, Victoria Rosen, Art Ridge, Charles Russell, Ellie Russell, Lee Smith, Harold Stewart, Doris Stewart, Sylvia Sprigg, Dick St. George, Larilee Suiter, and Eric VanVlandren.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. The property owners propose to reconfigure two adjoining parcels by means of a Subdivision Modification, which will result in a parcel of 125.9 acres that will be controlled by the applicant. The applicant has already submitted a Subdivision

Modification application, which will be heard by the Planning Commission prior to submission of the Final Plat application.

2. The applicant proposes to create twenty-six (26) dwelling units and a common building, along with several out-buildings. The common building will have space for the temporary, short-term lodging of guests of residents of the development. It is anticipated that the applicant will submit an application for Site Plan Approval for the common house prior to submission of the Final Plat application.
3. The Planning Commission is concerned about the possibility for extended use of the guest accommodations in the common house. The Planning Commission is also concerned about the possibility for commercial use of the common office and workshop.
4. The applicant is proposing that two dwelling units will be considered affordable housing, and is working with a qualified non-profit housing organization (the Burlington Community Land Trust) to that end.

Zoning Bylaws –Chapter IV Section 4.2 Density Requirement

5. In consideration of the affordable housing provision of Section 5.14 of the Charlotte Zoning Bylaws, the applicant meets the density requirement. (*See Chapter IV Section 4.2.D.2 of the Charlotte Zoning Bylaws*).

Zoning Bylaws Chapter V Section 5.15

6. The proposed development plan is an effective and unified treatment of the development possibilities of the project site, and makes appropriate provision for preservation of natural, agricultural, scenic, and archaeological resources on the parcel. (*See Chapter V Section 5.15.B.1. of the Charlotte Zoning Bylaws*).
7. The proposed number of dwelling units may be achievable in a conventional lot layout. (*See Chapter V Section 5.15.B.2. of the Charlotte Zoning Bylaws*).
8. The proposed development plan provides a greater setback at the periphery of the development than the minimum side and rear yard setbacks required for the Rural District. (*See Chapter V Section 5.15.B.3. of the Charlotte Zoning Bylaws*).
9. The proposed development is consistent with the Town Plan and other applicable regulations, except as noted in this document. (*See Chapter V Section 5.15.B.5. of the Charlotte Zoning Bylaws*).
10. Site Plan Approval standards and Subdivision standards are reviewed elsewhere in this document. (*See Chapter V Section 5.15.B.6. of the Charlotte Zoning Bylaws*).
11. The proposed development provides for the preservation of open space as noted below. (*See Chapter V Section 5.15.B.7. of the Charlotte Zoning Bylaws*).
12. Dwelling units are proposed to be of various types including one-family, two-family, three family and four family construction. (*See Chapter V Section 5.15.B.8. of the Charlotte Zoning Bylaws*).
13. The proposed development plan provides setbacks that are greater than the required minimum, and also provides landscaping for structures and parking areas along the perimeter of the development area. (*See Chapter V Section 5.15.C.2. of the Charlotte Zoning Bylaws*).
14. The proposed development plan provides adequate internal pedestrian circulation, and the applicant is donating a public trail easement between Route 7 and Greenbush Road. (*See Chapter V Section 5.15.C.3. of the Charlotte Zoning Bylaws*).

15. The development is proposed to be built-out in one phase. (*See Chapter V Section 5.15.C.4. of the Charlotte Zoning Bylaws*).
16. The proposed development will be clustered on approximately eight (8) acres of the 125-acre parcel. The applicant is proposing to donate a conservation easement on the remaining land (approximately 116 acres) to the Vermont Land Trust. The land on which this easement will be placed is the most productive for agriculture and wildlife habitat. The conservation easement will result in the protection of approximately 92% of the parcel. It is anticipated that a draft contract with the Vermont Land Trust for the donation of a conservation easement will be submitted with the Final Plat application, and that the final plans will delineate and label the building envelope and open space. (*See Chapter V Section 5.15.D. 1-5 and 8-10 of the Charlotte Zoning Bylaws*).
17. The proposed open space will be bordered to the east by the Charlotte Berry Farm, which is protected by a Vermont Land Trust easement, and it is bordered to the south by a parcel owned The Conservation Fund that is likely to be protected in the future. (*See Chapter V Section 5.15.D.6 of the Charlotte Zoning Bylaws*).

Zoning Bylaws Chapter VI Section 6.5

18. No vehicular access is proposed from Route 7. (*See Chapter VI Section 6.5.D.1 of the Charlotte Zoning Bylaws*).
19. The application includes analysis of the sight distance at the intersection of the access roadway with Greenbush Road, which the analysis indicates significantly exceeds that required for the posted speed limit of 35 miles per hour. The applicant will need an Access Permit. (*See Chapter VI Section 6.5.D.2 of the Charlotte Zoning Bylaws*).
20. The applicant is proposing landscaping to screen the northern parking area and the westerly portion of the access roadway from adjacent properties. (*See Chapter VI Section 6.5.D.3 of the Charlotte Zoning Bylaws*).
21. The development plan includes consideration of existing vegetation and important features on the site. It is noted that an existing stone wall will be partially disturbed by the proposed development. (*See Chapter VI Section 6.5.D.4.a.-c. of the Charlotte Zoning Bylaws*).
22. It is noted that the proposed access roadway crosses Thorp Brook, and that grading will take place within the stream bank setback. An erosion control plan will be submitted with the Final Plat application. Other impacts on Thorp Brook are addressed elsewhere in this document. (*See Chapter VI Section 6.5.D.4.d. of the Charlotte Zoning Bylaws*).
23. It is anticipated that the applicant will submit a lighting plan with the Final Plat application. (*See Chapter VI Section 6.5.D.4.e. of the Charlotte Zoning Bylaws*).
24. The applicant will need the Selectboard's approval of a name for the proposed access road. (*See Chapter VI Section 6.5.D.4.f. of the Charlotte Zoning Bylaws*).
25. There are no known historic structures on the subject parcel, and the proposed development will not impact any historic structures on adjacent parcels. (*See Chapter VI Section 6.5.D.5. of the Charlotte Zoning Bylaws*).
26. Structures within proposed development will be largely screened from viewpoints on public roads by the natural landscape. The application includes preliminary elevation drawings of the proposed structures, which are designed in a vernacular style. It is anticipated that more complete drawings that include exterior dimensions will be submitted with the Final Plat application. (*See Chapter VI Section 6.5.D.6. of the*

Charlotte Zoning Bylaws).

27. The proposed development has been designed to minimize and mitigate adverse impacts on the important natural features on the parcel. It is anticipated that landscaping plans will be revised to show protection during construction (eg: fencing and root trimming) of existing trees along the western edge of the development site, particularly near the 30' oak tree, and a note on the plans will address road and path construction in this area. (*See Chapter VI Section 6.5.D.7. of the Charlotte Zoning Bylaws*).
28. The applicant will need a Water and Wastewater Permit from the State. (*See Chapter VI Section 6.5.D.8 of the Charlotte Zoning Bylaws*).

Subdivision Bylaws Chapters VI and VII

29. The applicant is proposing additional plantings to replace wildlife cover and food sources that will be destroyed during development, and also to strengthen the vegetative corridor along Thorp Brook. The applicant is also proposing to undertake measures to protect selected existing vegetation during the construction process. Plans for the crossing of Thorpe Brook are shown as providing a large enough opening to allow continued free flow of the brook, even during typical high water stages. Taken together with other mitigation measures described elsewhere in this decision, these measures meet the standards of *Chapter VI Section 2.A.* and *Chapter VII Sections 1 of the Charlotte Subdivision Bylaws*.
30. The applicant has identified an archaeologically sensitive area on the parcel (near Greenbush Road) and is keeping the site undisturbed. It is noted however that the development will disturb a stone wall which runs in a north/south orientation through the site of the proposed dwellings. (*See Chapter VI Section 2.B. of the Charlotte Subdivision Bylaws for Findings*).
31. The proposed development is located adjacent to a residential neighborhood to the north (Wildwood West) and an agricultural operation to the east (Charlotte Berry Farm). Other features of the proposed development, including the access road and the wastewater disposal system, are adjacent to other residential properties. The proposed layout, including landscaping and setback buffers of approximately 260 feet to Wildwood West and 160 feet to the Charlotte Berry Farm, along with a low-impact lighting plan (to be submitted at a future date), will minimize the impact on those adjoining properties. The proposed landscaping will minimize impacts of the roadway on adjacent properties. The wastewater disposal system has been designed to meet required setbacks from structures to protect adjacent properties from groundwater impacts. There should be minimal visual impacts from the wastewater disposal system on adjacent properties. An alternative layout that is non-clustered would result in greater negative impacts to wildlife, agricultural and scenic resources. With the proposed and expected design features, the Planning Commission finds that the proposed density, building sizes, pattern of development, and configurations of open space are compatible with the surrounding natural and built environment. (*See Chapter VI Section 2.C. of the Charlotte Subdivision Bylaws*).
32. The application includes engineered provisions for the control of storm-water runoff and prevention of soil erosion and degradation of water quality during and after construction. It is noted that the applicant will need a Stormwater Permit from the State. It is also noted that as currently designed, it appears that runoff from the access road could impact

- the Lawrence parcel to the north (near Greenbush Road). This will need to be addressed by the Final Plat application. (*See Chapter VI Section 2.D. of the Charlotte Subdivision Bylaws*).
33. The applicant will need a Water and Wastewater Permit from the State. (*See Chapter VI Section 2.E. of the Charlotte Subdivision Bylaws*).
 34. The applicant will need a Water and Wastewater Permit from the State. (*See Chapter VI Section 2.F. of the Charlotte Subdivision Bylaws*).
 35. The application includes provision for the donation of a right-of-way for a recreation path that will connect with existing and proposed recreation paths. (Construction of the recreation path is not being proposed by the applicant.) It is anticipated that a Recreation Path Easement and an Irrevocable Offer of Dedication will be submitted with the Final Plat application. (*See Chapter VI Section 2.G. and Chapter VII Section 5.B. of the Charlotte Subdivision Bylaws*).
 36. The application states that the efficiency of road intersections (as measured by the Level of Service) in the vicinity of the proposed development will not decline below the current levels. (*See Chapter VI Section 2.H. of the Charlotte Subdivision Bylaws for Findings 14-20*).
 37. "Level of Service," as a measurement of traffic impact, does not recognize (or attribute responsibility for) impact cumulatively. That is, it only recognizes when a certain threshold is reached (ie: the Level of Service drops below C). This decline in Level of Service could happen when a subsequent development is proposed. That development, even if substantially smaller, may then be held responsible for the decline in Levels of Service disproportionate to its impact.
 38. It is unclear from the traffic study submitted with the application how close the relevant intersections are to thresholds of declines in Levels of Service.
 39. It is noted that while not triggering a decline in the Levels of Service at nearby intersections, the increase of density which will result from the proposed development will result in an increase of automobile trips, which will detract from the "rural character" of the area.
 40. It is noted that the proposed access roadway will have an adverse impact on the rural aesthetics of the area, resulting from the proposed guard rail and the proposed paved surface of the road in the middle of a farm field.
 41. The applicant (through its engineer) has proposed maintenance procedures at the intersection of the access road and Greenbush Road to improve sight distance.
 42. The proposed curb-cut will need to be reviewed by the Charlotte Road Commissioner and the applicant will need a permit for the curb-cut from the Charlotte Selectboard. Also the access road will need to be named (to be approved by the Selectboard). (*Also see Chapter VII Section 6.H. and M. of the Charlotte Subdivision Bylaws*).
 43. The applicant has agreed to requests from the Charlotte Fire and Rescue Department (as indicated in the memo entitled "Champlain Valley Cohousing, Fire Protection Measures" dated 12/31/02 and the plan by William Maclay Architects & Planners entitled "Fire Plan" dated 12/27/02. (*Also see Chapter VII Section 6.F. of the Charlotte Subdivision Bylaws*)).
 44. The application estimates that twenty-one children will potentially be added to the Charlotte school system from the development, using a multiplier of .82 children per household. However the Charlotte Central School estimates school enrollment by using

- a multiplier of 1.6 children per household. This results in an estimate of forty-one children potentially being added to the Charlotte school system from the proposed development (not including those that may attend CVU). (*See Chapter VI Section 2.I. of the Charlotte Subdivision Bylaws for Findings 42-45*).
45. The capacity of the Charlotte Central School is 600 children; the school's enrollment in recent years has been between 530 and 550. While projections from the New England School Development Council indicate that enrollment will drop at the school over the next few years, actual enrollments have been above recent projections.
 46. Given the above Findings, and given that the proposed project intends to build-out the development in one phase, Charlotte Central School may reach its capacity in the next few years. The applicant has represented that residents of the proposed development are likely to either home-school their children or use private schools.
 47. Aside from the potential impact on education services, it does not appear that the proposed development will place an unreasonable burden on the ability of the town to provide other municipal or governmental services or facilities.
 48. It is noted that the three existing water wells that are to serve the proposed development are located within a field that is proposed to be used for agricultural purposes. This could modify the agricultural practices within the wellhead protection area, but it will not remove this area from agricultural use. The Planning Commission finds this to be an acceptable impact. (*See Chapter VI Section 2.J. and Chapter VII Section 11.A. and D. of the Charlotte Subdivision Bylaws*).
 49. The proposed development appears to promote energy conservation by its compact layout and the southerly orientation of dwellings, however, the development is located in a rural area, and it is therefore likely that prospective residents will rely primarily on automobiles for transportation. (*See Chapter VI Section 2.K. of the Charlotte Subdivision Bylaws*).
 50. The proposed development is in compliance with the Town Plan and Zoning Bylaws, except as noted in this document. (*See Chapter VI Section 2.L. of the Charlotte Subdivision Bylaws*).
 51. The project is configured as a Planned Residential Development, in conformance with Chapter V Section 5.15 of the Charlotte Zoning Bylaws. (*See Chapter VI Section 2.M. of the Charlotte Subdivision Bylaws*).
 52. The application indicates that natural contours will be disturbed for the access roadway, the fire pond, and the berm to the north of the northernmost parking shed. Selective disturbance of the edges of the natural vegetative cover will also occur. The Planning Commission finds this to be an acceptable impact. (*See Chapter VII Section 1.B. of the Charlotte Subdivision Bylaws*).
 53. The applicant has submitted a landscaping mitigation plan that will establish permanent vegetation. It is expected that an Erosion Control Plan will be included with the Final Plat application. (*See Chapter VII Section 2.A. of the Charlotte Subdivision Bylaws*).
 54. The application includes a drainage plan. It appears that the drainage plan could have impacts on wetlands on the westerly portion of the access roadway and the easternmost portion of the development area. The applicant has worked to minimize these impacts and to mitigate those impacts that it can not eliminate, in conjunction with input from the U.S. Army Corps of Engineers and Vermont Agency of Natural Resources. (*See Chapter VII Section 2.B. of the Charlotte Subdivision Bylaws*).

55. The crossing of Thorpe Brook will be designed to accommodate normal and typical storm water flows from up stream watershed area. There does not appear to be a potential for significant increases in run-off from additional upstream development that would impact drainage facilities for this project. (*See Chapter VII Section 2.C. of the Charlotte Subdivision Bylaws*).
56. Due to proposed grading and on-site storage of stormwater, there does not appear to be a likelihood that run-off from the proposed development will impact properties downstream. (*See Chapter VII Section 2.D. of the Charlotte Subdivision Bylaws*).
57. The stormwater drainage system will drain to the proposed fire pond. The applicant will need a Stormwater Discharge Permit from the State. (*See Chapter VII Section 2.E. and F. of the Charlotte Subdivision Bylaws*).
58. The applicant is proposing a community water system. As discussed in Findings above, the application proposes to permanently protect farmland and wildlife habitat on the parcel, and also proposes two units of affordable housing. It is anticipated that a long-term maintenance and replacement plan for the water system and a draft service contract will be submitted with the Final Plat application. The applicant will need a Water and Wastewater Permit from the Agency of Natural Resources. (*See Chapter VII Section 3.A. of the Charlotte Subdivision Bylaws*).
59. The applicant is proposing to construct a fire pond and two dry hydrants, and take other fire protection measures as indicated in the memo entitled “Champlain Valley Cohousing, Fire Protection Measures” dated 12/31/02. It is anticipated that a Fire Pond Agreement and Waiver will be submitted with the Final Plat application. (*See Chapter VII Section 3.E. of the Charlotte Subdivision Bylaws*).
60. The applicant is proposing a community wastewater system. As discussed in Findings above, the application proposes to permanently protect farmland and wildlife habitat on the parcel, and also proposes two units of affordable housing. A portion of the wastewater system is located on an adjoining property, requiring an easement. It is anticipated that a long-term maintenance and replacement plan for the wastewater system, a draft service contract, and a Sewage Service Agreement and Waiver will be submitted with the Final Plat application. The applicant will need a Water and Wastewater Permit from the Agency of Natural Resources. (*See Chapter VII Section 4.A. of the Charlotte Subdivision Bylaws*).
61. A private road is proposed to serve the development. It is anticipated that the applicant will submit a Roadway Agreement and Waiver with the Final Plat application. (*See Chapter VII Section 6.A. of the Charlotte Subdivision Bylaws*).
62. The layout of the proposed development and the topography and natural resources of the subject parcel and adjoining parcels make the continuation of the access roadway to adjoining parcels undesirable and impracticable. (*See Chapter VII Section 6.B. of the Charlotte Subdivision Bylaws*).
63. No vehicular access is proposed from Route 7. A recreation path is proposed as part of a town-system that will include an underpass under Route 7. Only one curb-cut, located on Greenbush Road, is proposed. (*See Chapter VII Section 6.C. of the Charlotte Subdivision Bylaws*).
64. The proposed access roadway will terminate at a “dead end.” A “turn-around” is proposed. The proposed road will be more than 1800 feet in length. (*See Chapter VII Section 6.D. of the Charlotte Subdivision Bylaws*).

65. The intersection of the proposed access roadway with Greenbush Road will be a “T” intersection; there is no road opposite the proposed intersection. The intersection will be close to a right angle. (*See Chapter VII Section 6.E. of the Charlotte Subdivision Bylaws*).
66. Submitted maps indicate the proposed road right-of way to be twenty (20) feet in width. It is anticipated that maps submitted with the Final Plat application will show the right-of-way as sixty (60) feet in width. (*See Chapter VII Section 6.J. of the Charlotte Subdivision Bylaws*).
67. The Recommended Standards for Developments and Homes (Adopted by the Planning Commission on September 2, 1997) indicate that access roads serving six (6) or more house sites should have a gravel base of 18 inches with 4 inches of crusher run stone on top. The standards also state that 18 foot-wide access roads longer than 800 feet will have vehicle turn-outs every 800 feet. The Planning Commission finds the proposed roadway section to be acceptable, but turnouts have not been provided. (*See Chapter VII Section 6.K. of the Charlotte Subdivision Bylaws*).
68. An outdoor lighting plan is anticipated with the Final Plat application. (*See Chapter VII Section 7.A. B., and C. of the Charlotte Subdivision Bylaws*).
69. Site plans submitted with the application indicate that utility lines will be underground. Utility lines will draw from an existing pole on the west side of Greenbush Road. The applicant will need approval from the Selectboard to bore through or dig up Greenbush Road to bring the line to the east side of Greenbush Road. A performance bond may be required. (*See Chapter VII Section 8.A. of the Charlotte Subdivision Bylaws*).
70. It is noted that easements will be needed for utilities serving the proposed development. (*See Chapter VII Section 8.B. of the Charlotte Subdivision Bylaws*).
71. The proposed development is designed as a Planned Residential Development, and therefore dimensional requirements for the individual building lots within the PRD (ie: *minimum lot size, lot frontage, front yard setback, side yard setback, and rear yard setback* of Chapter IV Section 4.2.) are waived by the Planning Commission. (*See Chapter VII Section 9.A., B., C., D., E., and F. of the Charlotte Subdivision Bylaws*).
72. The proposed development takes the topographic drainage and soil conditions into account. The application does not propose development on steep slopes. (*See Chapter VII Section 9.G. of the Charlotte Subdivision Bylaws*).
73. The proposed development avoids access from more heavily traveled roads (ie: Route 7). Site Plan Approval standards will be addressed below. It is noted that only one access point is proposed. (*See Chapter VII Section 9.H. of the Charlotte Subdivision Bylaws*).
74. The applicant proposes to donate a recreation path easement to the Town. (*See Chapter VII Section 10.A. of the Charlotte Subdivision Bylaws*).
75. The proposed development plan avoids impacting productive farmland, scenic vistas, locally significant wildlife habitat, natural areas and aquifer protection areas. It is anticipated that a draft conservation easement with the Vermont Land Trust will be submitted with the Final Plat application. It is also anticipated that (*See Chapter VII Section 11.A., B. E., F., and G. of the Charlotte Subdivision Bylaws*).
76. It is noted that proposed dwellings are located less than 200 feet from an existing agricultural operation (Charlotte Berry Farm). It is anticipated that a “right-to-farm” provision will be included in the Development Covenants to be submitted with the Final Plat application. (*See Chapter VII Section 11.D. of the Charlotte Subdivision Bylaws*).

77. It is anticipated that Development Covenants to be submitted with the Final Plat application will include provide prospective lot-owners with specific rights to use all proposed common facilities.
78. The applicant will need an Act 250 permit.

Decision

Based on these Findings, the Planning Commission approves the Preliminary Plat Application for the proposed Planned Residential Development with the following conditions:

1. All plans submitted with the Final Plat Application that are revised from the Preliminary Plat Application will include a revision date.
2. The applicant will provide with the Final Plat Application proposed conditions for the Final Plat Decision regarding limits on the use of the common house guest accommodations by non-residents, for example: occupation of the guest accommodations will not exceed a certain number of days, during any twelve month period.
3. The applicant will provide with the Final Plat Application proposed conditions for the Final Plat Decision regarding limits of commercial use of the common office and workshop, for example: use of the office and workshop will not exceed the restrictions of Home Occupation 1 as described in Section 5.4.A.1.of the Charlotte Zoning Bylaws.
4. The applicant will provide a draft agreement with the Burlington Community Land Trust to create two dwelling units that will be permanently affordable.
5. The applicant will submit a Site Plan Review application for the common house prior to submitting a building permit application for the building.
6. The Final Plat Application will include a drainage calculation for the culvert at Thorpe Brook, and the sizing of the existing culvert, to accommodate flows for normal conditions and at least a 10 year storm. The overflow from the proposed fire pond will be included in the drainage calculation.
7. The applicant will obtain an Access Permit from the Town prior to submission of the Final Plat Application.
8. The Final Plat will indicate a sixty (60) foot wide right-of-way for the access roadway and easements for utility lines (ie: electric, water and wastewater), and will delineate and label the building envelope and open space.
9. The Final Plat Application will indicate vehicle turn-outs on the access roadway approximately at stations 8+00 and 16+00.
10. The Final Plat Application will delineate in plan and profile views the paved and unpaved portions of the access road and the guard-rail locations.
11. The Final Plat Application will include photographs of two options for guard-rail materials that meet necessary engineering specifications.
12. The Final Plat Application will include elevation drawings of proposed common structures and typical residential structures with dimensions.
13. The landscape plans submitted with the Final Plat Application will be revised to show protection during construction (eg: fencing and root trimming) of existing trees along the western edge of the development site, particularly near the 30" oak tree, and a note on the plans will address road and path construction in this area.
14. The Final Plat Application will include a Water Supply and Wastewater Permit, a

- Stormwater Discharge Permit, and an Act 250 Permit from the State of Vermont.
15. The applicant will provide with the Final Plat Application proposed conditions for the Final Plat Decision regarding protection and maintenance of the stone wall.
 16. The Final Plat Application will address runoff from the access roadway that could impact the Lawrence parcel to the north.
 17. The Final Plat Application will include an executed and recorded easement for all portions of the wastewater disposal system that are not located on the proposed common lot.
 18. A “right-to-farm” provision (related to neighboring properties) will be added to the Development Covenants.
 19. The Final Plat Application will include executed, recordable copies of a Roadway Agreement and Waiver, a Recreation Path Easement, an Irrevocable Offer of Dedication for the Recreation Path, a Fire Pond Agreement and Waiver, a Sewage Service Agreement and Waiver, and Development Covenants.
 20. The applicant will provide with the Final Plat Application proposed conditions for the Final Plat Decision that will phase the entrance of children into the Charlotte Central School system.
 21. The Final Plat Application will include an erosion control plan.
 22. The Final Plat Application will include a draft service contract for the wastewater system.
 23. The Final Plat Application will include an outdoor lighting plan.
 24. The Final Plat Application will include a draft contract with the Vermont Land Trust for the donation of a conservation easement.
 25. The Final Plat Application will include all of the requirements identified in 5.15(A)(2) of the Charlotte Zoning Bylaws. Additionally, the application will identify the nature and extent of the proposed agricultural operations, including the barn and greenhouse as they appear on the plans, and the management and use thereof.

Additional Conditions: All plats, plans, drawings, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on October 17: Jeff McDonald, Al Moraska, Gordon Troy, Gene Diou, Josie Leavitt

Members Present at the Public Hearing on November 7: Jeff McDonald, Al Moraska, Jim Donovan, Dave Brown

Members Present at the Public Hearing on December 5: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, Gene Diou, Josie Leavitt

Members Present at the Public Hearing on January 2: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, Gene Diou, Linda Radimer

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

1. Signed:_____ For / Against Date Signed:_____
2. Signed:_____ For / Against Date Signed:_____
3. Signed:_____ For / Against Date Signed:_____
4. Signed:_____ For / Against Date Signed:_____
5. Signed:_____ For / Against Date Signed:_____
6. Signed:_____ For / Against Date Signed:_____
7. Signed:_____ For / Against Date Signed:_____

Appendix A

**Champlain Valley Co-Housing
Preliminary Plat Application**

The application consists of:

1. An application form and appropriate fee.
2. A bound document entitled “Champlain Valley Cohousing, Preliminary Subdivision Application and Boundary Modification, Including PRD and Site Plan Approval” dated September 27, 2002.
3. A survey by Vermont Land Surveyors (stamped by Mark V. Ward) entitled “Preliminary Plat Subdivision Modification Between Holly & Sprague Callary, Virginia Beams and James Callery, East Thompsons Point Road & U.S. Route 2, Charlotte, Vermont” (S1) dated September 3, 2002, revised 9/26/2002.
4. A survey by Civil Engineering Associates (no stamp) entitled “Champlain Valley Co-Housing Preliminary Plat Subdivision Plan” (S-2.1) dated September, 2002, no revisions.
5. A survey by Civil Engineering Associates (no stamp) entitled “Champlain Valley Co-Housing Preliminary Plat Subdivision Plan” (S-2.2) dated September, 2002, no revisions.
6. A map by William Maclay Architects and Planners entitled “Existing Property Ownership” (S-3) dated 9/27/02, no revisions.
7. A map by William Maclay Architects and Planners entitled “Proposed Property Ownership” (S-4) dated 9/27/02, no revisions.
8. A map by William Maclay Architects and Planners entitled “Overall Site Resources” (S-5), no date, revised 9/27/02.

9. A map by William Maclay Architects and Planners entitled “Overall Agricultural Resources” (S-6), no date, revised 9/27/02.
10. A map by William Maclay Architects and Planners entitled “Current Land Use” (S-7) dated 9/27/02, no revisions.
11. A map by William Maclay Architects and Planners entitled “Proposed Land Use” (S-8) dated 9/27/02, no revisions.
12. A map by William Maclay Architects and Planners entitled “Existing and Proposed Conserved Land” (S-9) dated 9/27/02, no revisions.
13. A map by William Maclay Architects and Planners entitled “Overall Site Plan” (S-10) dated 9/27/02, no revisions.
14. A map and photographs by William Maclay Architects and Planners entitled “Site Photos” (S-11) dated 9/27/02, no revisions.
15. A sheet by William Maclay Architects and Planners entitled “North Site Section/Elevation” (S-12), dated 10/17/02, no revisions.
16. A sheet by William Maclay Architects and Planners entitled “South Site Section/Elevation” (S-13), dated 10/17/02, no revisions.
17. A sheet by William Maclay Architects and Planners entitled “East Site Section/Elevation” (S-14), dated 10/17/02, no revisions.
18. A sheet by William Maclay Architects and Planners entitled “Selected Cohousing Projects & Precedents” (S-14) dated 8/28/02, no revisions.
19. A sheet by William Maclay Architects and Planners entitled “Selected Cohousing Projects & Precedents” (S-15) dated 8/28/02, no revisions.
20. A sheet by William Maclay Architects and Planners entitled “Unit Plans” (A2-1), dated 10/17/02, no revisions.
21. A sheet by William Maclay Architects and Planners entitled “Common House Plan” (A2-2), dated 10/17/02, no revisions.
22. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Overall Site Plan” (C1.0) dated August, 2002, no revisions.
23. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Access Road-West, Site Plan” (C2.1) dated August, 2002, no revisions.
24. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Access Road-East, Site Plan” (C2.2) dated August, 2002, no revisions.
25. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Village Area, Utility Plan” (2.3) dated August, 2002, no revisions.
26. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Village Area-South, Utility Plan” (C2.4) dated August, 2002, no revisions.
27. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Road Profile West” (C3.1) dated August, 2002, no revisions.
28. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Road Profile East” (C3.2) dated August, 2002, no revisions.
29. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Detention Basin/Fire Pond, Site Plan” (C4.1) dated August, 2002, no revisions.
30. A map by Civil Engineering Associates entitled “Champlain Valley Co-Housing Greenbush Road Disposal Area, Site Plan” (C5.1) dated August, 2001, no revisions.
31. A map by Civil Engineering Associates entitled “Callery Wastewater Disposal Areas, Landfill East and Cedars, Site Plan” (C5.4) dated August, 2001, no revisions.

32. A map by Civil Engineering Associates entitled "Callery Wastewater Disposal Areas, Strawberries, Site Plan" (C5.7) dated August, 2002, no revisions.
33. A sheet by Civil Engineering Associates entitled "Champlain Valley Co-Housing Typical Road Sections" (C7.1) dated August, 2002, no revisions.
34. A sheet by Civil Engineering Associates entitled "Champlain Valley Co-Housing Water/Sewer Details" (C7.2) dated August, 2002, no revisions.
35. A sheet by Civil Engineering Associates entitled "Champlain Valley Co-Housing Site Details" (C7.3) dated August, 2002, no revisions.
36. A map by Civil Engineering Associates entitled "Champlain Valley Co-Housing Soil Mapping, Existing Conditions" (C8.0) dated August, 2002, no revisions.
37. A sheet by Civil Engineering Associates entitled "Champlain Valley Co-Housing Sediment and Erosion Control Narrative" (C8.4) dated August, 2002, no revisions.
38. A sheet by Civil Engineering Associates entitled "Champlain Valley Co-Housing Sediment and Erosion Control Specifications" (C8.5) dated August, 2002, no revisions.
39. A sheet by Civil Engineering Associates entitled "Champlain Valley Co-Housing Sediment and Erosion Control Details" (C8.6) dated August, 2002, no revisions.
40. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Housing Planting Plan" (L-1) dated 8/28/02, revised 9/27/02.
41. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Storm Water & Wildlife Planting Plan" (L-2) dated 8/28/02, revised 9/27/02.
42. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Entry Planting Plan" (L-3) dated 8/28/02, revised 9/27/02.
43. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Planting and Landscape Details" (L-4) dated 8/28/02, no revisions.
44. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Preliminary Housing Site Plan" (L-5) dated 8/28/02, revised 9/27/02.
45. A letter and Attachments A and B from David S. Marshall of Civil Engineering Associates to Mr. William Maclay dated September 24, 2002, regarding Traffic & Parking Study, Proposed Champlain Valley Co-Housing Project.
46. A document entitled "Draft Summary of Protective Covenants", no date (2 pages, 28 items).
47. A document entitled "Declaration of Planned Community for CVC___ Village", no date.
48. A document (in draft) entitled "Champlain Valley Co-Housing Wastewater Collection , Treatment and Disposal Facilities, Charlotte, Vermont, Operations & Maintenance Manual" dated September, 2002 prepared by Civil Engineering Associates.

Revisions and Later Submissions

1. A document entitled "Plantings for Charlotte Co-Housing: Pond Site" by Jeff Parsons, Arrowwood Environmental, dated June 24, 2002.
2. A document entitled "Plantings for the Charlotte Co-Housing Site" by Jeff Parsons, Arrowwood Environmental, dated November 13, 2002.
3. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Housing Planting Plan" (L-1) dated 8/28/02, revised 12/3/02.
4. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Storm Water & Wildlife Planting Plan" (L-2) dated 8/28/02, revised 12/3/02.
5. A map by T.J. Boyle and Associates entitled "Champlain Valley Cohousing, Entry

- Planting Plan” (L-3) dated 8/28/02, revised 12/3/02.
6. A map by T.J. Boyle and Associates entitled “Champlain Valley Cohousing, Preliminary Housing Site Plan” (L-5) dated 8/28/02, revised 10/17/02.
 7. A sheet by William Maclay Architects and Planners entitled “Proposed Wildlife Buffer Plan” (W), no original date, revised 6/27/02.
 8. A sheet by William Maclay Architects and Planners entitled “Wildlife Planting Plan” no original date, revised 11/7/02.
 9. A sheet by William Maclay Architects and Planners entitled “Wildlife Planting Plan” (S-17) no original date, revised 11/27/02.
 10. A letter from William Maclay to Dean Bloch dated November 7, 2002 regarding 10/17/02 DRB meeting follow up.
 11. A letter from William Maclay to Chris W. Davis dated November 7, 2002 regarding “Champlain Valley Co-Housing fire protection”.
 12. A letter from William Maclay to Chris W. Davis dated November 26, 2002.
 13. A letter from Christopher W. Davis to William Maclay Architects and Planners dated January 2, 2003 regarding Champlain Valley Co-Housing (CVCH) Fire Protection Measures.
 14. A document entitled “Proposed CVCH Fire Protection Measures” dated November 5, 2002.
 15. A document entitled “Proposed CVCH Fire Protection Measures” dated November 26, 2002.
 16. A document entitled “Champlain Valley Cohousing Fire Protection Measures” dated 12/31/02.
 17. A document entitled “Champlain Valley Cohousing Code Review” dated November 5, 2002.
 18. A sheet by William Maclay Architects and Planners entitled “Fire Plan” (S-17), dated 11/7/02, no revisions.
 19. A sheet by William Maclay Architects and Planners entitled “Fire Plan” (S-18), dated 12/27/02, no revisions.
 20. A sheet by William Maclay Architects and Planners entitled “Common House Elevations” (A3-1) dated 11/04/02, no revisions.
 21. A sheet by William Maclay Architects and Planners entitled “Quadplex Elevations” (A3-4) dated 11/04/02, no revisions.
 22. A sheet by William Maclay Architects and Planners entitled “Triplex & Duplex (sic) Elevations” (A3-7) dated 11/04/02, no revisions.
 23. A sheet by William Maclay Architects and Planners entitled “Unit Plans” (A2-1), dated 10/17/02, revised 11/7/02.
 24. Response to a Memo by Dean Bloch dated November 12, 2002 entitled “Champlain Valley Co-housing, Items that need to be addressed and/or likely Preliminary Plat conditions.”
 25. A document entitled “Champlain Valley Cohousing Project, Zoning and Subdivision Analysis” dated October 16, 2002, prepared by William Maclay Architects & Planners.
 26. A sheet entitled “Champlain Valley Co-housing Population Projections” dated 9/27/02.
 27. A letter from Amy Demetrowitz of Burlington Community Land Trust to Sheila Braun dated October 17, 2002.