

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Liam L. and Laura P. Murphy**

**Preliminary Plan Application  
For A**

**Major Subdivision and Planned Residential Development  
Application # PC-11-18**

### **Background**

Sketch Plan Review for the proposed subdivision was held on March 4, 2010, and an amended Sketch Plan Review was held on December 2, 2010. The project was classified as a Major Subdivision in accordance with Section 6.1(C)(2) of the Charlotte Land Use Regulations (“Regulations”), and it was noted the project will be proposed as a Planned Residential Development as provided in Chapter VIII of the Regulations. Site visits were held on February 13, February 16 and December 11, 2010.

### **Application**

Materials submitted with the applications are listed in Appendix A.

### **Public Hearing**

A public hearing for this application was held on August 18, 2011. Liam Murphy, David Marshall and Jeffrey Parsons represented the applicant. The following persons participated in the hearing or submitted written comments at or in advance of the hearing: Vincent Comai, Laura Crandall, Trafton Crandall, Charles Gluck, James and Alice Murdoch (by e-mail), Steven Maeck, Robert Hyams (on behalf of the Conservation Commission), and Gary Pittman (on behalf of the Conservation Commission). No other interested parties participated in the hearing or made written submissions.

### **Regulations in Effect**

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

### **Findings**

#### **Background**

1. The applicant owns a 51.26 acre parcel on Tamarack Road, which hosts a single family dwelling. The parcel was created by a three-lot subdivision approved on May 28, 1996.
2. The applicant has submitted a separate application for a Subdivision Amendment, which would allow the conveyance of five acres from the adjoining parcel to the south (owned by Doris Maeck Trustee) to the applicant. The proposed subdivision includes the five acres in the development plan. A hearing was held for the Subdivision Amendment

simultaneously with the hearing for the Preliminary Plan Application, and both hearings were closed on August 18<sup>th</sup>. A decision on the Subdivision Amendment application will be rendered separately. This decision considers the adjusted five acres to be included in the plan.

3. The application proposes an eight lot subdivision to create six building lots for single family dwellings (Lots 1-6), one lot for an existing single family dwelling (Lot 7), and one lot to be conserved (Lot 8).

*Applicable standards in Chapter VII of the Charlotte Land Use Regulations are reviewed below in Findings 4-68.*

**Sections 7.2 and 7.3—Areas of High Public Value**

4. The parcel includes or is adjacent to the following areas of high public value:
  - A. Primary agricultural soils: A map included with the application depicts prime agricultural soils on the northern and south eastern portion of the parcel, and statewide agricultural soils on much of the rest of the parcel, as classified by the Natural Resources Conservation Service.
  - B. Surface waters, wetlands and associated setbacks and buffer areas: Town Plan map 7 depicts wetland on much of the eastern portion of the parcel. The applicant has obtained a wetland delineation by Arrowwood Environmental, and also had staff from the State Wetlands Division and the U.S. Army Corps of Engineers evaluate the wetland delineation. The delineated wetland includes much of the northeastern and some of the southwestern portion of the parcel.
  - C. Wildlife habitat: Town Plan map 6 depicts the wetland area described above as wetland wildlife habitat. The applicant also obtained an assessment of wildlife habitat on the parcel from Jeffrey Parsons. Additionally, the Charlotte Land Trust obtained an assessment of wildlife habitat on and in the vicinity of the parcel from Marc Lapin. (It is noted that the proposed subdivision lot lines were not finalized at the time of Lapin’s assessment).
5. Considering the resources on and adjacent to the parcel, the Planning Commission finds that the wetland (and associated buffer) and wildlife habitat are the most important areas of high public value associated with the parcel, and on much of the parcel these two features are co-located as clayplain forest, which may be of statewide significance (Lapin, page 2). These are the resources that most strongly characterize the property, and which the Planning Commission feels are the most important to protect during the subdivision process.
6. Section 7.2(C)(5) of the Regulations states “irregular shaped lots (e.g., with curves, jogs, doglegs; excessively rectilinear, etc.) shall not be created unless warranted by topography, surface waters, or to avoid the fragmentation of significant natural or cultural resources.”
7. The proposed westerly boundary of Lot 8, the proposed boundary between Lot 5 and 6, and the proposed shape of Lot 2 do not appear to meet the above standard.
8. At the hearing, the applicant stated that the westerly boundary of Lot 8 approximates the boundary of the large wetland and the edge of the woods.
9. The Planning Commission finds that a straight westerly boundary for Lot 8 would result in fragmenting the wetland and wildlife habitat, and therefore the irregular boundary is acceptable.
10. From the submitted plans, the rationale for the irregular boundary between Lots 5 and 6 is

not clear.

11. At the hearing, the applicant stated that the reason for creating Lot 2 with a dogleg is to allow the prospective owner to use an existing trail in the southeast portion of the lot.
12. The Planning Commission does not find this is an appropriate rationale for the irregular shape of Lot 2.
13. Section 7.3 (D)(1), (2) and (3) of the Regulations indicate that building envelopes, lot lines, infrastructure, roads, driveways and utility corridors should not create any undue adverse impacts on areas of high public value, and that building envelopes shall be designed to minimize undue adverse impacts.
14. The proposed development will impact wetland, wetland buffer and wildlife habitat as discussed below.
15. Lots 2, 3, 4, 5, 6 and 7 include delineated wetland and wetland buffer; however, the building envelopes are all located outside of the wetland and buffer.
16. The proposed shared driveway to Lots 2, 3 and 4 runs through approximately 325 feet of wetland and approximately 100 feet of wetland buffer (according to the application).
17. An alternative location for the shared driveway to Lots 2, 3 and 4 could use the existing driveway to the existing dwelling to just north of the Lot 7 lot line, and then wrap west and south to Lots 2, 3 and 4. This alternative shared driveway would impact approximately 40 feet of wetland and approximately 610 feet of wetland buffer (according to the application).
18. The proposed shared driveway to Lot 5 and 6 will impact a small isolated wetland.
19. The widening of the existing road to access Lots 1, 2, 3, 4 and 7 will impact approximately 475 feet of wetland buffer (as scaled from plans submitted with the application).
20. Proposed Lot 1 is within an area that is adjacent to the existing wastewater disposal system, and is also adjacent to a red pine plantation.
21. The wildlife habitat reports by Parsons and Lapin indicate the red pine plantation does not have significant natural community values, although Lapin states it does function as part of the large forest patch (Lapin, page 6).
22. Proposed Lots 2, 3 and 4 are located within an early successional forest, to the west of early successional wet clayplain forest (Lapin, page 6 and 18).
23. Both Parsons and Lapin recommend maintaining the maximum possible width in the forest at the boundary of the Murphy parcel and the southerly Maeck parcel in order to provide a viable wildlife corridor between the forests to the north and south.
24. The applicant has obtained a permit from the U.S. Army Corps of Engineers for the prospective wetland impacts from the development.
25. The applicant has submitted a Wetland Permit application to the State of Vermont. The application has not yet been approved or denied.
26. In considering Section 7.3 (D)(1), (2) and (3) of the Regulations, the Planning Commission deliberated on whether changing the configuration of lots or driveways would change the impacts to the wetland, wetland buffer, or wildlife habitat. The Regulations require the applicant to “take generally available reasonable mitigating steps to improve the harmony between the proposed development and its surroundings.” [Definition of “undue adverse effect (impact)”].
27. As indicated above, the primary impacts to the wetland will be created by the shared driveway serving Lots 2, 3 and 4. Additionally, although the building envelopes do not include wetland or wetland buffer, significant portions of Lots 2, 3 and 4 include wetland

and wetland buffer. Taken together, the project will have significant adverse impact on wetland and wetland buffer.

28. The applicant is restricted by deed in terms of the number of new lots that can be accessed by South Forty Road; so the potential for accessing Lots 2, 3 and 4 from South Forty Road, either in their current location (as suggested by Lapin) or in a reconfigured layout, is not possible without agreement from Doris Maeck Trustee.
29. The wetland impact would not be reduced if the number of lots in the southwest corner were to be reduced to two or one. As long as there is at least one lot in the southwest corner, there will be the same amount of impact on the wetland or wetland buffer.
30. The state is currently evaluating the prospective impacts on the wetland and wetland buffer from the driveway to Lots 2, 3 and 4, and will likely consider the relative merits of the proposed alignment versus the alternative alignment using the existing driveway to Lot 7.
31. The Planning Commission will defer final judgment on the impacts from the driveway on wetland and wetland buffer until the state permit is issued or denied; however, the Planning Commission notes that, as currently designed, the number and size of culverts will restrict the flow of water from one side of the driveway to the other. Therefore, if the current alignment of the proposed shared driveway is retained, the Planning Commission will have conditions regarding culvert specifications.
32. Regardless of whether a Vermont Wetland Permit is issued, the Planning Commission finds that Lots 2 and 4 should be reconfigured to reduce the amount of wetland included in these lots. Such reconfiguration would provide some mitigation of the overall wetland impacts.
33. As noted by both Parsons and Lapin, the proposed lot configuration constricts the width of the wildlife corridor between the Maeck forest to the south and the Murphy forest to the north. Some mitigation of this adverse impact is possible by removing the southeasterly “dog-leg” from Lot 2 and adding this area to Lot 8. This would widen the wildlife corridor between Lot 1 and Lot 2 in a location where it is narrowed by the existing driveway to the nursery.

#### **Section 7.4—Compatibility with Agricultural Operations**

34. The nearest agricultural operation is the South Forty Nursery. Building envelopes are not adjacent to the nursery, and there is a significant vegetated buffer between the project and the nursery.
35. The proposed Declaration of Covenants, Conditions and Easements includes a “Notice of Commercial Wholesale Landscaping and Nursery Operation”.
36. Well shields for the proposed wells are located on the applicant’s parcel, except Lot 4

#### **Section 7.5—Facilities, Services & Utilities**

37. The application proposes two fire ponds and dry hydrant systems, one located on Lot 8 adjacent to Wexford Lane and one located on Lot 5 and accessed via the driveway to Lot 6.
38. The northerly fire pond and dry hydrant are not readily accessible for lots other than Lots 5 and 6. Moreover, a fire pond at this location may not be necessary, since there are no other lots in Charlotte that are accessed by South Forty Road. Nevertheless, the Charlotte and Shelburne fire departments could make use of a fire pond in this vicinity, since there are no other fire ponds on Orchard Road, and the Shelburne water system has limited

flow on South Forty Road.

39. The applicant has provided a draft Fire Pond Agreement, Waiver and Easement, and the draft Declaration of Covenants, Conditions and Easements addresses ongoing maintenance of and easements for the fire ponds. A few edits will be required or recommended.
40. All new utility lines are proposed to be underground, and these are mostly adjacent to the existing or proposed roads and driveways. There is a proposed sewer line easement that will run through a portion of the forest on Lot 8, however, this sewer line already exists.

### **Section 7.6—Water Supply**

41. There is a history of water scarcity in the vicinity of the project, although some property owners in the vicinity have found sufficient supplies.
42. The application proposes shared wells if sufficient yield is obtained. The applicant is in the process of determining the yield and storage requirements for shared wells.
43. The application includes a draft Declaration of Covenants, Conditions and Easements, however, this does not provide easements or designate responsibility for ongoing maintenance to the prospective lot owners if wells are to be shared.
44. Well shields for the proposed wells are located on the applicant's parcel, except for Lot 4.

### **Section 7.7—Sewage Disposal**

45. The application proposes one shared wastewater disposal system to serve the seven residential lots, which is an extension of the existing system serving the existing dwelling.
46. Soil information was not submitted with the application. The Town's wastewater consultant reviewed soils in the vicinity of the proposed wastewater disposal system approximately ten years ago.
47. The application includes a draft Declaration of Covenants, Conditions and Easements which provides easements and designates responsibility for ongoing maintenance of the system to the prospective lot owners.
48. The application includes a draft Sewage Service Agreement, Waiver and Easement.

### **Section 7.8—Stormwater Management & Erosion Control**

49. This criterion was not addressed with the Preliminary Plan Application.
50. A Project Review Sheet from the Vermont Department of Environmental Conservation will indicate what state permits are needed for the development.

### **Section 7.9—Landscaping and Screening**

51. The application proposes clearing limits on Lots 1, 2, 3, 4 and 5. The proposed clearing limits partially, but not universally, coincide with the 50 foot wetland buffer.
52. The proposed clearing limits on Lot 1 are appropriate, as this lot creates the easterly boundary of the wildlife corridor between the southern forest and the northern forest.
53. Where the proposed clearing limits coincide with the 50 foot wetland buffer on other lots, they are appropriate and desirable. Elsewhere, the clearing limits are not necessary and the Planning Commission will suggest that the Town not enforce the clearing limits other than what coincides with the 50 foot wetland buffer (and except for Lot 1).
54. The application also proposes "solar clearing limits" on Lots 1, 2, 3, 4 and 5. These

clearing limits are within the 50 foot wetland buffer, except for Lot 1. The designation of the solar clearing limits appears to be based on the use of ground-mounted solar panels installed south of the dwellings.

55. While the Planning Commission encourages alternative energy generation, it questions whether the proposed locations for solar panels are appropriate, since they would necessitate some cutting of vegetation within the wetland buffer (with the exception of Lot 1), particularly since roof-mounted panels and alternative locations for ground mounted panels, including a group net metered installation, seem to be viable options.

### **Section 7.10—Roads, Driveways & Pedestrian Access**

56. The proposed subdivision will not create a significant increase in traffic on public roads in the vicinity of the project over what currently exists, and therefore, is unlikely to create unreasonable traffic congestion or unsafe conditions.
57. As noted above, the applicant will need a Wetland Permit from the state for the proposed shared driveway to Lots 2, 3 and 4.
58. As noted above, if the shared drive is permitted where proposed, the Planning Commission will require the incorporation of design features that will facilitate the flow of water in the wetland from one side of the driveway to the other, including incorporating additional culverts, and oversizing the diameter and partially burying the culverts.
59. The application does not include a typical driveway cross where the driveway to Lots 2, 3 and 4 is proposed to cross the wetland.
60. The existing culvert under Tamarack Road has a diameter of 12 inches. VTrans Standard A-76, which is referenced by the CVFRS Recommended Standards for Developments and Homes, requires a 15 inch diameter culvert at a minimum.
61. Section 3.2(D)(2)(d) of the Regulations states: “Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads, including but not limited to the selection of visually compatible materials, the preservation of existing features, and appropriate management of vegetation within the road corridor. The use of surfacing material that minimizes driveway visibility and enhances surface permeability is encouraged, and may be required by the Commission or Board for development subject to subdivision, site plan, or conditional use review. A crushed stone or gravel surface is recommended.”
62. The Planning Commission finds that the paving of the easterly end of Tamarack Road would create a negative visual impact. The application does not provide sufficient information to warrant the proposed paving.

### **Section 7.11—Common Facilities, Common Land, & Land to be Conserved; and**

#### **Section 7.12—Legal Requirements**

63. Proposed common facilities include the wastewater disposal system, the two fire ponds and dry hydrant systems, and potentially the water wells. Wexford Lane and the easement over Tamarack Lane are limited common facilities serving Lots 1, 2, 3, 4 and 7 (see error in Declaration), and a foundation drain is a limited common facility for Lots 2, 3 and 4.
64. The draft Declaration of Covenants, Conditions and Easements addresses how these facilities will be maintained, and it also provides easements to each lot for use of these facilities as appropriate, except as noted below.

65. It is noted that South Forty Road is not included in the Declaration of Covenants, Conditions and Easements, so it is not clear how maintenance of the road will be administered. The draft easement deed for the use of South Forty Road refers to a Warranty Deed recorded at volume 28 page 331 of the Charlotte Land Records— however, this Warranty Deed does not provide an administrative structure for ongoing maintenance. Additionally, the water wells (which may be shared) and the dry hydrant systems are not included in the declaration.
66. The applicant has proposed that Lot 8 will be conserved via the donation of a conservation easement to the Charlotte Land Trust. A letter and e-mail from the Charlotte Land Trust confirm the land trust’s interest in conserving Lot 8. Lot 8 is proposed to be held in individual ownership. The applicant has proposed a condition of any final approval granted by the Planning Commission such that prior to or in conjunction with the recording of the mylar of the final plat, a conservation easement over Lot 8 will be recorded in the Town of Charlotte Land Records.
67. From information provided by the applicant and representatives of the adjoining parcels belonging to Doris Maeck Trustee, it is possible that Lot 8 may become part of a larger conservation project.
68. Additional discussion of the designation of open space under Section 8.4(C)(1) is below.

*The applicable standards in Chapter VIII are reviewed below in Findings 69-76.*

#### **General Standards**

69. Clustering development is often the approach that is used to design development in a manner that is consistent with the goals and policies of the Town Plan. The initial Sketch Plan application proposed a more clustered layout for the proposed development, however, adjoining property-owners expressed strong concerns regarding that plan. The layout has since been revised with the goal of creating a joint conservation project with the adjoining property owner.
70. The development as currently proposed will have adverse impacts on wetland, wetland buffer, and wildlife habitat; however, with conditions described below and as may be required by any final plan approval, and with the proposed conservation of Lot 8 and the adjoining parcels, it appears the project will meet the goals and policies of the Town Plan by mitigating impacts on areas of high public value.

#### **Rural District Standards**

71. The application is proposed as a Conservation Project under Section 8.4(C)(1) of the Regulations.
72. As discussed above, the applicant has proposed that Lot 8 will be conserved via the donation of a conservation easement to the Charlotte Land Trust. The application also includes a draft Open Space Agreement for the meadow portions of Lots 6 and 7.
73. The Planning Commission finds that the meadow on Lots 6 and 7 does not warrant the protection, and administrative burden, of an Open Space Agreement.
74. The Planning Commission notes that condition #7 of the motion approving the subdivision that created the applicant’s parcel, approved by the Planning Commission on May 28, 1996, states “all of Lots 2 and 3 shall be included for the purposes of determining open space to be set aside in any future subdivision applications on the property. No further subdivision shall be allowed without setting aside open space by an appropriate mechanism.”

75. In consideration of the above condition, the open space designated for the current application should be 50% of 67.26 acres, or 33.63 acres. Lot 8 is 31.22 acres; therefore, the application is not in compliance with the Regulations.
76. The Planning Commission finds that the incorporation of 2.41 acres from the southern portions of Lots 2 and 4 and the dog-leg on Lot 2 into Lot 8 (as discussed in Findings 32 and 33above) will allow the application to comply with the open space requirement of Sections 7.11 and 8.4(C)(1).

## Decision

Based on these Findings, the Planning Commission approves the Preliminary Plan Application for the proposed subdivision with the following conditions:

1. All plans submitted with the Final Plan Application that are revised from the Preliminary Plan Application will include a revision date.
2. The Final Plan Application will address the following items:
  - A. The plat will be revised as follows:
    - i. A table indicating the allocation of lot density will be added.
    - ii. The northern portion of the boundary between Lots 5 and 6 will be revised so that it is more regular.
    - iii. The southerly portions of Lots 2 and 4, and the “dog-leg” on Lot 2 (totaling at least 2.41 acres combined) will be incorporated into Lot 8.
  - B. A Project Review Sheet from the Vermont Department of Environmental Conservation will be included with the application.
  - C. A Vermont Wetlands Permit will be included with the application.
  - D. An analysis of well yields in the vicinity of the development will be included with the application.
  - E. The Final Plan Application may propose sprinklering of the living spaces on Lots 5 and 6 rather than a fire pond. Alternatively, the Final Plan Application will depict the fire pond to be sited on the northern portion of Lot 5 with access to the dry hydrant via South Forty Road, unless this is not feasible.
  - F. Information about soils and a preliminary design of the wastewater disposal system will be included.
  - G. Except for Lot 1, areas labeled as “clearing limits” will either coincide with the 50 foot wetland buffer or be removed from the submitted plans.
  - H. Areas labeled “solar clearing limits” will be removed from the submitted plans, or the application will demonstrate the need for them in more detail, and provide proposed mitigation in the form of replacement plantings.
  - I. Plans for the shared driveway to Lots 2 (if the lot remains in its current location), 3 and 4 will include at least three culverts for the wetland crossing, which will be oversized and partially buried.
  - J. A typical cross section for the wetland crossing will be added to the Road Details sheet.
  - K. The culvert under Tamarack Road will have, at a minimum, a 15 inch diameter.
  - L. The location of the well on Lot 4 will be revised so the well shield is on the applicant’s parcel.

- M. Stormwater control and erosion control will be addressed.
- N. The eastern end of Tamarack Road will remain gravel.
- O. The Declaration of Covenants, Conditions and Easements will be revised as follows:
  - i. In Section 1.2 and 2.1, Common Elements will include “dry hydrant systems.”
  - ii. In Section 2.2(a), change Lot 6 to Lot 7.
  - iii. In Section 2.2(c), add water wells if these will be shared.
  - iv. In Section 3.4(c), add Lot 3.
  - v. In Section 5.6, consider changing “as-built survey” to “as built.”
  - vi. In Article 6, the Maintenance of South Forty Road will be addressed.

**Additional Conditions:** All plats, plans, drawings, documents, 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.

**This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4<sup>th</sup> signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.**

**Members Present at the Public Hearing on August 18, 2011:** Jeff McDonald, Linda Radimer, Peter Joslin, Ellie Russell, Gerald Bouchard and Paul Landler

**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: \_\_\_\_\_
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- 6. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_
- 7. Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_

**APPENDIX A**

The following items were submitted in association with the application:

1. A Preliminary Plan application form and the appropriate fee for an eight-lot subdivision.
2. A plan by Stuart J. Morrow entitled "Preliminary Plan, Subdivision Amendment, Wexford Subdivision, Property of Liam L. and Laura P. Murphy, Charlotte, Vermont" dated July 2011, no revisions.
3. A packet of plans by Civil Engineering Associates, Inc. entitled "Laura & Liam Murphy, 100 Tamarack Road, Charlotte, Vermont, Wexford Subdivision, Wexford Lane and South Forty Road, Charlotte, Vermont" with the following sheets:
  - A. Overall Site Plan, sheet C1.0 dated July, 2011, no revisions. Two versions of this plan were submitted, a color version and a black & white version; the color version includes a note (with a line pointing to Lot 8) that states "30+ acres Conservation Lot to be conserved with CLT and then transferred to Maeck."
  - B. Site Plan, sheet C2.0 dated July, 2011, no revisions.
  - C. Site Plan, sheet C2.1 dated July, 2011, no revisions.
  - D. Site Plan, sheet C2.2 dated July, 2011, no revisions.
  - E. Wastewater Disposal Site Plan, sheet C2.1A dated July, 2011, no revisions.
  - F. Utilities Site Plan, sheet C2.0U dated July, 2011, no revisions.
  - G. Utilities Site Plan, sheet C2.1U dated July, 2011, no revisions.
  - H. Road Details, sheet C3.0 dated July, 2011, no revisions.
  - I. Site Plan, sheet C4.0 dated July, 2011, no revisions.
4. A memorandum from Dave Marshall of Civil Engineering Associates, Inc. to Tom Mansfield dated July 25, 2011 regarding: "Wexford Green Wastewater Disposal System Summary, Preliminary Plat Application Information Submittal."
5. A document from Arrowwood Environmental entitled "Wildlife Assessment of Murphy Property, Charlotte, Vermont" by Jeffrey Parsons dated July 24, 2011.
6. A letter from Frances Foster of the Charlotte Land Trust to Liam and Laura Murphy dated August 26, 2010.
7. An e-mail from Mary Illick (representing the Charlotte Land Trust) to Dean Bloch dated August 18, 2011 with Subject: "Fw: Murphy Subdivision meeting tonight"
8. A document entitled "Agreement" executed by Sarah Tischler, Trustee, Steven Maeck, Sarah Maeck, Liam L. Murphy and Laura P. Murphy.
9. A letter from Sarah Tischler, Trustee to Whom It May Concern dated November 4, 2010 regarding: "Murphy Application which includes 5 acres of Maeck Trust Property."
10. A draft document entitled "Draft 7.24.11, Declaration of Covenants, Conditions and Easements For Wexford, A Planned Residential Development, Charlotte, Vermont".
11. A draft document entitled "Easement Deed, South Forty Road, Shelburne and Charlotte."
12. A draft document entitled "Roadway Agreement and Waiver, Wexford, A Planned Residential Development, Charlotte, Vermont."
13. A draft document entitled "Sewage Service Agreement, Waiver, and Easement, Wexford, A Planned Residential Development, Charlotte, Vermont."
14. A draft document entitled "Fire Pond System Agreement, Waiver and Easement, Wexford, A Planned Residential Development, Charlotte, Vermont."
15. A draft document entitled "Open Space Agreement For Meadow on Lots 6 and 7, Wexford, A Planned Residential Development, Charlotte, Vermont."
16. A letter from Frank J. DelGiudice of the Department of the Army, New England District, Corps of Engineers dated May 26, 2011 which authorizes application as a Category 2 activity under the Vermont General Permit.

17. A packet of 34 pages from a PowerPoint presentation at the hearing.