CHARLOTTE PLANNING COMMISSION
Charlotte Town Office
PO Box 119
Charlotte, VT 05445
Phone: 802-425-3533

April 18, 2017

Andrea Pearce
Vermont Compliance Monitoring
PO Box 213
Huntington, VT 05462

Re: Sketch Plan Review – Application Number PC-17-16-SK

Dear Ms. Pearce,

The purpose of this letter is to summarize the Sketch Plan Review for your proposed project to change a provision of a 1987 Open Space Agreement (OSA) that prohibits excavation, filling, or changing the topography upon the property located at 5692 Ethan Allen Highway in the Town of Charlotte. A public meeting for the project was held at the Planning Commission meeting on March 16, 2017. A site visit was conducted prior to the meeting at the property. Although it is not required by 24 VSA Chapter 117 to notify the adjoining property owners of a Sketch plan review, the Town nevertheless sent notification of the public meeting to each of the abutting neighbors, posted electronic notice on the Town of Charlotte website calendar, and posted hardcopy notices at the Town offices, the Old Brick Store, and the Spear Street Store.

The Planning Commission has classified your project as a "Minor Subdivision Amendment" in accordance with Section 6.1(C)(4)(a) of the Charlotte Land Use Regulations (hereafter referred to as "the regulations"). This means that should you decide to submit a Final Plan application (including any waiver requests), you would need to do so within six months of the date of this letter. A subsequent public hearing would then be scheduled, in accordance with Section 6.5 of the regulations.

The Planning Commission is providing the following comments and observations that supplement the submission requirements of the regulations:

1. The property was created as part of a previous 4-lot subdivision (approved by the Planning Commission on June 23, 1987) in tandem with an OSA between the land owner Clark Hinsdale, III and the Town of Charlotte where the intent was to protect 17.66 acres of open space on the property (i.e. Lot 4) from environmental and viewshed impacts, as well as the ecological rights of abutting property owners. The following covenants are of particular relevance to the current application;

   Section 3(b): There shall be no filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any

building of roads or change in the topography of the land in any manner.

Section 3(d): There shall be no dumping of ashes, trash, garbage or other unsightly or offensive material, and no changing of the topography through the placing of soil or other substance of materials such as landfill except as required during construction and completion of the project as approved.

Section 3(f): There shall be no activities or uses on the property which shall be detrimental or could be detrimental to drainage, flood control, water conservation, fish and wildlife, or habitat preservation.

2. The fill footprint on the property identified in your letter of intent was not approved by the Town of Charlotte, but resulted from illegal construction undertaken in 1999 by a previous land owner who was issued a Notice of Violation for breaking the OSA.

3. The Planning Commission feels that there are no significant changes or mitigating circumstances that warrant the insertion of excavated materials (comprised of ~95% native soils and ~5% concrete, as stated within your application) underneath the topsoil of the property, which may impact the natural resources listed in Section 3(f).

4. The Planning Commission has not identified any changes related to the operation of the property that were not reasonably foreseeable at the time the OSA was established.

It is the opinion of the Planning Commission that the OSA should be left in place with no further modifications to it.

Please let me know if I can answer any further questions.

Sincerely,

Peter Joslin, Vice-Chair,
Charlotte Planning Commission