

**CHARLOTTE PLANNING COMMISSION**  
**Charlotte Town Office**  
**PO Box 119**  
**Charlotte, VT 05445**  
**Phone: 802.425.3533**

February 28, 2019

Dave Nichols  
138 Morningside Drive  
Charlotte, VT 05445

Re: Sketch Plan Review – Application Number PC-18-202-SK

Dear Mr. Nichols,

The purpose of this letter is to summarize the Sketch Plan Review for a proposed Boundary Adjustment for your three existing parcels located at 138 Morningside Drive within the Rural District (RUR) in the Town of Charlotte. Having a total of approximately 314 acres, the parcels for this application include: **Lot #1**: 250.81 acres, **Lot #2**: 40.22 acres, and **Lot #3**: 23.06 acres.

According to your application (see: <https://is.gd/WvhODc>), you had originally proposed to reconfigure the parcels of your property to become: **Lot #1**, the entire conserved portion of the property that is currently in an easement with the Vermont Land Trust (about 223 acres); **Lot #2**, the non-conserved agricultural land located along Spear Street and Morningside Drive (about 81 acres); and **Lot #3**, a small house lot (estimated to be about 2 acres) that would be located across from the drainage ponds (where the driveway turns west), to serve as a possible retirement home.

However, during discussions at the Planning Commission meeting that took place on January 17, 2019, it was determined that the existing three lots would be combined into two lots, consisting of: **Lot #1** containing all of the conserved land, and **Lot #2** containing all of the non-conserved land. The creation of a third lot measuring 2-acres would require an application to be invoked as a Planned Residential Development (PRD), because it is below the 5-acre Rural (RUR) Zoning District dimensional standard.

A site visit was held at the property on Saturday January 12, 2019 at approximately 9:30 AM attended by Planning Commissioners David Kenyon and Gerald Bouchard. A second site visit to the property took place on Thursday January 17, 2019 at approximately 10:00 AM attended by Planning Commissioners Peter Joslin (Chair) and Marty Illick. The public meeting for the proposal was held later that evening at 7:35 PM. In attendance were Commissioners: Peter Joslin (Chair), Charlie Pughe (Vice Chair), Gerald Bouchard, Mary Illick, Dick Eastman, and David Kenyon. Additional participants included the applicant's representative Clark Hinsdale, III, Nick Powden, and Samuel Smith. You were participating via phone from Florida.

The Planning Commission has classified your project as a “Boundary Adjustment” in accordance with **Sections 6.1(C)(3)** of the 2016 Charlotte Land Use Regulations (hereafter referred to as “the Regulations”).

The Planning Commission is providing the following observations on your proposed application:

1. The following Areas of High Public Value (AHPV) were identified on the property:
  - a. Land in active agricultural use: The land on the property is enrolled in the State’s Use Value Appraisal (UVA) Program (i.e. “Current Use”, or current active agricultural use).
  - b. Primary Agricultural Soils (Prime and Statewide - PAS): The majority of the property comprises Statewide soils. About 8.5 acres of Prime Agricultural soils exist in the non-conserved portion of existing **Lot #1**, according to the *USDA Natural Resources Conservation Service (NRCS)* GIS database.
  - c. Surface Waters, Wetlands, and associated buffer areas: A Bingham Brook tributary exists along the western portion of **Lot #1**. About 17 acres of wetland is estimated to exist along the tributary (according to the Vermont Department of Environmental Conservation’s *Vermont Significant Wetlands Inventory (VSWI)*).
  - d. Wildlife Habitat: About 46 acres of *Significant Forest Habitat* exists on the property, with approximately 28 acres on existing **Lot #1**, and about 18 acres on existing **Lot #3**. About 34 acres of *Significant Aquatic Habitat* exists on the northern portion of the property (as identified within the GIS layers of the “*Charlotte Significant Wildlife Habitat Map and Database*”).
  - e. Water supply source protection areas (SPAs):
    - Ground water: N/A
    - Surface water: The entirety of the parcel falls within the Champlain Water District – Zone 3 (System ID: VT0005092).
  - f. Scenic Views and Vistas: Bingham Brook Road, along the southern end of **Lot #3**, is classified as a “*Most Scenic Public Highway*” according to the Charlotte Town Plan.
  - g. Conserved land on adjacent parcels: About 223 acres of the existing property are in conservation easements with VLT.
2. **Section 8.1(B)** of the Regulations state that the purpose of a Planned Residential Development (PRD):

*“PRD provisions are intended to allow clustering of residential development and innovative design to promote the most appropriate use of land and the preservation of Areas of High Public Value identified in Table 7.1;”*

The less than 5-acre Rural (RUR) Zoning District dimensional standard of proposed **Lot #3** would require a minimum of 50% of its parent parcel to be conserved open space.

Furthermore, in order to approve a PRD, the Planning Commission must find:

- (a) that the project will minimize the adverse effects upon the resources identified as significant in Table 7.1 (Areas of High Public Value); and*
- (b) the development area is appropriate for the proposed density, in terms of the existing settlement pattern, the zoning district, and the standards in Chapter VII.*

At the public meeting, the Planning Commission expressed concern that the placement of a house site in the middle of an agricultural pasture was not ideal and could create a conflict between future landowners.

3. Other issues may be considered during the review of your forthcoming Final Plan application. In accordance with **Section 6.3(D)** of the Regulations, this Sketch Plan Review is valid for six months, unless an additional six-month extension is formally requested from the Planning Commission before the expiration date.

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

Sincerely,

Peter Joslin, Chair  
Charlotte Planning Commission