

CHARLOTTE PLANNING COMMISSION
Charlotte Town Office
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Charlotte, VT 05445
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March 24, 2020

Roy Marble
14 Stafford Ave.
Morrisville, Vermont 05701

Re: Sketch Plan Review – Application Number PC-20-01-SK

Dear Mr. Marble,

The information contained within this letter covers the Planning Commission's understanding of your development proposal for the 3453 Spear Street property that exists within both the Rural District (RUR) and the Conservation District (CON). This letter also cites the Charlotte Land Use Regulations (LURs) pertinent to the proposed development. Please do not hesitate to include any status updates or additional information within your forthcoming application. You may further contact the staff at the Planning and Zoning Office if you wish to seek further guidance in response to this advisory letter.

The Planning Commission has reviewed the application, which proposes to subdivide your 31.43 acre property into four (4) lots in the following configuration:

1. **Lot #1** = An approximate 15 acre lot with 1 house and a barn (*without a proposed building envelope*). The lot size of Lot #1 is dependent on the approved Lot configuration of Lot #5, discussed below;
2. **Lot #2** = A pre-existing 1.87 acre lot at 3475 Spear St. (now owned by Nicholas & Tammy Clark), approved in 2005;
3. **Lot #3** = A new southern 7.7 acre (*with a proposed 0.8 acre envelope*) lot on Spear St. with a shared-drive with Lot #4;
4. **Lot #4** = A new southernmost 7.7 acre (*with a proposed 0.8 acre envelope*) lot on Spear St. with a shared-drive with Lot #3;
5. **Lot #5** = A new northernmost lot, with a mobile home (*without a proposed building envelope*). The creation of the lot is proposed in two possible configurations: **Alternative #1.** a 0.6 acre regular-shaped lot, or **Alternative #2.** a 1.32 acre slightly irregular-shaped lot that could accommodate a wastewater system.

Two public meetings were held to proceed with your Sketch Plan Review application on January 16 and February 20 (both attended by yourself and Commissioners Peter Joslin, Vice Chair Charlie Pughe, Jim Faulkner, Gerald Bouchard, and Marty Illick). Two site visits to the property have taken place: 1. A prior visit ahead of the Planning Commission meeting held on Thursday October 18, 2018 at 6:00 PM with yourself, Steve Winn, the Town Planner, as well as Commissioners Peter Joslin (Chair), Dick Eastman, and Gerald Bouchard, and; 2. A visit on Saturday January 11, 2020 at 9:00 AM with yourself and Commissioners Peter Joslin (Chair) and Gerald Bouchard.

This Sketch Plan Review is a resubmission of a previous Sketch Plan Review (**PC-18-156-SK**), which expired on May 29, 2019. The Planning Commission has classified your project as a “4-Lot Major Subdivision / Planned Residential Development (PRD)” in accordance with **Section 6.1(C)(2)** of the Charlotte Land Use Regulations (hereafter referred to as “the Regulations”), which describes a Major Subdivision as “*any residential subdivision, or re-subdivision of land resulting in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership*”. A Major Subdivision will require two (2) public hearings, and two (2) applications and resultant decisions from the Planning Commission; one for a Preliminary Plan, and a second for a Final Plan.

The Planning Commission is providing the following guidance for your forthcoming Preliminary Subdivision application, which should address the following elements:

Section 2.3 Application of District Standards - Table 2.5 Rural District (RUR)

The Rural district dimensional standards call for a Minimum Road Frontage of 300 ft. Your property boundary design proposes to create two non-conforming lots; Lots #3 and #4, each with road frontages that would be less than 300 feet.

The Rural district dimensional standards call for a Minimum Sideyard Setback of 50 ft. The property boundary designs between Lot #1 and Lot #5 propose: **1.** A non-conforming (30 ft.) sideyard setback between the mobile home on Lot #5 and its southerly property line, and;. **2.** A non-conforming sideyard setback (which varies between 15 ft. and 30 ft.) between the barn on Lot #1 and its northerly property line.

Each of these non-conformities are addressed in the PRD standards covered in **Section 8.4**, below.

Section 3.2 Road, Driveway, and Pedestrian Access Requirements

The proposed Lots #3 and #4 share a sixty foot (60') wide access from Spear Street, along the proposed northern property boundary of Lot #4. A Highway Access Permit (HAP) should be submitted to the Selectboard prior to submission of your Final Subdivision application.

Section 7.2 General Standards - Areas of High Public Value (Table 7.1):

The following Areas of High Public Value (AHPV) were identified on the property:

- a. Primary Agricultural Soils (Primary and Statewide - PAS): About 9.7 acres of agricultural soils (*Prime* = ~3.2 acres, and *Statewide* = ~6.5 acres) comprise the western portion of the property, along each lot's frontage that adjoins Spear Street.
- b. Surface Waters, Wetlands, and associated buffer areas: About 19.4 acres of wetland is estimated to exist along the eastern majority of the parcel (according to the Vermont Department of Environmental Conservation's *Vermont Significant Wetlands Inventory (VSWI)*). According to the "Subdivision Design" map (dated January 18, 2019) that was submitted for this proceeding, the class II wetlands have been delineated by Peter Spear of *Natural Resources Consulting Services* in 2005. The majority of this estimated wetland is contained within the Conservation (CON) zoning district. The property is also traversed by a small stream through the center of the wetland area, as indicated in the Vermont Agency of Natural Resources, *Vermont Hydrography Dataset (VHD)*. It enters the property on the southern boundary and continues through the center of the wetland, to the northern boundary. The wetland area was identified by the Planning Commission as an ideal *Area of High Public Value (AHPV)* to preserve within an Open Space Agreement with the Town.
- c. Wildlife Habitat: 3.8 acres of *Significant Forest Habitat* exists on the northeastern portion of the property. About 20 acres of *Significant Aquatic Habitat* exists on the eastern portion of the property. This area was identified by the Planning Commission as an ideal *Area of High Public Value (AHPV)* to preserve within an Open Space Agreement with the Town.
- d. Water supply source protection areas (SPAs):
 - o Ground water: N/A
 - o Surface water: The entirety of parcel falls within the Champlain Water District – Zone 3 (System ID: VT0005092).
- e. Scenic Views and Vistas: N/A.
- f. Historic Districts, Sites, and Structures: Historic Site #0403-27 (Baker Rental House) adjoins Lot #5 at the northern property boundary and Site #403-26 (Marble Rental House) is directly across the street from the structures on Lot #1 and Lot #5. Each historic structure has been listed in the Vermont State Register of Historic Places since April 9, 1980.
- g. Conserved land on adjacent parcels: No designated Open Space exists upon the property, or upon any adjoining properties.

Section 7.2(C)(5) Lot Layout

Your application proposes a Minimum Road Frontage for Lots #3 and #4 to be less than 300 feet. The design further proposes the creation of an irregular-shaped lot (**Lot #5**). The proposed leachfield for Lot #5 traverses the property boundary of the adjacent Lot #1. The Regulations state:

“Irregularly 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 features.”

Section 7.3(D)(1) Rural, Shoreland & Conservation Districts

Within the Rural, Shoreland and Conservation Districts, all subdivisions and associated site development shall be designed and reviewed according to the following standards:

*“**Building envelopes**, to the extent feasible, shall be located, sited and configured so as not to create any undue adverse impacts on Areas of High Public Value. In the event that no other land in the parcel to be subdivided is suitable for development, building envelopes shall be designed to minimize encroachments into these areas and to minimize undue adverse impacts.”*

The proposed building envelopes for Lots #3 and #4 should not be allowed to extend over the boundary of the Conservation District. The Conservation (CON) zoning district boundary should be added to the proposed Survey plat map, in addition to the proposed building envelopes for each of the parcels to be created as part of the subdivision.

7.6 Water Supply / 7.7 Sewage Disposal

Designed by Paul Taylor of Trailhead Designs, LLC, the [Water Supply and Wastewater Site Plan](#) indicates that both Lot #3 and Lot #4 are served with separate wastewater mounds, each located within Lot #3 along the western portion of the parcel. Existing Lot #2 is served with an existing system with an adjacent southerly replacement area. Lot #5 would be served with a leachfield to the east of the existing mobile home. **Alternative #2** (the 1.32 acre slightly irregular-shaped lot) is proposed to contain most of the leachfield. However, Lot #5 would require either a septic easement to be created upon Lot #1 to provide access to, or a redesign that will encompass the entirety of the leachfield.

Lots #3 and #4 will each be served by proposed new wells to be drilled onsite.

The permit **WW-4-2385-3** (approved on October 19, 2019) does not demarcate Lot #5 within the [Site Plan map](#). Your Water Supply and Wastewater permit and site plan would require a permit amendment for the creation of Lot #5. Your Preliminary Subdivision application should address any required wastewater and water supply permit amendments that may be needed to approve the development of the four-lot subdivision.

Section 8.4 Planned Residential Developments (PRDs)

As was stated at the public hearing, the Planning Commission classified your proposed application as a PRD, because: **1.** PRD provisions are applied to all Major Subdivisions, and; **2.** The application proposes non-conforming property boundary dimensions. The PRD status of your application will allow for modification of setbacks and other dimensional standards of the property boundaries of your proposed parcels that were mentioned in **Section 2.3**, above.

Additionally, the subdivision already has a deferred open space requirement as a condition of the previous 2005 subdivision approval (e.g. **PC-05-45**), which will require a 50% designation of open space area based on the original 33.6 acre parcel (i.e. a total of 16.8 acres).

Most of the eastern portion of the parcel is within the Conservation (CON) zoning district, and therefore no structures (except for accessory structures to an allowed use) are allowed within this district. PRD provisions require the designation of 50% open space, which in accordance with **Section 8.6** of the Regulations, shall provide for the protection of resources on the site (e.g. the identified *Areas of High Public Value*, including the aforementioned *Significant Forest Habitat* and the wetlands discussed in **Section 7.2** above).

Conclusion

According to the February 20, 2020 Planning Commission minutes, the Planning Commission indicated that **Alternative #2** (the 1.32 acre slightly irregular-shaped parcel) is the preferred design. For your subdivision application, the following items should be included in your Preliminary Subdivision application:

1. The preliminary survey plat map that should be updated with:
 - a. Alternative #2 of proposed Lot #5, where the southern property is delineated at a right angle to the Town Highway right-of-way. The property boundary of lot #5 should encompass the proposed leachfield designed to serve the lot.
 - b. The delineation of proposed building envelopes for Lots #1, #3, #4, and #5, which should observe a minimum 50' setback where possible (excepting for the setback distances between the barn on Lot #1 and the mobile home on Lot #5, as discussed in **Sections 2.3** and **8.4** above).
 - c. The delineation of the Town-Highway right-of-way, and dimensional line to the nearest proposed building envelope boundary on each lot, which should maintain the minimum fifty-foot (50') setback from the road right-of-way boundary.
 - d. All access, utility, and other easements on the properties.
 - e. The location of the footprint of all designated water supply and wastewater infrastructure (including any mounds, septic tanks, and replacement areas); and proposed driveways and vehicle turnouts within the subdivision area.
 - f. The delineation of the Conservation (CON) zoning district boundary, the 2005 delineated wetlands mapped by Peter Spear of *Natural Resources Consulting Services*, their fifty-foot (50') buffer, and the location of the small stream (discussed in **Section 7.2(b)** above).
 - g. The proposed delineation of at least 16.8 acres of Open Space Area along the easterly portions of the proposed lots, as discussed in **Section 8.4** above.

2. An application for a Highway Access Permit (HAP) should be submitted for approval by the Charlotte Selectboard. You may mail in a copy of the completed application form (which is available for download at this link: <https://is.gd/aRNVb0>) to Dean Bloch, Town Administrator, Town Offices, 159 Ferry Road, Charlotte, VT 05445, or via E-mail to: dbloch@townofcharlotte.com. Please include a check for \$100.00 made to the Town of Charlotte with your application.
3. The Planning Commission will require an Open Space Agreement (OSA) that details recommended cutting restrictions and the preservation of the delineated class II wetland and their fifty-foot (50') buffer, as well as any forest habitat.
4. 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,

A handwritten signature in blue ink, appearing to read "Peter Joslin".

Peter Joslin, Chair,
Charlotte Planning Commission