

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Jack and Joyce Wallace
And
Scott and Rowan Hardy**

**Final Plat Hearing
For A
Nine-Lot
Planned Residential Development Subdivision
Application # PC-05-22**

Background

The subject parcel is 108.8 acres and has not been previously subdivided under Town bylaws. Three dwellings are located on the parcel. Sketch Plan Review was held on July 15 and August 5, 2004, and amended on September 16, 2004. The Preliminary Plat Decision (PC-05-07) was issued April 7, 2005.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing for this application was opened on June 2, 2005. Jack Wallace, Scott Hardy and John Pitrowiski (of Trudell Consulting Engineers) were present representing the applicant. The following adjoining property owners and other interested parties were present and participated: Donna Stearns, Kevin Charves, Charles Russell (Selectboard) and Linda Hamilton (Conservation Commission).

Regulations in Effect

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

Findings

1. Because the parcel is over 25 acres in size, Section 5.15 of the Zoning Bylaws and Chapter VI Section 2.M. of the Subdivision Bylaws require the Planning Commission to review the application under the Planned Residential Development (PRD) provisions.
2. The proposed subdivision creates five building lots (Lots 1-5), three lots for existing dwellings (Lots 6-8), and one common lot (Lot 9). Proposed lot sizes are as follows: Lot 1 = 3.67 acres, Lot 2 = 3.04 acres, Lot 3 = 2.84 acres, Lot 4 = 2.5 acres, Lot 5 = 3.05 acres, Lot 6 = 1.57 acre, Lot 7 = 10.01 acres, Lot 8 = 1.43 acres and Lot 9 = 79.96 acres.

3. The applicant has proposed that Lot 7 may be further subdivided in the future, to create one additional building lot.
4. The area in the vicinity of the project is rural in character. There is a recently created clustered subdivision on the south side of Spear Street near the westerly portion of the parcel, and development becomes more dense in the village of North Ferrisburgh.
5. There is an Open Space Area (conserved area under a Town agreement) on the south side of Spear Street, across from the eastern portion of the subject parcel—this was created by the Rodney and Donna Stearns subdivision.
6. The parcel has a pocket of statewide agricultural soils on the lower portion of the open meadow, and a very small pocket of prime agricultural soil in the southwest corner of the parcel.
7. Public views of the parcel are primarily from the southwest on Spear Street, from directly adjacent to the parcel on Spear Street, and from the west on Mount Philo Road as one travels north, and also from town roads in Ferrisburgh. As one travels west on Spear Street, views of the parcel are very brief and are primarily of the vegetation along the roadside. Maps 12 and 13 in the Town Plan indicate important *southerly* views from Spear Street in the vicinity of the parcel.
8. For reasons discussed in more detail below, the Planning Commission views wildlife habitat as the primary resource on the parcel. The agricultural and scenic values are secondary resources; these are of a significantly lower value in terms of the quantity and quality of the resources, although there may be some agricultural uses that would be well suited to the site, especially because of its southern exposure.
9. The subject parcel is located on a southward facing slope and hosts several types of vegetation cover. The southwest portion is primarily a sloping pasture/meadow, with some patches of cedar; the eastern and northern portions are wooded. The meadow has been used previously as a hayfield. The Forest Management Plan submitted with the application describes four stands, or management units, in the forested portion of the parcel.
10. The northeastern portion of the parcel is directly adjacent to Mount Philo State Park.
11. Map 6 of the Charlotte Town Plan indicates the wooded portion of the parcel is Forest Habitat. Portions of adjacent and nearby parcels (Bevan, Allen, McCloughlin, Dolliver, Titus and the Mount Philo State Park) are also indicated as providing Forest Habitat. Map 6 also indicates Associated Support Habitat is just south of the forest habitat on the western portion of the parcel. The map also shows a Major Linkage just east of the southeastern corner of the parcel, running southward toward Lewis Creek. The map also shows a wildlife crossing near the southwestern corner of the parcel; in reviewing other subdivision applications, including that of Rodney and Donna Stearns, there had been discussion that an additional crossing is located near the southeastern portion of the parcel.
12. Map 13 in the Town Plan indicates two Wildlife Value Areas along the southwest and southeast portions of the parcel, adjacent to Spear Street.
13. An unnamed stream runs through the central/westerly portion of the parcel in a north/south orientation. Water bars have been installed along the southern portion of the stream, which have dispersed the stream in the southern portion of the meadow. The stream runs to a ditch along Spear Street, and then to a culvert under Spear Street.
14. The applicant obtained a wetland delineation from Peter Spear of Natural Resource

- Consulting Service. (The delineation was submitted with the Sketch Plan Amendment). The delineation indicates a strip of Class III wetland adjacent to the unnamed stream, and two Class II wetlands in the vicinity of the pond in the northwest corner of the parcel.
15. As a result of Condition #1 of the Preliminary Plat Decision, a request was made to John Austin, a Wildlife Biologist with the Vermont Fish and Wildlife Department, to visit the site, provide a review of the existing wildlife habitat, provide a review of the potential impact of the project on wildlife habitat, and suggest potential mitigation measures. Mr. Austin's letter of May 9, 2005 was received by the Planning and Zoning Office in conjunction with the submission of the Final Plat application.
 16. A few excerpts from Mr. Austin's letter of May 9, 2005 summarize his findings. "Overall, this is a very high quality site with respect to wildlife habitat diversity....In general, the scale of the proposed project with respect to impacts on wildlife and habitats is relatively small....The project will result in some impacts to most of the habitats mentioned herein....Although this project will not result in the direct loss of deer winter habitat, it will indirectly affect the ability of the deer to use that habitat. The normal activities associated with everyday life such as dogs, children playing, engines running, etc. can all displace wintering deer....The same displacement effect associated with residential activities can be applied to other species of wildlife. The greatest benefit of the project as currently proposed is the conservation of over 80 acres [sic] of high quality habitat (this includes the meadow habitat)....I would further recommend that conditions be established to preclude future lot owners from cutting or otherwise removing vegetation outside of the building envelope without the prior review and approval of the Commission. The vegetation around the lots will serve as a critical buffer to reduce the indirect effect of disturbance of wildlife. Finally, I would suggest that, presuming shifting one or more of the house lots out of the woods and into the meadows is not an option, that the open, undeveloped meadows become part of the overall conserved lands and be addressed through the same conservation easement." The Forest Management Plan (submitted with the application) "does a good job of characterizing the forest conditions of the property and makes sound recommendations concerning the management of the forest resource with respect to its wildlife habitat value."
 17. The Forest Management Plan submitted with the application indicates that Stand 1, Stand 3 and Stand 4 are particularly important for wildlife habitat.
 18. The applicant has proposed an Open Space Agreement (with the Town) for the wooded portion of Lot 9 (55.5 acres) and the eastern portion of Lot 7 (6.45 acres). This would result in the conserving of 61.95 acres, or 57 percent of the parcel. This percentage meets the guideline in Section 5.15.D. of the Charlotte Zoning Bylaws, which indicates for PRD parcels over 100 acres in size, open space areas should be 50%+ of the total area.
 19. The applicant has requested that the remainder of Lot 9 (24.46 acres) consisting of pasture and meadow not be included in the Open Space Easement, but has proposed a tree cutting restriction for a portion of Stand 4, to be defined by the eastern buffer of the stream to the western edge of the road.
 20. Agricultural use of the meadow is appropriate, and while such use would not be restricted by an Open Space Agreement, the Planning Commission recognizes that the application meets the guideline in Section 5.15.D. of the zoning bylaws for open space designation.
 21. Notwithstanding the previous finding, the Planning Commission notes that the applicant's forester and Mr. Austin have both indicated that Stand 4 (which is located on the western

portion of the undeveloped meadow referred to in Mr. Austin's letter) is particularly important for wildlife habitat. The Planning Commission consequently finds the area on Lot 9 proposed for a tree-cutting restriction (between the stream and the road) is not adequate, since it only covers a sliver of Stand 4. The Planning Commission finds that protection of the habitat encompassing a larger portion of Stand 4 is appropriate, particularly since the project's impacts will extend beyond the confines of the building lots, as described in Mr. Austin's letter.

22. The Planning Commission finds the location of Lots 1-8 to be acceptable. Although the Planning Commission has found that wildlife habitat is the primary resource on the parcel, and therefore would normally seek to eliminate all prospective impacts of the subdivision on this resource (for example by requiring all lots to be sited in the meadow), the Planning Commission notes that other resources on the parcel, particularly agricultural and visual resources, are also significant. The Planning Commission further notes that the proposed layout will conserve a significant area (61.95 acres) of wildlife habitat in an appropriate location. Therefore, the location of Lots 1-8 provides a compromise between impacts on wildlife, agriculture and scenic resources, but impacts on the wildlife resources will be further mitigated by the open space and tree-cutting restrictions (as described below).
23. The stormwater control plan submitted with the application is designed for the 10-year and 25-year storm events, as required by Chapter VII Section 2 of the Charlotte Subdivision Bylaws.
24. The Planning Commission is satisfied that the stormwater control plan submitted with the application will maintain pre-development stormwater flows.
25. The applicant has obtained a water and wastewater permit from the State of Vermont (WW-4-2065, WW-4-2065-1).
26. The Town's wastewater disposal consultant, Vermont Contours, Inc., viewed the existing septic tanks for the two mobile homes and the existing farmhouse; his comments dated May 23, 2005 state that the farmhouse septic tank needs to be replaced with a 1,000 gallon (minimum) concrete tank; the other tanks are adequate. He also notes that the three residences have designated replacement disposal fields on Lot 9 in the vicinity of the other disposal fields.
27. Setbacks between the unnamed stream and the proposed structures and wastewater systems comply with Section 5.11.B of the Zoning Bylaws.
28. The proposed access is via a private road for Lots 1-5 and the existing driveways for Lots 6-8. The existing eastern portion of the driveway to Lot 8 will be eliminated, as depicted in Sheet SP1.
29. The proposed roads and driveways serving the project are a concern for several reasons: they contribute to the negative impact of the project on wildlife resources; the grades are steeper than the 8% standard recommended by Charlotte Fire and Rescue; and an additional curb-cut for the private road is proposed very close (approximately 275 feet) from an existing private road (White Birch Lane), creating a negative scenic impact and a potential safety concern.
30. The applicant has proposed to reduce the width of the road to 14 feet where it runs through a stand of cedar (between stations 7+00 and 8+00) to reduce the proposed road's impact on wildlife habitat. This is a relatively straight section, so the narrow road width is acceptable.

31. The proposed road crosses the northern portion of the stream; the stream width is approximately 13 feet in this location. After considering a round culvert, a “squashed” culvert, a box culvert and a bridge, the applicant is proposing a partially buried over-sized “squashed” culvert (with a 49 inch span at its widest point). Considering together the issues of wildlife impact/benefit, erosion control, and cost, the Planning Commission finds that the squashed culvert is an acceptable option.
32. The proposed road has a finish grade of 12%, and the driveway to Lot 1 has a 10% finish grade. The Recommended Standards for Developments and Homes (adopted by the Planning Commission in 1997) indicate roads and driveways should have a maximum grade of 8%.
33. The Fire Department has recommended two options: reduce the grades to between 8% and 10%, or require sprinkler systems in the dwellings.
34. The applicant would prefer to install a fire pond rather than the sprinkler systems, however the Fire Department has indicated they would not be able to reach the fire pond unless the road grades are reduced. The applicant has explored other road configurations that would meet the Town’s road standards, including switchbacks and creating access from the existing driveways serving Lots 6-8. These alternate configurations would create considerable additional impacts on wildlife, agricultural and scenic resources, and would also be a considerable expense to the applicant. In considering the two options stated in the preceding finding, the applicant and Planning Commission agreed that installing sprinkler systems in the dwellings would be preferable.
35. Because the applicant has agreed to install sprinkler systems in the dwellings, the Fire Department has indicated that a fire pond would not be necessary. Nevertheless, the proposed pond was also designed to serve as a stormwater detention pond.
36. The applicant has obtained a Highway Access Permit (HAP-05-02) from the Selectboard, which also addresses the replacement of the culvert under Spear Street.
37. The close proximity of three private roads creates safety concerns for this section of Spear Street, and also raises aesthetic concerns—the surrounding area is rural and scenic. The proposed road is approximately 275 feet from White Birch Lane. As a result of Condition #4 of the Preliminary Plat Decision, Town staff and the applicant met with the intervening property-owner (Lester and Janice Armell) to discuss allowing a connection between the proposed road and White Birch Lane, however they did not want to allow the connection across their property.
38. Since the project is below the density allowed by the parcel’s acreage, the applicant has not proposed a covenant to address the affordability of any of the dwellings. Nevertheless the Planning Commission finds that it would be appropriate and acceptable to allow two-family dwellings on Lots 6, 7 and 8—this may allow affordable dwelling units to be created in the future.
39. Two sheets were submitted by the applicant just prior to the public hearing; one is entitled “Proposed Modifications to Final Plan Submission with Proposed Conditions” and dated May 26, 2005; the other is entitled “Corrections to Final Plan Submission” and dated May 26, 2005. Proposed modifications and corrections are addressed in conditions below.
40. No information was provided by the applicant regarding the area on the plat designated as a “Proposed Visual Easement Area”.
41. The “Propose Treeline” depicted on Sheet SP1 does not accurately depict the treeline

as proposed by the applicant and discussed at the hearing.

Decision

Based on these Findings, the Planning Commission approves the Final Plat Application for the proposed nine-lot subdivision with the following conditions:

1. The plans submitted with the Final Plat Application will be revised as follows:
 - A. The Subdivision Plat:
 1. All access rights-of-way will be 60 feet in width. Lot lines of Lots 3 and 4 may be adjusted to accommodate right-of-way.
 2. The road right-of-way will be adjusted so that it doesn't encroach into Open Space Easement.
 3. "Easement" will be deleted from "Common Land Easement Line."
 4. A note or label will be added to indicate that the Open Space Easement Area is also common land.
 5. The delineated area and label for the "proposed visual easement area" on Lot 9 will be eliminated.
 6. Spelling and deed reference for Bevan will be corrected/inserted.
 7. The understood width of the Spear Street right-of-way will be indicated.
 8. A note will be added "See also the Overall Site Plan (sheet SP1)."
 - B. Overall Site Plan (sheet SP1):
 1. The acreage of Lots 1, 3 and 4 will be corrected to match the Subdivision Plat.
 2. All building envelopes will indicate distances from the adjacent lot lines or other feature (e.g. wetland).
 3. Silt fencing will be added on the down-slope edges of the road, driveways and all building envelopes.
 4. The following area on Lot 9 will be labeled as "Tree-cutting Restrictions Apply": north of the intersection of the proposed road and the proposed driveway for Lot 1, the area will be bounded on the east by a 100' buffer to the east of the eastern edge of the streambed, and bounded on the west by the eastern edge of the proposed roadway; south of the intersection of the proposed road and the driveway for Lot 1, the area will be bounded on the west by the western parcel line.
 5. A note will be added: "Tree-cutting restrictions apply to all lots as required by Findings of Fact and Decision PC-05-22, the Forest Management Plan, and the Declaration of Covenants."
 6. The "Proposed Treeline" will be removed.
 7. The eastern boundary of the building envelope on Lot 7 will be moved to 120 feet west of the Open Space Easement Area.
 8. "Fire Pond" will be changed to "Stormwater Detention Pond."
 9. The dimensions of the "pull-offs" on the roadway will be indicated.
 10. A note will be added "See also the Subdivision Plat."
 11. A signature block and recording block will be added.
 - C. Sheets P1-P4:
 1. Silt fencing will be added on the down-slope edges of the road, driveways and

- all building envelopes.
2. "Fire Pond" will be changed to "Stormwater Detention Pond".
 3. The delineated area and label for the "proposed visual easement area" on Lot 9 will be eliminated.
 4. The note regarding proposed tree-clearing limits shall be amended the following: "Tree-cutting restrictions apply to all lots as required by Findings of Fact and Decision PC-05-22, the Forest Management Plan, and the Declaration of Covenants."
2. Two paper copies (one full size and one 11" x 17") of each of the plans noted in Condition 1 above, with amendments as indicated, will be submitted to the Planning Commission for review within 60 days; the applicant will record mylars (18" x 24") of the Subdivision Plat and the Overall Site Plan (sheet SP1) in the Charlotte Land Records within 90 days.
 3. Prior to the submission of the mylars to the Planning Commission, the applicant will submit a letter from the surveyor indicating that the survey pins have been set in the field as indicated on the survey.
 4. Prior to the submission of the mylar for recording, the existing steel septic tank serving the farmhouse on Lot 8 will be replaced by a concrete septic tank at least 1,000 gallons in size.
 5. The Open Space Agreement will be edited as follows:
 - A. Clarify the goals of management for wildlife habitat, and reference the Forest Management Plan (and any amendments thereto, to be approved by the Town).
 - B. Indicate the Town may request assistance from the Vermont Fish and Wildlife Department for implementation and enforcement.
 - C. 2nd Whereas clause: change "8" to "9"; also correct map reference.
 - D. Paragraph 3.(b): change reference to Forest Management Plan to "except logging roads to be approved administratively by the Planning Commission."
 - E. Now Therefore clause: correct the acreage and refer to sheet SP1.
 6. Prior to the sale of any lot within the subdivision, the Roadway Agreement and Waiver and Open Space Agreement (as amended above) will be submitted to the Selectboard for approval; once approved and executed by the Selectboard the documents will be executed by the applicant and recorded in the Charlotte Land Records.
 7. Prior to sale of any lot within the subdivision, the Declaration of Covenants will be executed and recorded in the Charlotte Land Records essentially as submitted, with minor edits for clarity.
 8. The Forest Management Plan will be revised within the section entitled Primary Ownership Objectives as follows: "Ownership goals include protection of fragile and/or unique forested sites and important wildlife habitat, and secondarily retention of aesthetic qualities, and provide opportunities for recreation. Forest management activities will emphasize sound forest management practices."
 9. Any modifications to or substitution of the Forest Management Plan must be submitted to the Planning Commission for administrative approval. Such approval shall not be unreasonably withheld, provided the modification or substitution is consistent with the goals of the Forest Management Plan as stated in the condition above.
 10. Prior to the sale of any lot within the subdivision, the Forest Management Plan (as amended above) will be either registered with the State current use program or recorded in the Charlotte Land Records.

11. On Lots 7 and 9 within the “Open Space Easement Area”, tree-cutting shall be allowed only as prescribed in the Forest Management Plan.
12. On Lot 9 within the area labeled “Tree-cutting Restrictions Apply” on the Overall Site Plan (sheet SP1) as described in Condition #1.B.4 herein, tree-cutting is limited only to what is prescribed within the Forest Management Plan, with the exception of what is necessary for the installation of the roadway, driveway, utilities, drainage, and storm-water control pond; additionally, periodic mowing and/or brush-hogging of areas that are currently field is allowed.
13. On Lots 1-5, cutting trees outside of building envelopes is allowed only as prescribed by the Forest Management Plan; within building envelopes cutting of trees is allowed without limit, except as follows:
 - Lot 1: A minimum of (5) existing deciduous and (5) coniferous trees shall be retained to the south of the building site within the building envelope at the recommendation of the Forester of Record. The retained trees may be trimmed to enhance the view under the supervision of the Forester of Record. Areas within the wetland and wetland buffer shall be maintained as required in the current Vermont Wetland Rules.
 - Lot 2: A minimum of (12) coniferous trees shall be retained to the east of the building site between the building(s) and the common drive. Areas within the wetland and wetland buffer shall be maintained as required in the current Vermont Wetland Rules.
 - Lots 3 & 5: The area to the east of the building envelopes on each lot shall be left as an undisturbed wildlife buffer.
 - Lot 5: The fence along the western boundary may be maintained or removed. The low vegetation along the fenceline shall be maintained or replaced with similar non invasive species in order to retain a buffer between the house site and the meadow.
14. Prior to the submission of a Zoning Permit application for any lots within the subdivision, wooden stakes will be set at the corners of the building envelope on that lot.
15. All dwellings on Lots 1-5 will have a sprinkler system. Prior to the submission of a Zoning Permit application for Lots 1-5, the applicant will submit a sprinkler system design to the Fire Department for review and approval; the design will be able to maintain an acceptable flow rate for residential fire loads on a single head for a minimum of 20 minutes.
16. In order to facilitate the orderly build-out of the subdivision, all septic systems, the sub-base for the common road, and all stormwater and drainage facilities shall be installed prior to the submission of an application for a Certificate of Occupancy for any of Lots 1-5. The application for the first Certificate of Occupancy for Lots 1-5 shall include a letter from an appropriately certified engineer stating that the septic systems, road sub-base and stormwater/drainage improvements have been constructed.
17. The application for the last Certificate of Occupancy for Lots 1-5 shall include a letter from an appropriately certified engineer stating that the road has been completely constructed in conformance with the design.
18. Lots 1-5 will only be used for single-family dwellings and allowed accessory uses and structures. Lots 6-8 may be used for two-family dwellings (with appropriate permits) and allowed accessory uses and structures.

- 19. No further subdivision will be permitted on Lots 1-9, with the exception of Lot 7, which may be subdivided into two lots.
- 20. Lot 9 shall not be used for residential purposes and all density is removed from Lot 9. Structures for animal barns, sugaring, storage and similar uses are allowed on Lot 9 outside of the Open Space Area provided that no single structure is larger than 600 square feet or more than 25 feet in height. Prior to obtaining a zoning permit, the location of the proposed structure must be submitted to the Planning Commission for administrative approval.
- 21. No pole-mounted light fixture will be taller than 8’ off the ground, and no building-mounted light fixture will be taller than 20’ off the ground. Fixtures will be shielded to direct light downward, except at entryways of dwellings which may be unshielded, however fixtures at entryways shall be not be more than 25 Watts.
- 22. All new utility lines will be underground.
- 23. The development roadway and individual driveways shall be surfaced with non-white crushed stone except where the approved plans indicate a paved apron.
- 24. Primary septic systems for Lots 1-5 will be located in the meadow as indicated on sheet SP1.
- 25. Silt fencing will be installed on each lot as prescribed on sheets SP1 and P1-4 (as amended herein) prior to any soil disturbance on that lot, and throughout construction until soils stabilize.
- 26. Dogs and other pets will be maintained under the control of the owners when they are within the Open Space Easement Area on Lot 9.
- 27. Best agricultural and silvicultural practices will be used on Lot 9.

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 4th 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 June 2nd: Jeff McDonald, Linda Radimer, Robin Pierce, John Owen, Peter Joslin and Robert Mack

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

1. An application form; the fee was paid with the Preliminary Plat application.
2. A letter dated June 4, 2004 re: 7440 Spear Street Subdivision application, from Scott Hardy and Rowan Hardy authorizing Jack Wallace to sign applications on their behalf for the proposed subdivision.
3. A letter from Jack Wallace to Dean Bloch dated May 6, 2005 re: James Farm - 7440 Spear Street –Application #PC-05-07 (sic).
4. A plan entitled “Subdivision Plat, Scott and Rowan Hardy, Jack and Joyce Wallace, 7440 Spear Street, Charlotte, Vt.” by Scott Taylor of Trudell Consulting Engineers dated 12/17/04, last revised 4/25/05.
5. A packet by Trudell Consulting Engineers with project title “James Farm at Mount Philo, 7440 Spear Street, Charlotte, Vermont” with the following sheets:
 - A. Sheet SP1 entitled “Overall site Plan” dated 12/17/2004, last revised 4/25/05.
 - B. Sheet P1 entitled “Site Plan & Road Profile” dated 12/17/2004, last revised 4/25/05.
 - C. Sheet P2 entitled “Road Profile” dated 12/17/2004, last revised 4/25/05.
 - D. Sheet P3 entitled “Lots 1 & 2, Drive Profile” dated 12/17/2004, last revised 4/25/05.
 - E. Sheet P4 entitled “Lots 3, 4 & 5, Drive Profile” dated 12/17/2004, last revised 4/25/05.
 - F. Sheet SRM1 entitled “Site Resource Map” dated 12/30/2004, no revisions.
 - G. Sheet D1 entitled “Site Details” dated 12/17/04, no revisions.
 - H. Sheet D2 entitled “Site Details” dated 12/17/04, no revisions.
6. A letter and accompanying document from Debra A. Bell of Trudell Consulting Engineers to Dean Bloch dated May 3, 2005 re: James Farm #PC-05-07 (sic); Stormwater Analysis.
7. A letter from Christopher W. Davis, Chief of the Charlotte Volunteer Fire Department, dated February 1, 2005 to Dean Block (sic) re: Wallace-Hardy Subdivision, 7440 Spear Street, Charlotte, Vt. (submitted with Preliminary Plat application).
8. A document entitled “Forest Management Plan, Property of Jack Wallace and Scott Hardy, located in Charlotte, Vermont, January, 2005” by Joe Nelson of Upland Forestry. The plan has not been signed. The plan includes two maps:
 - A. A map entitled “Forest Stand Map, Property of Jack Wallace & Scott Hardy, located in Charlotte, Vermont” by Upland Forestry dated January 5, 2005, no revisions.
 - B. A map entitled “Non Land Use Value, Forest Stand Map, Property of Jack Wallace & Scott Hardy, located in Charlotte, Vermont” by Upland Forestry dated January 5, 2005,

no revisions.

9. A letter from John M. Austin, Wildlife Biologist with the Vermont Fish and Wildlife Department, to Dean Bloch, dated May 9, 2005.
10. A draft document entitled "Open Space Agreement."
11. A draft document entitled "Declaration of Covenants."
12. A draft document entitled "Roadway Agreement and Waiver."
13. A draft document entitled "Fire Pond System Agreement, Waiver and Easement."