

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Champlain Valley Cohousing

Final Plan Application For A Subdivision Amendment Application # PC-10-12

Background

The applicant received final plat and site plan approvals in September, 2003 for a planned residential development creating 26 dwelling units and common buildings with the Findings of Fact and Decision for applications PC-03-17 and PC-03-31 (recorded at volume 143 page 233 in the Charlotte Land Records and map slide 136 pages 1-4). The applicant received approval to amend the project in August, 2005 with PC-05-24 (recorded at volume 157 page 594). The Planning Commission conducted Sketch Plan Review for the current proposal on August 6 and October 1, 2009, and classified the project as a Minor Subdivision Amendment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

The Planning Commission held a public hearing for this application on April 15, 2010. The applicant was represented by Kelly Devine, Thom Pence, Amy Snyder, Mary Van Vleck, and Larilee Suiter. No other parties were present or submitted written comments regarding the application.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2009.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The purpose of the application is to change the landscaping requirements associated with decisions PC-03-17/PC 03-31 and PC-05-24.
2. The original landscaping in the vicinity of the dwellings is depicted on Sheet L-1, as revised on 5/6/03, using the plants listed on Sheet L-2. The purpose of these plantings was to benefit the future residents with a “natural” landscape.
3. The applicant, i.e. the homeowners’ association, indicated in the submission associated with this application that residents prefer landscaping that meets the following three criteria:
 - Native and edible plants are strongly encouraged

- State listed invasive plants are prohibited
 - Solar access is preserved whenever possible.
4. Some landscaping has occurred on and adjacent to the lots that have been developed.
 5. The original plantings proposed to the north of the parking sheds, as indicated on Sheet L-1 revised on 5/6/03, consisted of two rows of evergreens (White Pine, White Spruce and Eastern Red Cedar)—one row to be just north of the parking sheds, and the other row to be near the northerly property line. The purpose of these plantings was to screen the proposed development from the existing dwellings in Wildwood West to the north.
 6. The construction process produced a large earthen berm located north of the parking sheds which had not been part of the original design, and which acts as a partial screen of the development from Wildwood West.
 7. The newly proposed landscaping to the north of the parking sheds consists of two clusters of plantings on the eastern and western slopes of the berm. The western cluster consists of Eastern White Pine and White Spruce, and the eastern cluster consists of Eastern Red Cedar and Northern White Cedar.
 8. The proposed plantings are targeted to screen the Cohousing development from the dwellings in Wildwood West at locations where the berm does not provide such screening.
 9. The existing berm and proposed landscaping will adequately mitigate the impacts of the permitted development at this northern location.
 10. The original landscaping near where the access road crosses Thorpe Brook, as indicated on Sheet S-17 revised 11/27/02, consisted of seven planting areas which included a mixture of White Pine, Red Cedar, Staghorn Sumac, Gray Dogwood, Juniper, Black Chokeberry, and Silky Dogwood, and a “no-cutting” zone was designated north of the planting areas. The purpose of this landscaping was to improve wildlife habitat in this area so as to mitigate the widening of the access road and other impacts of the development.
 11. The newly proposed landscaping plan (as indicated on revised sheet L-2) eliminates evergreen plantings in this area for the purpose of reducing the potential for collisions between wildlife and vehicular traffic and also for the purpose of reducing road icing due to shading from dense roadside vegetation, but the landscaping plan also encourages the establishment and expansion of dogwood and willow species. The area is included in a forest management plan under the auspices of the Vermont Land Trust conservation easement.
 12. The proposed landscaping will adequately mitigate the impacts of the permitted development, while reducing the conflicts between active wildlife and vehicular corridors.
 13. The original plantings proposed at the entrance to the development’s access road from Greenbush Road, as indicated on Sheet L-3 revised on 5/6/03, consisted of multiple clusters of White Spruce, Austrian Pine, and White Pine, a single cluster of Eastern Red Cedar, a Swamp White Oak near Greenbush Road, and a series of six Golden Weeping Willows running down the first 650 feet of the access road. The purpose of these plantings was to mitigate the visual impact of the access road as viewed from Greenbush Road.
 14. The newly proposed landscaping at the entrance of the access road from Greenbush Road consists of clusters of White Spruce, Austrian Pine, Eastern White Cedar and Northern White Cedar, and a single Honey Locust near Greenbush Road.

- 15. The proposed landscaping will adequately mitigate the impacts of the permitted development as viewed from Greenbush Road.
- 16. Neither the original decision (issued in 2003) nor the amendment (issued in 2005) required landscaping near the boundary with the Charlotte Berry Farm; this landscaping was part of a private agreement between the applicant and the owner of the Charlotte Berry Farm.
- 17. The project is currently in Phase II of construction (as defined by PC-05-24).
- 18. PC-05-24 required that landscaping be installed within two years of the issuance of that permit (i.e. by August, 2007).

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Subdivision Amendment with the following conditions:

- 1. Landscaping depicted on Sheet L-1 (as revised March 10, 2010 by A. Snyder) to the north of the parking area is to be installed within six months of the issuance of this permit.
- 2. Landscaping depicted on Sheet L-3 (as revised March 10, 2010 by A. Snyder) is to be installed within one year of the issuance of this permit.

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 April 15, 2010: Jeff McDonald, Jim Donovan, Peter Joslin, Paul Landler, Ellie Russell

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

The following items were submitted in association with the application:

1. An application form for a Subdivision Amendment and appropriate fee.
2. A four-page memo which explains the purpose of the application and asks for a waiver for requirement to submit materials that have been submitted with previous applications.
3. A sheet entitled “Champlain Valley Cohousing: Landscape Revision, Notes for L-1 Housing Planting Plan”
4. Sheet L-1 entitled “Champlain Valley Cohousing, Housing Planting Plan—Option 2,” original plan by T.J. Boyle and Associates dated 8-28-02, revision by A. Snyder dated March 10, 2010.
5. Sheet L-2 entitled “Champlain Valley Cohousing, Storm Water & Wildlife Planting Plan,” original plan by T.J. Boyle and Associates dated 8-28-02, revision by A. Snyder dated March 10, 2010
6. Sheet L-3 entitled “Champlain Valley Cohousing, Entry Planting Plan,” original plan by T.J. Boyle and Associates dated 8-28-02, revision by A. Snyder dated March 10, 2010.
7. Sheet L-6 entitled Champlain Valley Cohousing, Berry Farm Buffer Planting Plan” dated May 21, 2003, revision by A. Snyder dated March 10, 2010.