

December,1,2016

Dear Members of the Planning Commission, and all concerned,

My respects to the Krasnow family who I believe have made sincere efforts to present a considerate plan for all those involved. These comments are not intended to discourage personal goals but rather present the importance of and reinforce the interests laid out in the town plan and land use regulations as well as an ever increasing need to prioritize the preservation of forest habitat.

### **The importance of protecting our forestland**

The updated sketch plan submitted by the KR Properties, LLC dated September, 14, 2016 attempts to adjust and address concerns and comments from the planning commission yet fails to resolve important concerns such as are stated in the Land use Regulations, the Town Plan and its vision and what has also been presented as ongoing concerns by the planning commission as narrated in previous staff reports from May 14<sup>th</sup> 2015-October, 23, 2015.

The house lot of #9 at the top of the scenic meadow for good reason has received considerable attention from not only the Planning commission but also from the neighborhood.

What I would especially like to bring attention to is the building lots #5,6,7 and 8 and call greater attention to the need and duty to protect forest habitat and even more so core habitat including the buffer area around core habitat which is vital to maintaining the integrity of core habitat itself.

This has been expressed as the interest of the community as stated in the **Town Plan section 4.3 page 37**, under the heading, **“Rural Areas”**, **“ In town surveys, committee reports and public informational meetings, Charlotte residents have continued to express a desire to see the open land of the town preserved and the rural character protected. Over and over again they have stated their fears that the current pattern of development will harm these values.”**

**on page 50** of the **Town Plan** under the heading **Critical Wildlife Habitat** , third paragraph states; **“...The remaining forested areas are extremely important for wildlife species locally and regionally.”** **“The largest patches of forest in a region are especially important,...large forest patches also have less border habitat or edge, where human activities and infrastructure can lead to high disturbance and mortality of certain species.”**

At the state level The **Vermont Department of Forests, Parks and Recreation** in its report to the Vermont Legislature titled, **“2015 Vermont Forest Fragmentation Report”** , **chapter VI, Status and projected trends of Forest Fragmentation In Vermont, page 27** states, **“The most recent Forest Inventory and Analysis Program(FIA) from 2013 shows a continuing , though gradual, loss of about 75,000 acres of forestland since 2007.”** **chapter VII Impacts and Effects Of Forest Fragmentation, page 33** of the same report stresses; **“Erosion of the health of Vermonts forests through fragmentation has serious ecological, economic, and cultural implications for landowners and communities.”**

The **Vermont Fish and Wildlife Departments 2013 Guide to Community Based Planning** titled **“Conserving Vermont's Natural Heritage”** suggests on page 19; **“... local communities and individuals need to share the responsibility for protecting and conserving these habitats in order for them to persist.”**

“

In 2007 the **Governors Commission On Climate Change** stresses the importance on Vermont’s **“Green Bank”** as central to curbing the states greenhouse gas emissions. It further states; **“ Indeed, Vermont's most precious and effective mechanism for countering climate change is our forested landscape...”**

**Act 171(H.857)** again specifies the importance of our remaining forest in the **General Assembly of**

**The State Of Vermont 2600 findings (1)Private and public forestlands:(A) Constitute unique and irreplaceable, benefits and values of statewide importance;(B)Contribute to the protection and conservation of wildlife habitat, air, water and soil resources of the state(C)Mitigate the effects of climate change; and (D) Benefit the general health and welfare of the people of the state. 2601 Policy and purposes (A) The conservation of the forests, timberlands, woodlands, and soil and recreational resources of the state are hereby declared to be in the public interest.**

### **Minimize versus Mitigate**

An important clarification to make regarding terminology is the use of the terms minimize and mitigate. This is an important point because in the project report submitted by KR Properties, LLC and Mcain Consulting on page 3 under the heading; “Compliance with the town Plan” lists what is termed Mitigation Efforts in regards to Areas of High Public Value. Mitigation of course means, to lessen the severity of effect and the updated proposal can certainly be said to lessen the impact to Areas of High Public Value. However the term that is endorsed throughout the Zoning regulations and the Town Plan in regards to impact to Areas of High Public Value is Minimize which means to reduce to the smallest possible amount.

### **Land Use Regulations**

**8.4 PRD's (B) (5) In order to approve a PRD, the planning commission must find: (a) that the project will *minimize* the adverse affects upon the resources identified as significant in table 7.1 (AHPV)**

**8.4 © (1), conservation projects...The proposed PRD shall be designed in a manner that maximizes the reduction of lot sizes and modifications of setbacks and other dimensional standards to *minimize* undue adverse impacts to, and fragmentation of AHPV. The conservation subdivision design process described in table 6.3 shall be followed by the applicant...**

**Table 6.3 Subdivision design guide, step 2, states; the applicant will identify potential development areas that *minimize* impact on Areas of High Public Value.**

The section from the Town Plan which Mcain Consulting refer's to in their report does use the term mitigation but only as an addition to minimize;

**Town Plan Section 5.1.1 (7) “Areas of High Public Value will be avoided and protected from negative impacts of development where possible. When avoidance is not possible, impacts will be *minimized and mitigated*. When impacts are not able to be sufficiently *minimized and/or mitigated*, development may not be allowed, but such lands can contribute density for development outside of the Area of High Public Value, either on the same parcel or on other parcels.**

### **Requirements for a PRD**

**Land Use Regulations pg. 100-101 section 8.4 PRDs' (B) General standards, In addition to applicable subdivision standards in chapter VII, PRD's shall meet the following;**

**(1) The PRD shall be an effective and unified treatment of the development possibilities of the site, which is consistent with the goals and policies of the Charlotte Town Plan.**

**(5)In order to approve a PRD, the Commission must find:**

**(a) That the project will minimize the adverse affects 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.**

So with that understanding we are then called to determine what constitutes minimal impact in the proposed design plan.

### **Interpreting “Arrowwood Environmental” Report**

It is noted that the Arrowwood Environmental report offers recommendations for individual categories such as core habitat, Priority species, Rare landscape features and so on but does not provide an overall recommendation, in which case we need to compile all the factors together in order to come to a comprehensive assessment. Although all of the house sights of 1 through 8 are recognized to be within the Charlotte mapped forest habitat, in the recommendations, house sights **6,7 and 8** present repeated impact concerns through the varies categories of **Core Habitat, Priority species and Connectivity**. In all 3 of those categories Lot 6 is recommended for removal while in the category for Connectivity all lots 6,7, and 8 are recommended to be eliminated or clustered in such a way that allows for wild life movement east to west.

It might seem that Arrowwood has overlooked the fact that House lot 5 has its driveway through core habitat however the report seems to address this in Recommendations under category **(5)Maintenance of Ecological Processes, page 6** where it states, “ **Alternative locations for driveways should be considered out of wetlands, all aquatic and core Habitat.**”

I am going to suggest that Arrowwood in their duty to be impartial has been somewhat modest in their recommendations for avoiding impact to the core habitat.

The **2015 Vermont Forest Fragmentation Report**, (sited previously), **Chapter VII. Impacts and Effect of Forest Fragmentation, page 34**, states; “**Ecologists suggest that true interior forest conditions only occur at least 200-300 feet inside the non-forest edge. And so a circular forest island in a sea of non-forest would have to be >14 acres to include just 1 acre of true interior forest condition. Put differently, the negative habitat effects of each residential building pocket within a forest radiate outward, affecting up to 30 additional acres with increased disturbance, predation, and competition from edge-dwellers.**”

In the **Arrowwood Environmental** report, it points out that the core habitat on the Krasnow parcel is part of ,”.. **one of the two larger core habitats in Mount Philo State Park area and 1 of the 5 largest core habitats in Charlotte west of Spear street.**”

If we are to take seriously the importance of retaining what Core habitat remains in charlotte and especially a parcel such as this adjoining conserved land that is rich in rare species, Deer wintering etc. then it is vital that all development on this parcel within the 300 feet buffer zone of the core habitat is avoided. In other words because of the edge effect any development within a 300 foot proximity to the core habitat including driveways, sceptic and other infrastructure, will cause undue adverse impact to this Area of High Public Value and will be contrary what is invisioned in the Town Plan, The Zoning regulations the Public interests and the State of Vermont.

Finally it should be plainly spoken that to neglect utilizing an existing road/driveway that makes efficient and sensible access to proposed house sites and thereby avoid creating further fragmentation and undue adverse impact to more forest habitat and water quality would be a regrettable choice and again unsubstantiated by zoning regulations.

**Land Use Regulations, VII subdivision review standards, pg. 91 section 7.3 (D) (2), Lot lines , infrastructure and roads, driveways and utility corridors shall be located so as not to create and undue adverse impacts on Areas of High Public Value by the parcelization, fragmentation, isolation or destruction of such areas.**

**Land Use Regulations pg. 91 section 7.3 (D) (3) Roads , driveways and utility corridors, to the extent feasible shall be shared and located to follow existing linear site features such as existing roads and utility corridors, tree lines, or field edges, and to avoid creating undue adverse impacts by fragmenting Areas of High Public Value.**

Therefore the driveways for house lots 1 through 4 should utilize the existing drive of half mile road.

Sincerely,

Isaiah Kiley