

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

August 31, 2020

Gary & Janet Landrigan
2119 Spear St.
Charlotte, VT 05445

Re: Sketch Plan Review – Application Number PC-20-67-SK

Dear Mr. & Mrs. Landrigan,

This letter covers the Planning Commission's understanding of your development proposal for your property at 2119 Spear St. in the Rural District. This letter also cites the Charlotte Land Use Regulations (LURs) pertinent to the proposed development, and sets forth requirements for your next steps in the development review process, should you wish to pursue this project as presented in your sketch plan application.

The Planning Commission has reviewed the application, which proposes to subdivide your lot into 2 lots, in the following configuration:

- 1) **Lot 1:** ~8 acres, with an existing 4-BR dwelling served by onsite septic and a drilled well;
and
- 2) **Lot 2:** ~7 acres, currently undeveloped, for residential use.

Because your proposed Lot 2 does not meet Rural District frontage and setback standards, you have requested waivers, as may be allowed in the Charlotte LUR's under Planned Residential Development (PRD) regulations. You have also proposed that at least 50% of the total subdivision area would be set aside as designated Open Space, a requirement of PRD designation.

The Planning Commission met at the Charlotte Town Office to consider your Sketch Plan Review application on Aug. 6, 2020 (attended by yourself, Janet Landrigan, Jonathan Couture; Commissioners Bill Stuono, Gerald Bouchard, and Marty Illick; and neighbors Jared Ulmer, Sara Shays and Clark Hinsdale III). A site visit was held just prior to the hearing & most of the same individuals participated, supplemented by Jared Ulmer and Gordon Landrigan.

The Planning Commission has classified your project as a "2-Lot Minor Subdivision / Planned Residential Development (PRD)" in accordance with **Section 6.1(C)(1)** and Sec. 8.2 of the Charlotte LURs. Minor Subdivisions and Subdivision Amendments require Final Plan Approval,

which is a separate application and review process from what you just completed (see application requirements in Section 6.1., 6.5 and Tables 6.1 and 6.2).

If you proceed with this project, the Planning Commission offers the following guidance for your Final Plan application, which should address the following elements:

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

The proposed new lots 1 and 2 meet all dimensional standards as outlined in this section, except for Lot 2 frontage and side setbacks for the proposed new dwelling. Single family dwellings are a permitted use in this district. **See comments in Sec. 7.2(C)** below re: proposed lot layout. Non-conformities are addressed in the PRD standards covered in **Section 8.4**, below.

Section 3.2 Road, Driveway, and Pedestrian Access Requirements

Applicant has proposed a new access/curb cut near the southwest corner of proposed Lot 2, not indicated on the preliminary sketch/plot plan. A separate driveway and curb cut to the new dwelling are not yet detailed in this plan. Future presentations of the site should clearly indicate the location and extent of the proposed driveway. For final plat application, access approval from the Selectboard for any new curb cut will be required (this is a separate application, and requires a \$100 filing fee).

Per Sec. 3.2.C.6 of the LURs, with respect to locating the driveway for proposed Lot 2, “Shared access is encouraged, and may be required for development subject to subdivision, site plan or conditional use review.” We also noted feedback from adjoining property owners at our Aug. 6 meeting and site visit, re: rush hour traffic volume, posted speed limits (45 mph), and limited sight lines to oncoming traffic for vehicles exiting driveways along that section of Spear St. Thus, the Commission strongly encourages the applicant to consider and present a revised site plan with a shared driveway access serving both lots 1 & 2 from this existing curb cut on Lot 1.

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

The following Areas of High Public Value (AHPV) were identified on the property (*source: ANR data via layers in Charlotte Map Viewer, courtesy CCRPC*):

- a. Agricultural use: Land proposed to be conserved as open space in this project, as well as adjacent lands on either side, are known to be in current agricultural use (haying for feed, and a livestock yard with barns). At the site visit, we observed that livestock is housed in barns and sheds adjacent to the proposed Lot 2 boundary with the Ulmer property. Per Sec 7.4.1 of the LURs, the proposed close proximity of the Lot 2 building envelope and driveway to this use creates potential problems & should be avoided by relocating proposed residence and wells at least 200 feet from this livestock yard.
- b. Primary Agricultural Soils (Prime and Statewide): About 25% of the subject lot, adjoining Spear St., is prime agricultural soil, including the Lot 1 current and Lot 2 (proposed) house sites. Statewide agricultural soils comprise the rest of the parcel. To the extent possible, applicant is encouraged to avoid siting Lot 2 dwelling and infrastructure on prime agricultural soils through a modified lot layout (see comments in Sec. 7.2(C) below)

- c. Surface Waters, Wetlands, and associated buffer areas: A small stream, a tributary of Mud Hollow Brook, flows north along the eastern edge of the property. State wetland mapping shows a small Class II wetland along these stream banks, mostly outside of this property & well away from houses on Spear St. No development is currently proposed for this area.
- d. Wildlife Habitat: The stream referenced above, at the eastern edge of the property, hosts aquatic habitat when wet. To protect this wildlife habitat, any disturbance within a 50-ft buffer from the edge of this stream bank is prohibited.
- e. Water supply source protection areas: The entire parcel is shown as an active surface water protection area.
 - o Ground water: No adverse impact from this project.
 - o Surface water: No adverse impact from this project.
- f. Scenic Views and Vistas: This portion of Spear St. is designated as a 'most scenic road' in Charlotte's Town Plan Map #9. However, no zoning restriction applies to building an additional single family dwelling along this stretch.
- g. Historic Districts, Sites, and Structures: These lots have no listed resources of this type.
- h. Conserved land on same or adjacent parcels: The eastern portion of the Shays parcel south of the subject parcel is conserved as Open Space land.

Section 7.2(C) Lot Layout: Proposed lot layouts conform to dimensional standards for Rural district, except for requested waivers. However, it's not clear if granting these waivers is necessary to accomplish the applicant's stated goal of creating a buildable house lot in full compliance with standards. In light of comments below under 7.2.E and 7.4, reconfiguration of lot lines to create space for a building envelope conforming to standards is recommended.

Section 7.2 (D) Density: Proposed density (2 residential lots over 14.9 acres, sized at ±7 acres and ±8 acres) conforms to Rural district standards.

Section 7.2 (E): Building Envelope: Shown in Lot 2 plot plan; however, at this location, is not compliant with Sec 7.4.1 of the LURs, as noted above. Needs to be relocated at least 200 feet from active livestock yard to the south.

Section 7.3: District Standards for Rural, Shoreland & Conservation Districts: Proposed development of an additional single family dwelling on Lot 2 is consistent with existing patterns of settlement in the neighborhood (dispersed/low density single family dwellings in former agricultural pasture). Other than additional buildings located on prime agricultural soils and encroaching upon active agricultural uses as noted below, this additional lot would not otherwise adversely impact areas of High Public Value, as noted above.

Section 7.4: Compatibility with Agricultural Operations: Per Sec. 7.4 of the LURs, proposed driveway location and building envelope for Lot 2 single family dwelling is too close to the

active livestock yard on the Ulmer property line. The Commission would like to see the proposed building envelope relocated to avoid conflicts with that active agricultural use. Also, the location for the drilled well and septic treatment, as well as the shared driveway, should be determined based on the Sec. 7.4 standard, along with planted vegetative buffers along the southern boundary of that lot.

Section 7.5: Facilities, Services and Utilities: Subject lot has 468 ft. of frontage on Spear St., a public highway providing access to existing utility lines, emergency vehicles, and other town services on site. This site is approximately 3.8 miles from the Charlotte Fire Station. Utility easements should be shown on final plat. Per Sec 3.17 of the LURs, utility lines on site shall be located underground.

Sections 7.6, Water Supply / 7.7 Sewage Disposal: Not indicated on Sketch plan. Final plat site plan must show well location and ROW/water line to dwelling. Septic design and location was not included in Sketch Plan application; these details must be included in final plat application & on final plat plan, including proposed well and septic shields.

Section 8.4, Planned Residential Developments (PRDs):

If approved for final plat, with requested waivers, the PRD approach permits modification of lot size and other dimensional standards of proposed Lot 2. PRD provisions also require the designation of at least 50% open space, which in accord 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* enumerated above). However, the submitted Sketch Plan does not specify the acreage or precise boundaries of proposed open space. If the Final Plat application continues to require waivers and a PRD determination, a more precise delineation of open space areas will be required on the Final Plat, along with the execution and recording of an approved Open Space agreement with the Town, to provide permanent protection from development for this area.

Conclusion / Summary:

If you choose to proceed with this project, for your Final Plat subdivision review, the following items should be included in your Final Plat application (with \$450 fee) and site plan, with other required elements as stipulated in Table 6.2 (see pages 84-85 in the LURs):

- a. The relocation of your proposed building envelope for Lot 2, which meets Sec. 7.4 requirements, with reconfigured lot lines and a shared driveway design, as noted above.
- b. All access, utility, and other easements on Lot 2, and adjoining properties for off-site easements if required.
- c. Show proposed driveways and vehicle turnouts for both lots.
- d. Drainage details and runoff management measures, including during construction.
- e. The location and footprint of all designated water supply and wastewater infrastructure for Lot 2 (including mounds and septic tanks). It would be prudent to initiate the design and application for your septic and wastewater permit for the proposed dwelling soon. This is a separate application and fee (\$500).

- f. The delineation of all existing & proposed open space and conservation easements for the entire subject parcel, as discussed in **Section 8.4** above.
1. Provide an “ability to serve” letter from Charlotte Volunteer Fire and Rescue Services chief re: emergency vehicle access to lot 2, as designed and indicated on final plat.
 2. Provide a draft Open Space Agreement for this application. (The town will provide a template.) Conserved lands must be at least 50% of the total lot acreage of original 14.9 acre parcel. This agreement must be approved by the Planning Commission and executed prior to obtaining Final Plat Approval.
 3. Other issues may be considered and requirements added during the review of your forthcoming Final Plan application.
 4. Going forward, should you receive Final Plan approval, you will also need to apply for a separate zoning permit to proceed with building the proposed Lot 2 single family dwelling.

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 do not hesitate to include any status updates or additional information within your forthcoming application.

You may contact the staff at the Planning and Zoning Office if you need further guidance in response to this advisory letter. Staff may also be helpful in exploring other options in meeting your project goals.

Let us know if you have any further questions. We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Joslin', written in a cursive style.

Peter Joslin, Chair,
Charlotte Planning Commission