

CHARLOTTE PLANNING COMMISSION
Charlotte Town Office
P.O. Box 119
Charlotte, VT 05445
Phone: 802 425-3533

June 6, 2008

Dale A. and Lucille P. Garvey
222 Baldwin Road
Charlotte, VT 05445

Jason L. and Elizabeth Garvey
88 Davis Road
Hinesburg, VT 05461

Re: Sketch Plan Review for Application PC-08-09

Dear Mr. and Ms. Garvey, and Mr. and Ms. Garvey,

The purpose of this letter is to summarize the Sketch Plan Review for the proposed subdivision of Dale and Lucille's property on Baldwin Road for the purpose of creating a five acre building lot for Jason and Elizabeth. The Sketch Plan Review was held at the Planning Commission's meeting on May 15, 2008, and a site visit was held prior to the meeting.

The Planning Commission noted that the proposed dwelling is located on what appears to be prime agricultural soils (according to Soil Survey of Chittenden County). In implementing the Charlotte Land Use Regulations, the Planning Commission usually tries to avoid siting development on such soils.

The Planning Commission also noted that Baldwin Road currently is a Class 3 town highway from Lewis Creek Road to Dale and Lucille's house (approximately), and a Class 4 town highway from Dale and Lucille's house to the Monkton town line.

It was evident at the site visit that the Class 4 portion of Baldwin Road is currently used as pasture, and it does not currently serve as a roadway.

Classification of roadways is the jurisdiction of the Selectboard, and the Selectboard may re-classify a road to allow for either a higher or lower level of service, and the Selectboard may also discontinue a road.

The Planning Commission classified the project as a Minor Subdivision contingent upon review by the Town Attorney as to whether a five acre lot can be divided by the Class 4 section of Baldwin Road, or whether locating the five acre in the proposed location would create two non-conforming lots.

After obtaining feedback from the Town Attorney it is the Planning Commission's understanding that Vermont case law indicates that determining whether a road creates a "natural subdivision" is situational and depends upon whether the land on both sides of the road can function as one lot. As the Class 4 portion of Baldwin Road is currently used, it appears that the Planning Commission could (hypothetically) create a lot that straddles the road. However, if at some

point in the future the Selectboard decided to re-classify and upgrade this portion of the Baldwin Road to Class 3 status, it is possible that the five acre lot would become, in fact, two non-conforming lots.

Considering the above, the Planning Commission recommends that, if you want to proceed with the plan as proposed, you request the Selectboard to either discontinue Baldwin Road entirely, or re-classify it to become a Legal Trail. As a Legal Trail, public access would still be allowed, but the Town is not required to maintain the road at all, and the right-of-way may be narrowed, so it would be less likely that the road would be upgraded in the future.

Another option would be to create a five acre lot entirely on one side of the road. Yet another option would be to create two five acre lots on both sides of the road, allowing the dwelling to be located on one side of the road, and the barn and accessory apartment to be located on the other side of the road. Still another option is to apply as a Planned Residential Development, which allows lots to be less than five acres, but requires 50% of the parcel to be designated as “open space” (that is, as a “no build” area).

Other issues may come up during the review of the Final Plan application. In accordance with Section 6.3(D) of the Charlotte Land Use Regulations, the Sketch Plan is valid for six months.

Please let me know if I can answer any questions. If you would like to discuss any of the above items with the Planning Commission prior to submitting a Final Plan application, please let me know.

Sincerely,

Dean Bloch, Town Planner
For the Charlotte Planning Commission