

**CHARLOTTE PLANNING COMMISSION**

**Charlotte Town Office**

**P.O. Box 119**

**Charlotte, VT 05445**

**Phone: 802 425-3533**

July 8, 2011

Nordic Holsteins, LLC  
Varney Farm  
1297 Ethan Allen Highway  
Charlotte, VT 05445

Elaine Ittleman  
406 Church Hill Road  
Charlotte, VT 05445

**Re: Sketch Plan Review: Application PC-11-14**

Dear Ms. Ittleman,

The purpose of this letter is to summarize the Sketch Plan Review held on June 16, 2011 for your proposed improvements to property known as the Varney Farm at 1297 Ethan Allen Highway. Your application seeks approval of an easement granted to the Town of Charlotte by the property owner, Nordic Holsteins, LLC to allow added access from Route 7 to the adjacent Charlotte Park & Wildlife Refuge and trail system. The easement proposes a re-located driveway access at the southern border of the Varney property, a parking area sufficient in size to accommodate horse trailers and handicap facilitated vehicles, and connection via an existing farm road to the Park & Refuge trails.

The Planning Commission classified your project as a Site Plan of a Public Facility as defined in the town Land Use Regulations, requiring Final Plat approval as well as approval for Conditional Use of the property received from the Zoning Board of Adjustment. The commission further determined that as a Public Facility, their review of the final site plan application, when received, is limited in scope to those features of the project that fall under their jurisdiction as they are detailed in Section 4.15 of the regulations.

The commission noted that the Varney property lies in the Rural Zoning District, subject to the development regulations formulated for that zoning district, but that the property is additionally subject to the restrictions imposed upon development of properties along Route 7 in the Rural Zoning District when such properties fall under what the regulations term the Route 7 Overlay District.

As the Overlay District sits atop the underlying Rural Zoning District along portions of the Route 7 corridor, those uses that are allowed within the Rural District Overlay become further restricted by the overlay district limitations found at Table 2.9 of the regulations. In the instance of your application, much discussion occurred during the initial review of June 16 as to whether, or not, the application had a basis for review because of the severely limiting restrictions of the Overlay District. A public facility, as proposed in your application, is allowed in the Rural District as a Conditional Use. (See Table 2.5 of the regulations. The Overlay District, however, does not recognize such a use (public facility) unless the use proposes construction of a new structure or proposes an addition to an existing structure. Your application proposes neither.

Because of the conflict in interpretation of the regulations as they regard your application, and in order to bring clarity to the question of whether your application has a proper basis for review by the commission, the commission asked that the Planning & Zoning staff seek and receive a legal opinion on that question from the town attorney. That opinion has been received and is attached and incorporated herein as a part of this sketch plan letter.

Upon review of your application to the Planning Commission and upon application of your project, as proposed, to the Land Use Regulations that control your application, namely Tables 2.5 and 2.9 as well as Section 5.5, Site Plan Review and Section 4.15, Public Facility, the town attorney is of the opinion that your application can only be approved if the project includes a proposal to construct a new structure or proposes an addition to some structure already existing on the Varney property.(See enclosed legal opinion)

In consideration of the opinion of town counsel, therefore, the Planning Commission suggests that your Final Plat application include construction of a new structure on the Varney property as a part of your project. This addition to your original proposal provides the basis which allows for review and approval of the project by the Planning Commission as well as by the Zoning Board of Adjustment when it is presented for their review of the proposed new use of the Varney property.

In accordance with Section 6.3(D) of the Charlotte Land Use Regulations, the Sketch Plan is valid for six months, or, upon the granting of an extension by the Planning Commission, one year from the date of the review held on June 16, 2011.

Please let me know if I can answer any questions.

Sincerely,

Tom Mansfield, Administrative Officer  
For the Charlotte Planning Commission  
Cc: File