

Sketch Plan Review
“Palmer Property”
301 East Thompson’s Point Road
58.89 Acres

We are seeking to complete the permitting for the final master plan for 301 East Thompson’s Point Road. This property has had a long planning history resulting in its current configuration and significant conservation.

The property was purchased in several stages from two Palmer estates – the Estate of Marietta J. Palmer – and the Estate of Dan Palmer.

Dan Palmer and his father Avery Palmer had developed and permitted a 7 – lot commercial subdivision at the southwest corner of Route 7 and East Thompson’s Point Road. Additionally, Dan had purchased 5.07 acres on the northwest corner of that intersection. That property contains a fantastic well that was to have provided water for the seven commercial lots. Avery and Dan had also developed a plan for residential subdivision to the west of the commercial property. Two of these lots were conveyed by Avery and Marietta J. Palmer to their two children – Dan Palmer and Sylvia Palmer Sprigg. None of the lots were sold outside of the family during the lifetimes of Avery, Marietta and Dan Palmer.

I first purchased the 7 – lot commercial subdivision (26.57 acres) and the 5.07 acre lot north of East Thompson’s Point Road in _____. Through the hard work of the Champlain Valley Greenbelt Alliance, the Charlotte Land Trust and the Vermont Land Trust, these parcels were conserved for agriculture as part of a larger Route 7 corridor conservation effort (called “Berry Farm II”. (Berry Farm 1 was the conservation of the Charlotte Berry Farm which had taken place previously).

A special provision of this conservation easement was the reservation of a 3 – acre Farmstand building envelope in the southeast corner of the property on an existing commercial curb cut off route 7. This envelope allows for the of a farm stand of up to 2,500 square feet with related parking and grounds. So at this point, the property consisted of 31.64 acres of conserved land with the farmstand envelope, but no residential building rights.

In 2004, the Estate of Marietta J. Palmer applied for a residential subdivision of 118.4 acres immediately west of my conserved farmland. This application eventually resulted in a 5 – lot subdivision entitled, “***Reconsidered and restated Finds of Fact and Decision In Re Application of Estate of Marietta J. Palmer Final Plat Hearing For A Five-Lot Subdivision Application #PC-04-20***” This 11 – page document replaces all prior town and Act 250 permits for this property.

Following permit approval, I purchased Lot #2 of this subdivision (29.80 acres) bordering my conserved land on its western boundary. This lot contains the land under ‘Palmer

Lane', two septic easement areas serving other properties and a field of prime agricultural land west of Palmer Lane. The property has five development rights associated with it from the Palmer permit.

In 2005 (Application #PC-05-37), I applied for a permit to modify the subdivision in the following manner:

- created lot 2A which is 2.55 acres and currently the residence of the _____ family.
- Created lot 2B by combining my conserved land on route 7 with the balance of lot 2 creating a parcel of 53.82 acres (the conserved 5.07 acres across East Thompson's Point Road is considered a separate lot, but I consider it to be permanently attached to lot 2B)

The Planning Commission Decision on this application - #PC-05-37 – approved our request and modified some of the conditions of the prior approval.

We made an additional non-regulatory change to the property. Because our portion of the land that the Planning Commission found should never be developed was not protected by an open space agreement or conservation easement, I donated a conservation easement on that portion of the land being about 17 acres west of Palmer Lane.

When we acquired the former Palmer commercial subdivision, much of the property had been stripped of topsoil. However, two opportunities presented themselves to solve this problem. I had donated a trail easement on the land east of route 7 and also donated a road realignment easement for Higbee Road across from the Charlotte Berry Farm. Our thoughtful Road Commissioner, Junior Lewis said. "You donated the easements....but you own the topsoil – where do you want it?" I asked Junior to put the topsoil on the Palmer property and he did. My neighbor, Chris Fisher, spent many hours spreading the topsoil and cleaning up the land so that we could put it back in agriculture. These two guys are a big part of why that land is so productive and so beautiful today.

Our Current Request

The 58.89 acres is allocated as follows – 46.32 acres conserved and enrolled in the Current Use Tax Program – 12.57 acres not in Current Use which contains the two septic easement areas and area that is the home to the four development rights remaining with this property.

We believe the best long term outcome for this property is to be a single farming operation with plentiful water, good soils, a retail farmstand, and a residential building envelope near Palmer Lane. We DO NOT believe that further subdivision of small lots would be in the community's best interest.

Fortunately, our Charlotte Regulations allow for a creative approach to this kind of situation in that some of the development rights could be relocated to more appropriate areas. Three kinds of opportunities to do this have presented themselves – adding a

living unit to a large historic farmhouse, creating an affordable housing opportunity, and replacing a living unit that was discontinued and lost its "grandfather clause". If the Planning Commission is favorably inclined to moving density away from this parcel, I would present you with the specific proposal.

Our current request is to locate a single building envelope on the 12.57 acres so that the entire property can function as a farm unit.

Building Envelope Possibilities

There are three general areas on the 12.57 acres that would accommodate building envelopes (see attached map):

- Area 1 - the northeast corner east of the big septic area and south of East Thompson's Point Road.
- Area 2 - the southeast corner behind the small septic area
- Area 3 - Half way down Palmer Lane west of the big stone pile and behind the largest trees in the hedgerow.

I rank the areas as follows:

- Area 2 is the poorest area, in my opinion, in that it would need the most landscaping, look like a continuation of the residential subdivision rather than a farm, and be in the view of a couple of my good neighbors.
- Area 1 is the middle choice. It is close to East Thompson's Point Road, has good trees to the north and is minimally visible from neighbor's homes.
- Area 3 is my top choice. The large mound system, the change in elevation, and the mature hedgerow all provide significant screening. It is more in the middle of the property, typical of farmhouse locations, and not close to any neighbor. It scales well with the historic landscape, from when most farms were in the 40 to 80 acre range, like the vineyard property immediately across route 7.

So our request would be to locate a building envelope in Area 3 and to put the rest of the 12.57 acres in open space. Also we would like to discuss a follow-up application to move development rights that are aesthetically hard to use here to other locations