

CHARLOTTE PLANNING COMMISSION
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December 1, 2017

Louise Selina Peyser
PO Box 64
Monkton, Vermont 05469

Randi McCuin
14 Turnberry Ridge
Essex Junction, Vermont 05452

Re: Sketch Plan Review – Application Number PC-17-117-SK

Dear Ms. Peyser & Mr. McCuin,

The purpose of this letter is to summarize the Sketch Plan Review for a proposed Subdivision of the 44.6-acre property located at 700 Mt. Philo Road. The development is proposed to occur within the Rural (RUR) zoning district.

Although it is not required by 24 VSA Chapter 117, notice of the public meeting was mailed out to all of the adjoining property owners during the week of August 29, 2017 for an anticipated public hearing to take place on October 5, 2017. A site visit was conducted at the property prior to that meeting with Planning Commissioners Peter Joslin and Richard Eastman, the applicants, the Town Planner, et al. in attendance. Public notification was achieved by posting hardcopy notices at the Town offices, the Old Brick Store, and the Spear Street Store. Electronic notice was posted on the Town of Charlotte website Meeting Calendar. Due to unintended circumstances, a quorum was not established for the October 5th Planning Commission meeting, so the hearing was continued to October 19th, 2017. The public hearing for the project took place on that date with Planning Commissioners Peter Joslin (Acting Chair), Charlie Pughe, Richard Eastman, Marty Illick, and Gerald Bouchard in attendance. Additional attendees of the public meeting included; the Town Planner, the applicant Louise Selina Peyser, Gregory Peyser, Melanie Peyser, Norman LeBoeuf, Bonnie Heaslip, Bonnie Gridley, Jen Whalen, and Clark Hinsdale.

The Planning Commission has classified your project as a “3-Lot Major Subdivision / Planned Residential Development (PRD)” in accordance with Section 6.1(C)(2) of the Charlotte Land Use Regulations (hereafter referred to as “the Regulations”). Although there are only three lots proposed to be created for the project, the forthcoming application would be considered as Major Subdivision because the most recent subdivision for this property occurred during 2009.

A Major Subdivision is described in the Regulations as “any residential subdivision, or re-subdivision of land resulting in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership”. As you are already aware, this property was part of a 2009 subdivision (**PC-09-19 Mansfield, et al.**: <https://is.gd/FshnTr>), which deferred the designation of 25 acres of open space to a future subdivision application (i.e. your current application) and would therefore proceed as a PRD.

The Planning Commission is providing the following observations and recommendations for your Final Plan Review Application, which should be addressed in addition to the regular submission requirements within the Regulations;

1. The following Areas of High Public Value (AHPV) were identified on the property:
 - a. Land in active agricultural use – The property is not in current active agricultural use, but is eligible for enrollment.
 - b. Wildlife habitat – There are about 30 acres of *Significant Forest Habitat* identified on the western wooded portion of the parcel. Your proposed 4-acre building envelope on ‘Lot A’ is set within the center of this area. During the site visit, an unidentified number of old oak trees were observed to be within the proposed building envelop area. Additionally, a small area of *Significant Aquatic Habitat* exists along the western border of the property abutting the Nordic Farms parcel.
 - c. Primary Agricultural Soils (Primary and Statewide) – The eastern portion of the parcel along the Mt. Philo Road comprises Primary Agricultural soils. Most of the remainder of the field and the western portion of the parcel comprises Statewide Agricultural soils (according to the USDA-NRCS data).
 - d. Steep slopes – There is an area of about 0.3 acres with steep slopes at the western end of the property.
 - e. Wetland – On 15 June 2016, the State wetland staff reported to Dan Morris (a former land development applicant) that most of his proposed project area was within Class II Wetland, so Morris withdrew his application (**PC-16-69-SA**: View the site plan: <https://is.gd/u9uYef>). *Charlotte Planning and Zoning Staff therefore contacted the State wetlands specialist for more detailed information.* A response was received on October 5, 2017 from the Chittenden County District Wetland Ecologist documenting the existence of Class II wetland on the property, which provides protection for surface and groundwater (Vermont Wetland Rules [VWR] sec. 5.2), and wildlife and migratory bird habitat (VWR sec. 5.4). An upland area is mentioned that could accommodate a single-family dwelling and septic infrastructure. Viewing the State’s GIS contour layer, the upland appears to be within the aforementioned forest habitat where the current application proposes a building envelope. The State reported that they had yet to receive a wetland delineation map from the consultant, which would determine their final decision. This final map will also be used to determine the requisite minimum 50 foot setback area from the Class II wetlands, where development would be precluded.

- f. Scenic views and vistas – Mt. Philo Road is not classified as a 'scenic' road. However, Lime Kiln Road is classified as a 'most scenic public road', and US Route 7 is classified as a 'scenic highway' within the Charlotte Town Plan.
 - g. Conserved lands on adjacent parcel – About 405 acres of land on the adjacent parcel to the west and south is conserved with the Vermont Land Trust.
2. The Planning Commission feels that the proposed 4-acre building envelope on 'Lot A', which would encompass a number of accessory structures (e.g. a barn, a pool house, pool, and tennis courts) will need to be significantly reduced to support the existing AHPV significant forest habitat on the property.
3. The Planning Commission will require an Open Space Agreement (OSA) and forest management plan for the delineated *Significant Forest Habitat* (surrounding the approved building envelope for Lot A) for all three proposed lots, which will detail recommended cutting restrictions, provisions for the removal of hazard trees, invasive species, development of any trails, and preservation of forest habitat. The Planning Commission will require a professional ecologist to undertake a site visit to recommend habitat mitigation measures as a condition of a decision.
4. Your application should also include a viewshed analysis, which discusses impacts from identified key observation points along US Route 7, Lime Kiln Road, and Mt. Philo Road.
5. All Highway Access Permit applications must be submitted prior to, or concurrent to the submittal of the Final Plan Application. Although the proposed shared-driveway for 'Lot B' and 'Lot A' would be located along (and parallel to) the hedgerow of the southern property boundary, the footprint of the driveway should extend well beyond the outside edge of the crown of the tree stand, in order to prevent any damage to the roots of the trees and shrubs that compose the hedgerow.
6. A Wastewater System and Potable Water Supply Permit application must be submitted prior to, or concurrent with submittal of the Final Plan Application. Any wellheads should be placed in such a way to protect potential agricultural use of the property.
7. Other issues may be considered during the review of your forthcoming Final Plan application. In accordance with Section 6.3(D) of the Regulations, this Sketch Plan Review is valid for six months.

To complete the project you will need to submit a Preliminary Plan Application, including any waiver requests within six months of the date of this letter, and a Final Plan application after that. This will require you to participate in at least two subsequent public hearings (one after each submission), in accordance with Sections 6.4 and 6.5 of the Regulations. Upon receipt of your Final Plan Application, a Final Hearing will be scheduled.

Please let me know if I can answer any further questions.

Sincerely,

Daryl Benoit (Town Planner)
For the Charlotte Planning Commission