

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

January 18, 2018

Peter Schneider and Jessica Donovan
650 Elfin Lane
Charlotte, Vermont 05445

Re: Sketch Plan Review – Application Number PC-17-159-SK

Dear Mr. Schneider & Ms. Donovan,

The purpose of this letter is to summarize the Sketch Plan Review for a proposed Subdivision of the 44-acre property located at 123 Elfin Lane. The development is proposed to occur within the Rural (RUR) zoning district.

A public meeting for the proposal was held by the Planning Commission on December 7, 2017. Although it is not required by 24 VSA Chapter 117 to warn for a public hearing for Sketch Plan Review applications, hardcopy notification of the public meeting were nevertheless mailed out to all of the adjoining property owners, posted at the Town offices, the Old Brick Store, and the Spear Street Store on November 21, 2017, and published within "The Citizen" newspaper on November 16, 2017. Electronic notice was also posted on the Town of Charlotte website Meeting Calendar.

On Saturday, December 2, 2017 at 9:00 am, the Planning Commission attended a site visit prior to the public meeting held on December 7, 2017. Planning Commissioners attending the December 7th public meeting included; Peter Joslin (Acting Chair); Charlie Pughe, Richard Eastman, Marty Illick, Gerald Bouchard. Additional participants of the public meeting included the Town Planner and yourself;

The Planning Commission has classified your project as a "2-Lot Major Subdivision" in accordance with Section 6.1(C)(2) of the Charlotte Land Use Regulations (hereafter referred to as "the Regulations"), creating a 1.2-acre lot (Lot #1) and a 41.63-acre lot (Lot #2) while still within a ten-year (10) period of the original 2008 eight-lot (8) subdivision (i.e. PC-07-08).

Regarding the amendment of this 2008 subdivision, the Town Attorney has stated that "*the Environmental Division only has jurisdiction to consider applications on appeal by an interested person from the decision of an "appropriate municipal panel" such as the Planning Commission*". Therefore, the court will not need to be involved with proceedings related to your forthcoming subdivision application.

The Planning Commission is providing the following observations and recommendations for your Final Plan Review Application, which should be addressed in addition to the standard 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 enrolled for agriculture or forestry. It was withdrawn from current use 2006.
 - b. Primary Agricultural Soils (Primary and Statewide) – The northern portion (e.g. the meadow) of the parcel along the Hinesburg Road comprises Statewide Agricultural soils (according to the USDA-NRCS data).
 - c. Steep slopes (>=15%) – The property to be subdivided is within the >=15% slope area (VCGI elevation data).
 - d. Surface waters, wetlands and associated setback and buffer areas – About 10 acres of Class II wetland has been identified within the meadow along the northwestern area of the property. Abutting the eastern side (on the CCS parcel) there are about 3 acres of identified Class II wetland.
 - e. Special Natural Areas – Pease Mountain Natural Area abuts the property to the south.
 - f. Wildlife habitat – All of the woodland of the property (comprising the southern 2/3 of the parcel) has been identified as *Significant Forest Habitat*. Most of the meadow along the northern side of the property has been identified as *Significant Aquatic Habitat* and *Persistent Shrubland Habitat*. *Linkage Habitat* exists along the eastern abutting property of CCS (Charlotte Wildlife Habitat Map).
 - g. Water supply source protection areas (SPAs) –
 - i. Ground water – The property is within the CCS active Groundwater Source Protection Area.
 - ii. Surface water – The property is within the Champlain Valley Water District Surface Water SPA.
 - h. Historic Districts, Sites, and Structures – Historic Site #0403-03 (the “Charlotte Center Historic District”) abutting the western property line was entered in the National Register of Historic Places on July 19, 1984 (NRHP Reference ID# 84003460).
 - i. Scenic views and vistas – Mt. Philo Road to the east is a ‘*most scenic public road*’ according to the Charlotte Town Plan.
 - j. Conserved Land on adjacent parcels - 41.83 acres of OSA land with the Town exists on the property surrounding ‘Lot 1’. 184.79 acres of the UVM Pease Mountain Natural Area exists on the abutting property to the south. ~34 acres of OSA land with the Town exists on the adjoining property to the west (at 602 Church Hill Road).

2. Condition 17 of the Planning Commission decision [PC-07-08](#) states; *“No further subdivision is permitted. All lots will only be used for single-family dwellings and allowed accessory uses and structures. No density remains on any of the land other than that retained on each lot for one single-family dwelling.”*

The legal opinion of the Town Attorney speaks to the nullification of the condition: *“Condition 17 of the 2008 approval restricts any further subdivision, although the purpose of it was to prevent any increase in density, which would be the result with the most recent amendment. . . It doesn't seem as though the proposed changes violate any condition that was important to the Town.”*

3. It is understood that the William's Wood Homeowners' Association would manage the conserved land, and that you would deed the Open Space to the Homeowners' Association (managed by the nine forthcoming homeowners of the associated properties of the subdivision). For the approval of your forthcoming subdivision application, submission of documentation will be required that proves the Homeowners' Association will assume the tax liability for the 41.63-acre Open Space lot (Lot #2). Further, if the Homeowners' Association determines that it does not want the conserved land, then your subdivision application will not be approved.
4. Your forthcoming application will also require the Forest Management Plan, Conservation Plan, and Open Space Agreement for the property for review and approval of the Planning Commission.
5. 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 Final Plan Application (including any waiver requests) within six months of the date of this letter and participate in one public hearing, in accordance with Section 6.4 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,



Peter Joslin, Chair
Charlotte Planning Commission

