CHARLOTTE TOWN CLERK'S OFFICE
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Attest Town Clerk

CHARLOTTE PLANNING COMMISSION
SUBDIVISION REVIEW
FINDINGS OF FACT AND DECISION

KR Properties, LLC and McCain Consulting, Inc.
Final Plan Application for a 9-Lot Major Subdivision (Planned Residential Development)
at 355 Half Mile Road
Application # PC-17-168-SD

Introduction and Procedural History

This proceeding involves review of the second and final application for a Major Subdivision (PRD) submitted by McCain Consulting, Inc. on the behalf of KR Properties, LLC (the property owners) for approval by the Charlotte Planning Commission under the Town of Charlotte Land Use Regulations.

The original Preliminary Plan Application was received by the Charlotte Planning & Zoning Office on September 16, 2016 and was rendered a decision by the Planning Commission on January 12, 2017 after two public hearings and a site visit (further details are covered in decision **PC-16-137-SD**, listed within the Charlotte Land Records and the Planning & Zoning files). The applicant formally requested a Reconsideration of the decision on February 16, 2017 in accordance with Section 9.9(E)(4)(b) of the Charlotte Land Use Regulations. The Planning Commission voted to reopen the hearing at their meeting on February 16, 2017, which was continued to April 6, 2017. At the April 6th meeting, the hearing was closed and the Planning Commission rendered a Reconsidered decision on May 18, 2017 (details are covered in **PC-16-137-SD Reconsideration**, listed within the Charlotte Land Records).

The applicant submitted the Final Plan Application to the Planning & Zoning Office on November 16, 2017. A notice of public hearing was published in The Citizen newspaper on December 14, 2017, electronically posted on the Charlotte Town website calendar, and posted in hardcopy at the following three locations: the Town offices, the Old Brick Store, and Spear's Corner Store on that same date. Twenty-nine (29) copies of the notice were also mailed to all known adjoining landowners (and known interested parties that participated in the Preliminary Plan hearings) on December 8, 2017.

The Final Plan Application was considered by the Planning Commission at two public hearings; on January 4 and February 1, 2018.

Present at the January 4th hearing were the following members of the Planning Commission; Peter Joslin (Chair), Charlie Pughe (Vice Chair), Marty Illick, Gerald Bouchard, David Kenyon, and Richard Eastman. Planning Commission Chair Peter Joslin recused himself from the proceedings and Vice Chair Charlie Pughe assumed the role of Acting Chair. Additional attendees and participants of the hearing included; Liam Murphy (the applicants' attorney), George McCain, Gunner McCain (principal representative of McCain Consulting, Inc.), Jane Krasnow, Ed Cafferty, Michael Krasnow, Eddie Krasnow, Scott Moreau (Forester from Greenleaf Consulting, Inc.), Daryl Benoit (Charlotte Town Planner), and others.

Present at the February 1st hearing were the following members of the Planning Commission; Peter Joslin (Chair), Charlie Pughe (Vice Chair), Marty Illick, Gerald Bouchard, David Kenyon, Richard

Eastman, and Shawn Coyle. Planning Commission Chair Peter Joslin again recused himself from the proceedings and Vice Chair Charlie Pughe hence assumed the role of Acting Chair. Additional attendees and participants of the hearing included; Liam Murphy, George McCain, Gunner McCain, Jane Krasnow, Ed Cafferty, Michael Krasnow, Eddie Krasnow, Scott Moreau, Addison Kasmarek (from Greenleaf Consulting, Inc.), Daryl Benoit, and others. The Planning Commission closed the hearing at the behest of Liam Murphy with the understanding that the "red-lined" documents (as per negotiations between the applicant and the Planning Commission) for the Forest Management Plan, Covenants, and Open Space Agreement would be sent to the Planning Commission for their deliberation.

The following Findings of Fact and Decision are based on the Final Plan proceedings and the reconsidered Preliminary Decision for **PC-17-168-SD**. This document primarily covers the items related to the conditions of the Reconsidered **PC-16-137-SD** decision for KR Properties, LLC. Other details related to this subdivision project are covered within that decision document, the Charlotte Land Records, and posted on the Town of Charlotte website at the following link: https://is.gd/Mv04CA.

Exhibits

Submitted between November 16, 2017 and February 22, 2018 the following exhibits were submitted for the Final Plan Application:

1. McCain Consulting, Inc. submitted –
   A. Town Cover Letter (dated November 16, 2017) with a comprehensive and detailed listing of 18 submitted documents;
   B. Town of Charlotte Completed Subdivision Application;
   C. *Revised* Forest Management Plan for the Property Of KR Properties, LLC, dated September 19, 2017 and January 11, 2018,, prepared by Scott Moreau, Forester, VT Licensed Forester 148.0121795, Greenleaf Consulting, Inc., Westford, VT;
   D. Revised Forest Management Plan – Forest Stand Map, titled "Property of KR Properties LLC, Forest Stand Map", drawn by A. Kasmarek and reviewed by S. Moreau of Greenleaf Forestry, Fairfax, Vermont;
   E. Letter to Charlotte Volunteer Fire & Rescue, Attn: Fire Chief Dick St. George requesting Review of Proposed New Access Road to Serve 5-lots & Shared Driveway.
   F. Wetland Permit application to Vermont DEC, Wetlands Program, dated November 4, 2017 – proposing the construction of shared access road, originating from Mount Philo Road and crossing a Class II Wetland to serve five units, resulting in 565 feet of wetland impact and 13,045 square feet of wetland buffer impact;
   G. Wastewater/Potable Water Supply Permit Amendment to WW-4-2694;
   H. Wetland Permit application to the Vermont DEC, Stormwater Program, Draft dated November 16, 2017;
   I. Construction General Permit application to Vermont DEC, Stormwater Program, Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activities on Low Risk Sites;
   J. *Revised Map of* "Linkage Habitat/Nature Corridor, Open Land, & Parcel Overview – KR Properties, LLC - 9 Lot Subdivision", dated January 16, 2018;

K. *Revised* Preliminary sheets, "Survey and Subdivision of the Lands of KR Properties, LLC", 2 sheets, dated 2018;
L. Stormwater (SW) & Erosion Prevention and Sediment Control (EPSC) Plan, 8 sheets (SW-1 through SW-8, dated November 10, 2017;
M. Wetland Impact Plan, dated November 10, 2017;

2. KR Properties, LLC submitted –
A. Summary of Project Changes (dated November 16, 2017) detailing a rebuttal to the fourteen conditions outlined conditions listed in the Reconsidered **PC-16-137-SD** decision;
B. *Revised* Declaration of Covenants, titled *"The Following Provisions in Substantially the Same Form Shall be included in the Conditions, Easements, Obligations, Liens, Rights and Restrictions for KR Properties LLC, Charlotte, Vermont"*;
C. Revised Open Space Agreement;
D. *Revised* Shared Roadway and Maintenance Agreement Lot 1, Lot 2, Lot A, Lot B, & Lot C;
E. *Revised* Shared Roadway and Maintenance Agreement Lot 5, Lot 6, Lot 7, Lot 8, & Lot 9;
F. *Revised* Shared Driveway and Maintenance Agreement Lot 3 & Lot 4 of the KR Properties, LLC Subdivision;

3. Planning Commission Decision (PC-16-137-SD Reconsideration – KR Properties, LLC); Preliminary Plan Application for a 9-Lot Major Subdivision (Planned Residential Development) at 355 Half Mile Road, signed on May 18, 2017.

4. Planning Commission Minutes from meetings held on; January 4, 2018 and February 1, 2018.

Regulations in Effect
Town Plan, 2016
Land Use Regulations, 2016
Recommended Standards for Developments and Homes adopted September, 1997

Findings
Outlined below are the fourteen (14) conditions of the Reconsidered Preliminary decision (PC-16-137-SD) with the applicant's response to the condition and the subsequent findings of the Planning Commission:

1. No more than nine (9) lots will be developed for the 88-acre parcel where no future subdivision development will occur.

   Applicant Response: *"The applicant agrees to this condition. The subdivision covenants will prohibit the creation of additional lots."*

   Commission Findings: The proposed 9 lots remain in the same form, size, and shape as in the Preliminary (Reconsidered) Plan. However, invoking this condition within the covenants is unnecessarily redundant, in that the Planning Commission decision already prohibits further subdivision. The revised covenants (Exhibit B) eliminated the unnecessary provision. The condition has been met.

2. The survey plat will be revised to reflect the following:

a. The proposed curb cut on One Mile Road to serve Lots 3 and 4 is provisionally approved pending approval of the Road Commissioner and the Charlotte Selectboard.

Applicant Response: *"Highway Access Permits were obtained for the private road to serve lots 5, 6, 7, 8, & 9, as well as the driveway off One Mile Road to serve proposed Lots 3 & 4. HAP-17-06 and HAP-17-07 were issued on September 11, 2017. Copies of these permits have been included in the final submission package."*

Commission Findings: The condition has been met.

b. The existing curb cuts for Half Mile Road will serve as the access for Lots 1 and 2. The water line and utility line for proposed Lots 1, 2, 3, and 4 will be co-located within Half Mile Road and on any proposed driveway easements that serve the lots. Driveways that are proposed to serve these lots will be designed to minimize their length to limit their impact upon forested areas.

Applicant Response: *"The applicant agrees to co-locate utilities within Half Mile Road and on any proposed driveway easements to minimize clearing. The driveways serving Lots 1 and 2 are now originating from Half Mile Road and are positioned to minimize their length. Utilities are collocated within the road and driveway easements to the extent practicable."*

Commission Findings: A series of waterlines traverse through; **1.** Lot 9 ~30-acre meadow on the western side of the subdivision, to; **2.** The new road traversing Lot 8, Lot 7, Lot 6, and Lot 5, through; **3.** The identified Central Wildlife Corridor on Lot 5, to; **4.** The new driveway (originating from One Mile Road) that would serve Lot 4 and Lot 3, to; **5.** The Open Space on Lot 3, to; **6.** Half Mile Road, serving Lot 2 and Lot 1 on the eastern side of the subdivision. The condition has been met.

c. The 1.1 acre building envelope for Lot 4 will be reduced to 0.5 acres and moved to the east of the existing water and utility corridor that runs north-south through the center of Lot 4.

Applicant Response: *"The large building envelope on Lot 4 has been broken up into two smaller envelope options. Each of which are slightly less than a half-acre. Each building envelope has its own stormwater pond design. The stormwater design mitigates the amount of clearing needed to construct the stormwater detention facility, as only one building envelope can be utilized and only one stormwater pond will be constructed..."*

Commission Findings: Indicated within the plans listed in the Exhibits above, there are two proposed "alternative" building envelopes for Lot 4. One is proposed in a location east of the existing north-south waterline, and the other is proposed west of the waterline. The existing waterline enters the subdivision from One Mile Road in the vicinity of the property boundary between 392 and 584 One Mile Road, extending southward along the property boundary between 356 and 263 Half Mile Road, and terminating at the units located on 355 and 263 Half Mile Road.

The condition has not been met. The Planning Commission stands by **PC-16-137-SD Condition 2c** and approves of the proposed building envelope located east of the existing waterline; not a building envelope west of the waterline. The intention of this condition is to protect the adjoining Central Wildlife Corridor and the identified *Significant Forest Habitat* from

encroachment.

d. By moving the building envelope for Lot 4, the need for a storm water detention facility can be eliminated to avoid encroachment upon linkage habitat. However, if the applicant determines that the proposed detention facility would nevertheless be necessary for the project, the detention facility shall be moved to the east of the existing north-south water and utility corridor. Only one of the two proposed building envelopes for Lot 4 delineated in the "Updated Preliminary Plan Parcel Map" in **Exhibit 5D** will be selected.

Applicant Response: *"See the response to condition 2c. above..."*

Commission Findings: Indicated within the plans listed in the Exhibits above, it appears that the proposed detention pond and building envelope for Lot 4 has not been moved to a location east of the existing north-south waterline. In order to protect the Central Wildlife Corridor adjoining to the west of Lot 4 and the identified *Significant Forest Habitat* on the property from encroachment, the detention pond and building envelope shall be moved to a location east of the existing north-south waterline.

e. The 1.6 acre building envelope for Lot 9 will be reduced to 1.0 acre.

Applicant Response: *"The applicant agrees to this condition and has updated the plan set to reflect a 1.0-acre building envelope on Lot 9."*

Commission Findings: The condition has been met.

f. A mapped area shall delineate the acreage of the areas designated as protected open space or wildlife area proposed in **Figure #1: Map of Proposed Changes to the Nature/Wildlife Corridor and Open Space**. This will include;

i. A minimum one-hundred foot (100') buffer of core wildlife habitat and linkage/no cut area that will be delineated from the northern boundary of Mt. Philo State Park through proposed Lots 6, 7, and 8. On a portion of proposed Lot 8, an approximate two-hundred and fifty foot (250') buffer of open space/no cut area will be delineated from the northern boundary of Mt. Philo State Park to enclose the former drainage pond and extend due west to Mt. Philo Road. Although this area is currently used for agricultural purposes, it will remain fallow to encourage regrowth of forest land. The buffer acreage is intended to reduce undue impacts on core and linkage habitat from the proposed development, and to serve as an east-west wildlife corridor.

Applicant Response: *"A one-hundred-foot buffer of core wildlife habitat and linkage has been delineated from the northern boundary of Mt. Philo State Park through proposed Lots 6, 7, and 8. A two hundred-foot buffer of open space will be delineated from the northern boundary of Mt. Philo State Park to enclose the former drainage pond and extend due west to Mt. Philo Road. The future owner of Lot 8, at their discretion may institute a 25ft height limit for any individual tree. The applicants will reserve the right to allow management of invasive species when applicable. KR Properties, LLC has provided a Forestry Management Plan that dictates how the wildlife linkage corridor and Open Space areas will be managed..."*

Commission Findings: Where it is reasonable to control for invasive species, the proposed cutting of dead or dying trees and the discretional 25 ft. tree height limit for Lot 8 does not comply with the Planning Commission's wildlife habitat and linkage/no cut area mandate within the articulated buffer area along the boundary of Mount Philo State Park (i.e. the East-West Wildlife Corridor). The condition has not been met.

ii. A central linkage north-south nature corridor that will be delineated on the eastern portions of proposed Lots 5 and 6 from the existing north-south boundaries of Lots "B" and "C" (i.e. the abutting parcels 355 and 356 Half Mile Road, respectively) and proposed Lot 4 extending westward to the eastern boundaries of the abutting parcel at 392 One Mile Road and the building envelopes of proposed Lots 5 and 6. Additional area on Lot 6 will be designated as part of the central linkage nature corridor as outlined in **Figure #1**. The corridor will be designated as a no-cut area except for the proposed corridor for the waterline that would extend from proposed Lot 6 to Lot 4. This nature corridor is intended to protect wildlife movement to and from Mt. Philo State Park from human encroachment.

Applicant Response: *"The applicants have revised the project to include a central linkage north-south nature corridor that will be delineated on the eastern portions of proposed Lots 5 and 6 from the existing north-south boundaries of Lots "B" and "C" and proposed Lot 4 extending westward to the eastern boundaries of the abutting parcel at 392 One Mile Road and continuing up to 85 feet from the envelopes of proposed Lots 5 and 6. The linkage corridor has not been extended right up to the building envelopes on Lots 5 & 6 to allow for some clearing for the house site construction and yard area. The applicants have provided a Forestry Management Plan / Open Space Management Plan that discusses how the nature corridor and other open space areas will be managed..."*

Commission Findings: The shaded area located along the western side of the Central Wildlife Corridor along Lot 6 and Lot 5 (see: **Map Figure #1** of the **PC-16-137-SD** Reconsidered decision) that the Planning Commission set as a condition for inclusion into the corridor was omitted by the applicant from their plan. Where the condition has not been met, the Planning Commission has acquiesced to keeping the area open to allow for any large trees that may fall toward the houses, and to serve as backyards for Lots 5 and 6. The condition has been rescinded.

iii. The ~30-acre meadow that will be a protected open space area within proposed Lot 9, which will include a one-hundred foot (100') protected riparian natural area that encompasses Kimball Brook, while the remainder of the meadow may be used for grassland birds management and agricultural purposes. The land on the northwestern side of Kimball Brook on Lot 9 will serve to protect the water source (i.e. the wellhead) for all lots within the subdivision area. Therefore, no grazing of animals, spreading of any fertilizer, use of pesticides, building or construction of any kind will be allowed within this area. The grazing of animals will only be allowed on the land on the southeastern side of Kimball Brook if fencing is installed at least fifty feet (50') from the boundary of the wetlands surrounding the protected riparian area to protect it from animal induced impacts.

Applicant Response: *"The applicant agrees to the one-hundred foot protected riparian natural area that encompasses Kimball Brook and agrees not to allow grazing of animals on the northwestern side of Kimball Brook. The 50ft wetland buffer on both sides of the wetland will be maintained at all times and is required by the Vermont Wetlands Rules."*

Commission Findings: The condition has been met. However, the Planning Commission has determined that the tributary on the southwest corner of Lot 9 should be buffered with a 50 foot (i.e. 25 foot on each side) no-cut area, which will be documented in the Open Space Agreement (OSA).

iv. Open space areas designated in Lots 1, 2, 3, and 4 as presented in the updated plan submitted for Reconsideration as **Exhibit 5D** *(of Reconsidered decision PC-16-137-SD)*.

Applicant Response: *"See final plan set enclosed..."*

Commission Findings: The condition has been met (as per Exhibit J, above).

g. The proposed driveway originating from Mt. Philo Road shall have vehicle turn-outs (12' wide x 35' long) near the halfway point or every eight-hundred feet (800').

Applicant Response: *"The applicant agrees to this condition..."*

Commission Findings: The footprint of the infrastructure should also be indicated within the final plat submission. It is anticipated that the condition will be met.

3. As the maximum grade of the proposed driveway originating from Mt. Philo Road has sections that exceed 8%, approval of its design is subject to the approval by the Charlotte Fire Department.

Applicant Response: *"A request for review of the roadway and shared driveway design has been forwarded to the Charlotte Volunteer Fire and Rescue. We are awaiting a response at this time."*

Commission Findings: Any changes to the footprint of the recommended infrastructural improvements should be indicated within the final plat submission. It is anticipated that the condition will be met upon the receipt of a letter from Charlotte Fire and Rescue approving of the proposed access road originating from Mt. Philo Road.

4. Because the driveway originating from Mt. Philo Road serves more than two (2) Lots, it will require a proposed name to be approved by the Selectboard.

Applicant Response: *"The Applicants will apply to the Selectboard for approval of the Road Name: Parkview Place."*

Commission Findings: It is anticipated that the condition will be met.

5. A final stormwater plan will be submitted with the Final Plan application.

Applicant Response: *"The applicant has included a Vermont Operational Stormwater Permit Application with their application package."*

Commission Findings: The condition has been met.

6. A forest management plan will be developed for proposed Lots 1 and 2 that protects the wetland area, intermittent stream habitat, and linkage habitat for the area outside of the delineated area to be returned to pasture for animal grazing. The plan will incorporate recommendations from the Charlotte Conservation Commission to maintain maximum canopy cover, under story, and a minimal number of three foot (3') wide footpaths that would only be maintained by non-motorized, non-mechanized means, and utilizes a soil or woodchip surface. The plan will be submitted for review with the Final Plan application.

   Applicant Response: *"The applicant has submitted a Forestry Management Plan that addresses this condition. See enclosed."*

   Commission Findings: The Plan should emphasize protection of 'Maximum Canopy Cover' and understory consistent with recommendations from the Charlotte Conservation Commission.

7. As part of the Final Plan application, the applicant will address how impacts to the central linkage nature corridor will be minimized during construction of the proposed waterline that extends from proposed Lot 6 to Lot 4.

   Applicant Response: *"Impact to linkage nature corridor will be minimized by limiting the clearing swath for the water line and completing the work during the summer months when animals are under less stress."*

   Commission Findings: All construction and maintenance activities will occur within the 20' easement.

8. Commercial boarding of animals will not be allowed. Use of lots or open space for kennels, raising or breeding animals for commercial purposes, or boarding of animals as specified, is specifically prohibited.

   Applicant Response: *"The applicant agrees to this condition with the exception of allowing the future owners of Lot 9 to board up to four (4) horses."*

   Commission Findings: As this limited number of horses boarded would not be considered "commercially boarded", this condition may be considered to have been met.

9. The spreading or storage of liquefied manure is prohibited. Only manure produced on site is allowed to be stored on site.

   Applicant Response: *"The applicant accepts this condition and it will be included in the subdivision covenants..."*

   Commission Findings: This condition is discussed in the covenants and has therefore been met.

10. Association covenants to administer the proposed driveway originating from Mt. Philo Road, as well as sewer, water supply, stormwater, and other utility infrastructure will be submitted with the Final Plan application.

    Applicant Response: *"The applicants have provided a copy of the association covenants. See enclosed..."*

    Commission Findings: The condition has been met.

11. The identified Areas of High Public Value, including the aforementioned buffer at the northern boundary of Mt. Philo State Park, the central linkage nature corridor, the ~30-acre meadow on proposed Lot 9, and the open space designated in Lots 1, 2, 3, and 4 will be placed under an Open Space Agreement (OSA) with the Town with their allowed uses to be specified. The OSA will be reviewed by the Planning Commission prior to the Final Plan application.

    Applicant Response: *"A copy of the Open Space Agreement is enclosed."*

    Commission Findings: The applicant submitted a revised version of the OSA, to which the Planning Commission has added further modifications. The OSA will be finalized for approval by the Planning Commission and the Selectboard as a condition of approval for this application, and would be guided by the following regulations;

    8.6 - Open Space & Common Land
    A. Subsection 8.6(A) of the Regulations stipulate that the Planning Commission shall consider the location of open space with associated site features listed in Table 8.1, which include Areas of High Public Value (e.g. Kimball Brook, its tributaries, and 100 ft. buffer area; the identified *Significant Aquatic Habitat* and *Significant Forest Habitat; and as identified during the Preliminary decision proceeding, the Central Wildlife Corridor, and the East-West Wildlife Corridor*).

    B. Subsection 8.6(B)(1) of the Regulations stipulate that open space shall be delineated *"for the protection of resources on the site including agricultural land, productive woodland, wildlife habitat, natural areas, aquifer protection areas, wetlands, views and vistas, streams, stream banks, the lake shoreline, and historic and archeological sites."*

    C. Subsection 8.6(B)(5) of the Regulations indicate that additional measures *"may be imposed to protect resources identified on the parcel. . ."*

    The survey should be updated to demarcate all of the Open Space categories to preserve their status over time.

12. A landscape screening plan that will afford the greatest viewshed protection from Mount Philo Road and One Mile Road (~ 1,000 feet from intersection) for proposed for [sic] Lots 7, 8, and 9 will be submitted with the Final Plan application.

    Applicant Response: *"Lot 7 and lot 8 will be naturally screened by leaving some existing trees. Lot 9 will have 2 trees of at least 10' in height planted within 40ft of the residence looking toward the northwest/ corner of Mount Philo Road and One Mile Road, with an additional 3 trees spread within 40ft of the house to break up house view from Mount Philo Road viewshed. At its closest point, the building envelop is 1,300 feet from the intersection."*

    Commission Findings: This condition has been met.

13. Two paper copies (one full size and one 11"x 17") and an electronic copy of the plat, will be submitted to the Planning Commission for review for the Final Plan application.

    Applicant Response: *"The applicant has provided the paper copies and electronic copies of the plat."*

Commission Findings: The plat shall be updated with the information discussed in the aforementioned item (above).

14. Any Highway Access Permits will be obtained prior to the submission of the Final Plan application.

Applicant Response: *"The highway access permits have been obtained are included in this final submission."*

Commission Findings: Highway Access Permits HAP-17-06 (for a private road off of Mt. Philo Road to serve Lots 5, 6, 7, 8, & 9) and HAP-17-07 (for a driveway off of One Mile Road to serve Lots 3 and 4) were granted by the Charlotte Selectboard on September 11, 2017. This condition has been met.

Decision

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the application for a 9-Lot Major Subdivision/Planned Residential Development subject to the following conditions:

1. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) of the plat will be submitted to the Planning Commission for review within 160 days. The applicant will record the mylar of the plat in the Charlotte Land Records within 180 days, after being signed by the Chair or Vice-Chair of the Planning Commission. Approved plats not filed and recorded within this 180 day period shall expire.

2. Prior to the submission of the mylar to the Planning Commission, the applicant shall;
   a. Update the survey plat to demarcate all of the Open Space categories.
   b. Submit to the Town of Charlotte an updated GIS shapefile of the Open Space categories and the survey data that follows geospatial data standards currently utilized by VCGI.
   c. Update the survey plat with a note stating that there is no further density available for further residential unit development, as per Planning Commission decision PC-17-168-SD.
   d. Update the survey plat with the footprints of the recommended driveway and roadway infrastructural improvements discussed in items 3 and 2g (above), as per the recommendations of the Charlotte Fire Department.
   e. Submit a letter from the surveyor indicating that he or she has set the survey pins in the field as indicated on the survey.
   f. Update the Forest Management Plan to prohibit the cutting of any trees (to include dead or dying trees) in the forest stands within the designated Wildlife Corridors (e.g. the East-West Wildlife Corridor and the Central Wildlife Corridor), as that forest land is being preserved with the intention to protect wildlife habitat and migration, not for the cultivation of forest products (e.g. firewood, cedar posts, hardwood crops, timber, etc.). For forest area on Lots 1, 2, 3, and 4 the Forest Management Plan will emphasize maximizing forest canopy cover and understory structure.

g. Submit an updated Open Space Agreement (OSA) to be approved by the Planning Commission and the Selectboard. The OSA shall articulate that its purpose is to protect the Kimball Brook, its tributaries, and the one-hundred foot (100') protected riparian natural area that encompasses Kimball Brook; the *Significant Aquatic Habitat* and *Significant Forest Habitat* identified in Planning Commission decision **PC-16-137-SD**; *and, as identified during the Preliminary Plan decision and Final Plan proceedings, the Central Wildlife Corridor, and the East-West Wildlife Corridor*. The OSA should further include "no-cut" language applied to the designated East-West Wildlife Corridor and the Central Wildlife Corridor (excepting for the management of identified invasive species), and no geomorphic alterations to the Kimball Brook, tributaries, wetlands, or their respective buffer areas.

h. Submit the letter of response from Charlotte Fire and Rescue approving the new access road from Mt. Philo Road.

Additional Conditions: All plats, plans, drawings, documents, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town. Approved plats not filed and recorded within the aforementioned 180 day period shall expire.

This decision may be appealed to the Environmental Division of the Vermont Superior Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the latest date of signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the (forthcoming) Public Hearing:

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

1. Signed: Charles W. Tetta For / Against Date Signed: 3/15/18
2. Signed: Martha Do For / Against Date Signed: 3.15.18
3. Signed: [illegible] For / Against Date Signed: 3.15.18
4. Signed: Gerald A Bouchard For / Against Date Signed: 3-16-18
5. Signed: _____ For / Against Date Signed: _____
6. Signed: _____ For / Against Date Signed: _____
7. Signed: _____ For / Against Date Signed: _____