

CHARLOTTE PLANNING COMMISSION
Charlotte Town Office
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Charlotte, VT 05445
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May 17, 2018

John & Carol Snow
6069 Ethan Allen Highway
Charlotte, Vermont 05445

Re: Sketch Plan Review – Application Number PC-18-09-SK

Dear Mr. & Mrs. Snow,

The purpose of this letter is to summarize the Sketch Plan Review (an advisory process) for your proposal to subdivide your 93.14 acre property located at 6069 Ethan Allen Highway in the Town of Charlotte. The development is proposed to occur within the Rural (RUR) zoning district.

Although it is not required by 24 VSA Chapter 117 to warn for a public hearing for Sketch Plan Review applications, hardcopy notifications of the public meeting were nevertheless mailed out to all of the adjoining property owners on March 22, 2018, posted at the Town offices, the Old Brick Store, and the Spear Street Store on March 9, 2018, and published within "The Citizen" newspaper on March 8, 2018. Electronic notice was also posted on the Town of Charlotte website Meeting Calendar.

The Planning Commission attended a site visit prior to the public meeting held on April 5, 2018, which included Commissioners Peter Joslin, Charlie Pughe, and Gerald Bouchard. The public meeting was attended by; Peter Joslin (Chair); Charlie Pughe (Vice Chair), Marty Illick, Gerald Bouchard, and Shawn Coyle. Additional participants at the public meeting included the applicants John and Carol Snow; consultant Tony Stout; neighbors Chris Morse and Ria Dilloway-Morse, and Stephen and Sallie Pintauro; the Town Planner; and others.

The Planning Commission has classified your project as a "Minor Subdivision" in accordance with Section 6.1(C)(1) of the Charlotte Land Use Regulations (hereafter referred to as "the Regulations").

The Planning Commission is providing the following observations and recommendations for your forthcoming subdivision application, which should be addressed in addition to the standard submission requirements outlined 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 has 89.34 acres **enrolled** in the State’s Use Value Appraisal (UVA) Program (i.e. “Current Use”, or current active agricultural use).
 - b. Primary Agricultural Soils (Primary and Statewide - PAS) – Except for about 3 to 4 acres, all of the property has been identified as consisting of Primary Agricultural soils, with about 24 acres comprising Prime Agricultural Soils and the remainder as Statewide Agricultural Soils (according to the USDA-NRCS data).
 - c. Steep slopes (>=15%) – About 0.2 acres of 15%-25% slopes close to the southwestern property boundary (according to VCGI elevation data).
 - d. Flood hazard areas – The property is within "Area of Minimal Flood Hazard" in the FEMA National Flood Hazard Layer (NFHL).
 - e. Surface waters, wetlands and associated setback and buffer areas – About 5.6 acres of wetland has been identified in the center of the property. The applicant has delineated the wetland on their Sketch Plan map, which runs to proposed Lot 3 from Lot 2. There are two (2) ANR Small Stream (50') Setback areas identified on the property; One traverses through the center of the wetland area, and the other roughly runs along the northern property line of Lot 3 (according to the VCGI/ANR Vermont Hydrography Dataset - VHD).
 - f. Special Natural Areas (SNA): Mt. Philo State Park (identified as an SNA within the Town Plan) is two parcels away. Future subdivision applications could impact the southwestern viewshed from the summit overlook. The applicant’s short-term plan for Lot 3 is to continue utilizing it in an agricultural practice, but the long-term plan is to further subdivide it, or conserve it pending funding opportunities.
 - g. Wildlife habitat – About 2.6 acres of *Significant Forest Habitat* has been identified along the tributary that runs along the northern portion of the property. *Significant Aquatic Habitat* has been identified along the two tributaries (e.g. the ANR Small Stream Setback areas) on the property.
 - h. Historic Districts, Sites, and Structures – Historic Site #0403-29 (The Clafin House) exists as the current homestead (primary house) on Lot 1.
 - i. Scenic views and vistas – Abutting to the west of the property is US Route 7, a “Scenic Highway” according to VTrans and serves as part of the Lake Champlain Byway. From the primary summit overlook of Mt. Philo State Park, any future subdivision applications could impact the viewshed facing to the southwest.
 - j. Conserved Land on adjacent parcels - A ~40-acre easement with the CLT abuts the property to the northeast, which abuts Mt. Philo State Park.
2. The Planning Commission requests that you consider a long range master plan for proposed 70.7 acre Lot #3. The Commission recommends that the proposed 10.3 acre Lot #1 and the 11.6 acre Lot #2 be reduced closer to five (5) acres in size to allow for the identified agricultural quality soils to remain contiguous within proposed Lot #3.

3. As your consultant had noted during the April 5th public meeting, the barn on proposed Lot #1 would exist within its setback. Although such would accommodate the rural district minimum dimensional standard for road frontage of 300 ft., the only way the Planning Commission may modify the dimensional requirements of any lot in a subdivision application is via the PRD process.

Section 8.2(A) states: "To achieve the purposes set forth in Section 8.1, the Planning Commission may modify applicable area and dimensional requirements required elsewhere in these regulations simultaneously with the approval of a subdivision plan and associated plat [Density requirements cannot be modified except as allowed under Section 4.4 and/or Section 8.4(C)(2)]. Such modifications shall be made in accordance with the following provisions."

Section 8.2(B) Planned Residential Development (PRD) provisions shall be applied to any of the following:

...**(3)** Minor subdivisions in the Rural District or Shoreland Districts in which the applicant or the Planning Commission determine that the modification of dimensional standards that allow the clustering of development, such as a reduction in the minimum lot size or building setbacks, is desirable or necessary to meet the standards set forth in Chapter 7.

To avoid undertaking the project as a PRD (which you had stated was your desire at this point in time at the public meeting), either the lot lines between Lot #1 and Lot #2 would need to be changed to accommodate a 50' side yard setback, or the Barn would be required to remain as an agriculturally-designated structure as a condition of the forthcoming subdivision decision. An additional possibility is that the Planning Commission could defer the PRD requirement to a future subdivision application that would include a master plan as a condition of the approval for the currently proposed lots. Additional options may also be discussed during the proceedings of your forthcoming subdivision application.

4. 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, unless an additional 6 month extension is formally granted from the Planning Commission before the expiration date.

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 at least one public hearing, in accordance with Section 6.5 of the Regulations. Upon receipt of your application, the public hearing will be scheduled.

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

Sincerely,



Peter Joslin, Chair, Charlotte Planning Commission

