CHARLOTTE PLANNING COMMISSION
Charlotte Town Office
PO Box 119
Charlotte, VT 05445
Phone: 802.425.3533

June 28, 2018

Peter and Patricia Post
1706 Carpenter Road
Charlotte, VT 05445

Re: Sketch Plan Review – Application Number PC-18-50-SK

Dear Mr. and Mrs. Post,

The purpose of this letter is to summarize the Sketch Plan Review for a proposed subdivision of your 26.4 acre property located at 1706 Carpenter Road. The development is proposed to occur within the Rural District (RUR) within the Town of Charlotte.

It is understood by the Planning Commission (as displayed on the map within your application - https://is.gd/UbHaj7) that you propose to subdivide your property into three parcels, including:

1. **Lot #1:** 12.39 acres on the eastern side of the property with a road frontage of 300'.
2. **Lot #2:** 5.46 acres at the center with a road frontage of 221'.
3. **Lot #3:** 8.35 acres on the western side with a road frontage of 266'.

A public meeting for the project was held at the Planning Commission meeting on April May 17, 2018. In attendance were Commissioners Peter Joslin (Chair), Charlie Pughe (Vice Chair), Gerald Bouchard, Marty Illick, Shawn Coyle, Dick Eastman, and Shawn Coyle; the Town Planner; Co-applicants Peter and Patricia Post; and consultant Steve Revell of Lincoln Applied Geography, Inc. The site visit to the property took place prior to the public meeting for the Sketch Plan Review.

Although it is not required by 24 VSA Chapter 117 or the Charlotte Land Use Regulations (hereafter referred to as "the Regulations"), notice of the public meeting was published in *"The Citizen"* newspaper on May 3, 2018. Hardcopy notices were also posted at the Town offices, the Old Brick Store, and the Spear Street Store on April 13, 2018. Electronic notice was posted on the *Meeting Calendar* of Town of Charlotte website.

The Planning Commission has classified your project as a "3-Lot Boundary Minor Subdivision / Planned Residential Development (PRD)" in accordance with Section 6.1(C)(1) of the Regulations. 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

subsequent public hearing, in accordance with Section 6.5 of the Regulations. Upon receipt of your Final Plan Application, a Final Hearing will be scheduled.

The Planning Commission is providing the following observations and recommendations for the subsequent Final Plan Review of your anticipated subdivision application that 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. Primary Agricultural Soils (Prime and Statewide - PAS): About half of the parcel comprises Statewide soils, most of which is within the three meadows (according to the USDA Natural Resources Conservation Service GIS database), according to the *USDA Natural Resources Conservation Service (NRCS)* GIS database.
   b. Steep slopes (equal to or greater than 15%): About 0.7 acres of 15-20% slope has been identified along the central tributary within the property, primarily on proposed **Lot #1**.
   c. Flood Hazard Areas: A large portion of the southern area of the property has been identified by the Vermont Agency of Natural Resources (ANR) as River Corridor, and within *"Area of Minimal Flood Hazard"* of the FEMA *National Flood Hazard Layer (NFHL)*. About 7 acres of Fluvial Erosion Hazard (FEH) area are estimated to exist along the LaPlatte River that runs along the southern boundary of the property (see red boundary area in map below - identified within ANR's 2015 River Corridor data).
   d. Surface waters, wetlands and associated setback and buffer areas: The property is traversed by at least 2 tributaries, and the LaPlatte River that runs along the southern boundary, which is impaired. About 2 acres of Class II wetland adjoin the northern brooks along the eastern and western sides of the parcel, according to the Vermont Department of Environmental Conservation's *Vermont Significant Wetlands Inventory (VSWI) "Wetlands Class Inventory Layer"*.
   e. Wildlife Habitat: Identified within the GIS layers of the *"Charlotte Significant Wildlife Habitat Map and Database"* there are: **1.** 16.3 acres of *Significant Aquatic Habitat* has been identified on the property. **2.** 1.5 acres of *Significant Shrubland Habitat* exists along the brook at the northeastern area of the parcel. **3.** 6.1 acres of *Significant Forest Habitat* exists on the southern portion of the property.
   f. Water Supply Source Protection Areas (SPAs): There are no *Groundwater Source Protection Areas*. However, the parcel is entirely within the *Surface Water Source Protection Area* for the Champlain Water District.
   g. Scenic Views and Vistas: Carpenter Road has been identified as a '*most scenic public road*' within the Charlotte Town Plan.
   h. Conserved land on adjacent parcels: There are 48.7 acres of easement with VLT upon the property adjoining to the west.

2. **Section 2.3(E)** of the Regulations; Application of District Standards - **Table 2.5** Rural District (RUR) Dimensional Standards call for a minimum frontage of 300 ft. As your property boundary design proposes to create two non-conforming lots with less than 300 feet of road frontage (i.e. **Lots #2** and **#3**), the lot lines should be redesigned so that **Lot #2** and **Lot #1** utilize all of the road frontage, where an ingress/egress ROW may be granted to **Lot #3**. This would allow for more regular-shaped property lines and adequate road frontage.

   As the Planning Commission has classified your project as a PRD, it may consider approving the irregular shaped lots (especially for **Lot #3**). Note that this Sketch Plan Review letter is <u>not an approval</u> to adjust the dimensional requirements of the Lots, which are subject to a full deliberative process with the Planning Commission after your subdivision application is received.

   Furthermore, **Section 8.1(B)** of the Regulations regard the purpose of the Planned Residential Development (PRD) as follows:

   > *"PRD provisions are intended to allow clustering of residential development and innovative design to promote the most appropriate use of land and the preservation of Areas of High Public Value identified in Table 7.1;"*

   As your project does not propose clustering development, Charlotte Planning and Zoning staff contacted the Town Attorney for guidance to support the Planning Commission's consideration to create non-conforming lots either by granting a waiver (under **Section 6.2** of the Regulations), or reviewing the application as a PRD (under **Section 6.1(C)(3)** of the Regulations), or by other means cited within the Regulations.

   The Town attorney stated that doing so was inconsistent with the general principles of municipal land use regulations in Vermont, where the municipal regulatory authority does not create non-conformance, it eliminates it. The attorney further referenced **Section 3.6(B)(1)** of the Regulations, which states:

   (B) Dimensional Standards. The following requirements apply to lots within all zoning districts, with the exception of existing nonconforming lots in accordance with Section 3.7 (i.e. Nonconforming Lots (Existing Small Lots)).

   (1) <u>No lot shall be so reduced in area that it cannot meet area, yard, setback, frontage, coverage and other dimensional requirements for the district in which it is located, except as approved by the Planning Commission for a planned residential or planned unit development under Chapter VIII.</u>

3. It is the opinion of the Planning Commission that the intent of the Regulations would not allow for three (3) parcels to be created adjoining Carpenter Road, which do not have the adequate road frontage per the Rural district standard.

4. Additional issues may be considered during the review of your forthcoming Final Plan application. In accordance with Section 6.3(D) of the Charlotte Land Use Regulations,

this Sketch Plan Review is valid for six months, but may be extended up to one year with permission from the Planning Commission.

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

Sincerely,

Daryl Benoit, Town Planner
For the Charlotte Planning Commission