

CHARLOTTE PLANNING COMMISSION

Charlotte Town Office

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December 6, 2019

Jason and Tiffany Hutchins
328 Riverview Drive
Charlotte, VT 05445

Re: Sketch Plan Review – Application Number PC-19-179-SK

Dear Mr. & Mrs. Hutchins,

The Planning Commission would like to extend its gratitude for your participation and patience throughout this Sketch Plan Review proceeding to address your intended subdivision (and subdivision amendment) application. The following information contained within this letter relays our understanding with regard to the status of your properties located at 328 Riverview Drive (north of Carpenter Road) within the Rural (RUR) zoning district. This letter also cites the Charlotte Land Use Regulations (LURs) pertinent to the proposed development of your property. If you feel that any of the information discussed herein contains errors, omissions, or confusing language, please do not hesitate to address the issues within your forthcoming application, along with any suggested corrections or further information. You may further contact the staff at the Planning and Zoning Office if you wish to seek further guidance in response to this advisory letter.

Two public meetings for the proceeding were held to review your application, on: October 17 (*attended by Commissioners Peter Joslin, Charlie Pughe, Jim Faulkner, Gerald Bouchard, and Shawn Coyle*) and November 7, 2019 (*attended by Commissioners Peter Joslin, Charlie Pughe, Jim Faulkner, Dave Kenyon, and Marty Illick*). The site visit to the property took place on the morning of Saturday October 19, 2019, attended by Commissioners Jim Faulkner, Charlie Pughe, Gerald Bouchard, Peter Joslin, and property-owner Jason Hutchins.

It is understood by the Planning Commission as displayed on the proposed map included within your application (e.g. the "*Hutchins Sketch Plan*" prepared by Andrew Ward of Landshapes) and from discussions during the public hearings, that you propose to subdivide your three-parcel property to become four parcels and to adjust the boundaries between the three original parcels that were subdivided in 1998. With reference to the submitted map, the project proposes to:

1. Create a new 2.06 acre Lot #6 from easterly portions of Lot #4 and Lot #5.

2. Adjust a northern portion of Lot #4 to Lot #5. Lot #4 would be hence reduced from 10.03 acres to 8.75 acres.
3. Adjust eastern and western portions of Lot #1 to Lot #5. Lot #1 would be reduced from 8.3 acres to 2.08 acres
4. Lot #5 would increase from 5.61 acres to 10.9 acres, configured as an irregular "U-Shape" surrounding Lot #1.

The Planning Commission has classified your project as a 1998-continued "Planned Residential Development (PRD)" and "2-Lot Minor Subdivision / 3-Lot Minor Subdivision Amendment", in accordance with **Section 6.1** of the 2016 Charlotte Land Use Regulations (hereafter referred to as "the Regulations"). This classification is based on there being three lots affected by the proposed boundary adjustments per **Section 6.1(C)(4)** of the Regulations, and one new lot being created (e.g. Lot #3), per **Section 6.1(C)(1)**.

The Planning Commission is providing the following observations on your proposed application. To make this process simpler, you may review the **Summary** at the end of each item listed below, and include the requested updates to your proposed plat under item 8 below. Upon receipt of your Final Plan application, you will need to attend at least one (1) more public hearing with the Planning Commission, which shall be warned for the public.

1. Pursuant to **Section 7.2**, the following *Areas of High Public Value (AHPV)* were identified on the property:
 - a. Agricultural use: The property has not been enrolled in the "Current Use" program.
 - b. Primary Agricultural Soils (Prime and Statewide - PAS): The property is composed mostly of Statewide soils located along the eastern pastures of the parcel(s), with a sliver area of Prime soils on the western side of existing Lot #4 (according to the *USDA Natural Resources Conservation Service (NRCS) GIS database*).
 - c. Steep slopes (>=15%): About 1 acres of 15-25% slope exists along the western portion of Lot #2A. Much of the south-western portion of Lot #2 comprises 15-25% slope with a minimal area greater than 25% slope.
 - d. Surface Waters, Wetlands, and associated buffer areas: The north of Lot #1 is traversed by a small stream, according to the Vermont Agency of Natural Resources, *Vermont Hydrography Dataset (VHD)*.
 - e. Wildlife Habitat: *Significant Forest Habitat* and *Significant Aquatic Habitat* cover eastern portions of Lot #1 and a small portion of Lot #5, according to the "*Charlotte Significant Wildlife Habitat Map and Database*".
 - f. Water supply source protection areas (SPAs): There are no Groundwater Source Protection Areas or Surface Water Protection Areas on the property, or on adjoining

properties.

- g. Scenic Views and Vistas: Carpenter Road, adjoining to the south, is classified as a “*Most Scenic Road*” according to the Charlotte Town Plan.

Summary: The Planning Commission has identified the agricultural fields, the wildlife habitats, and the scenic view from Carpenter Road as the priority *Areas of High Public Value* to preserve with a prospective open space agreement as discussed in item 2, below.

2. According to the 1998 Planning Commission minutes (*for 18 and 4 August, 21 July, 5 May, and 7 April 1998*) and the resultant Preliminary decision (dated 5 May 1998) and Final decision (dated 18 August 1998), the subdivision was classified as a Planned Residential Development (PRD) with a deferred open space requirement that remains to be fulfilled for the property:

“Open Space shall be required for any future new lots and shall be calculated for the entire 33.5 acres based on a minimum of 15% to 50% of the original 33.5 acres.”
(~ 1998 Preliminary decision)

“Open space areas are to be clearly shown on the Final Survey Plat and there shall be no structures, except agricultural fencing, outside the depicted building envelope areas without review and approval by the Planning Commission as a Subdivision Modification.”
(~ 1998 Final decision)

During the November 7, 2019 public hearing, you had proposed the designation of an estimated 10.9 acres of open space to fulfill the 1998 deferment. The Planning Commission appreciates this offer. However, the PRD standards within the 2016 Regulations would require a minimum fifty-percent (50%) of the 33.5 acre property of 1998 to be designated in an open space agreement with the Town (that is, 16.75 acres), as part of your forthcoming subdivision application. This fifty-percent requirement follows the precedent, which has been set for all subdivision proceedings with outstanding open space deferments since the 2016 adoption of the Regulations.

In accordance with **Section 8.1(B)** of the Regulations, the purpose of a PRD is 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;”

Summary: The current application proposes less-than-conforming lots (Lots #2 and #6), which would normally require a minimum 50% designation area of open space (e.g. 16.75 acres) to preserve the priority *Areas of High Public Value* discussed above.

3. Step 3 of the **Table 6.3 - Subdivision Guide** in **Chapter VI** of the Regulations indicate that *“Building envelopes, to include all areas to be set aside for structures and parking areas, shall be identified”* in accordance with **Section 7.2(D)** of the Regulations.

Section 7.3(D)(1) pertaining to Rural, Shoreland, and Conservation Districts states:

“Building envelopes, to the extent feasible, shall be located, sited and configured so as not to create any undue adverse impacts on Areas of High Public Value. In the event that no other land in the parcel to be subdivided is suitable for development, building envelopes shall be designed to minimize encroachments into these areas and to minimize undue adverse impacts.”

Section 8.6(B)(5) pertaining to Open Space and Common Land states:

“. . . open space and common land shall be delineated in accordance with the following standards. . .

Additional measures that may be imposed to protect resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.”

Summary: The Planning Commission is pleased with the building envelopes that you have proposed for Lots #1, #5, and #6, which measure approximately a quarter-acre in size.

4. The application proposes to adjust Lot #5 to be an irregular “U-shaped” parcel that surrounds Lot #1. **Section 7.2(C)(5)** of the Regulations states:

“Irregularly shaped lots (e.g., with curves, jogs, doglegs; excessively rectilinear, etc.) shall not be created unless warranted by topography, surface waters, or to avoid the fragmentation of significant natural or cultural features. . .”

Summary: In light that Lot #1 would be surrounded by land preserved within an open space agreement on Lot #5, and that any structures would be contained within each lot’s respective building envelope, the Planning Commission is satisfied that any potential impacts between neighboring properties (such as light, noise, etc.) are reasonably mitigated.

5. In accordance with **Section 7.9** of the Regulations, and to preserve the viewshed from Carpenter Road, the Planning Commission has requested that a stand of trees be planted to screen any future structures to be developed upon Lot #6 from the view of Carpenter Road.
6. The driveway that currently accesses existing Lots #4 and #5 should be modified to avoid having pass-thru traffic occur across the newly created Lot #6, or fragment the pasture of Lot #4. The modified driveway should adhere to **Section 3.2(D)(2)** of the Regulations, where:

“(c) Roads and driveways should be located to avoid fragmentation of and/or adverse impacts to areas of high public value listed in Table 7.1. Additionally, to the extent feasible, roads should follow existing linear features such as utility corridors, tree lines, hedgerows and fence lines.”

“(d) Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads, including but not limited to the selection of visually compatible materials, the preservation of existing features, and appropriate management of vegetation within the road corridor. The use of surfacing material that minimizes driveway visibility and enhances surface permeability is encouraged, and may be required by the Commission or Board for development subject to subdivision, site plan, or conditional use review. A crushed stone or gravel surface is recommended.”

Furthermore, all roads, driveways, and intersections shall be designed and constructed in accordance with the Town of Charlotte *“Recommended Standards for Developments and Homes”* (adopted September, 1997), state;

- A. *“All driveways 500’ or more in traveled length shall have a turnaround at the house site large enough to accommodate 3 emergency vehicles at one time (Approx. 1,600 sq. ft.)”*
- B. *“All Driveways longer than 800’ will have vehicle turn-outs (12’ wide x 35’ long) near the halfway point or every 800’.”*

Summary: Because the private road is greater than 800’ in length between the new entrance of proposed Lot #6 and Carpenter Road, an emergency vehicle turnout will need to be constructed somewhere near the halfway point. Please be advised that where the 1997 standards recommend the turnout be 12’ wide by 35’ long, the Charlotte Volunteer Fire & Rescue Services recommend 15’ wide by 50’ long. However, as the 1997 standards has not yet been updated, the Planning Commission may only require you to follow those standards according to the Regulations.

7. According to your property’s permit EC-4-1431 (issued November 21, 1989); approved amendments EC-4-1431-1 (issued May 24, 1995) and EC-4-1431-2 (issued July 18, 1998); and the most recent permit amendment (WW-138-1322) approved on March 4, 2014, water supply and wastewater capacity has been affirmed for the existing properties. Please be prepared to address the update status of your Water Supply and Wastewater permit application that will be required for this subdivision in light of the creation of an additional lot (Lot #6).

Summary: Any conditions pursuant to State Subdivision Permit #EC-4-1431-2 and State Land Use Permit 4C0959-1 (issued July 20, 1998), or any other relevant State permitting should be addressed with written documentation from the State that would approve your proposed development.

8. The **following items should be included in your draft survey** to be submitted with your final subdivision / subdivision amendment application:
 - a. The updated delineation of proposed lots and building envelopes for Lots #1, #5, and #6, along with their acreage, perimeter, and a dimensional lines from the building envelopes to their nearest property boundary. The building envelopes should maintain the Rural (RUR) district minimum fifty-foot (50') setback from any of the property boundaries.
 - b. The proposed open space delineation, and minimum acreage (16.75 acres) to be designated into an open space agreement with the Town. Please be sure to exclude any acreage of building envelopes and wastewater mounds from the open space.
 - c. The location of the footprint of all designated water supply and wastewater infrastructure (including any mounds, septic tanks, and replacement areas); and proposed driveways and vehicle turnouts (discussed in **item #6**, above), within the subdivision area.
 - d. The area of your proposed tree screening (including any new plantings) to be maintained on proposed Lot #6 (as discussed in **item #5**, above).

9. 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 six-month extension is formally requested from the Planning Commission before the expiration date.

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

Sincerely,



Peter Joslin, Chair,
Charlotte Planning Commission