

CHARLOTTE PLANNING COMMISSION
Charlotte Town Office
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Charlotte, VT 05445
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July 23, 2020

John & Sue Patnaude
213 Eastry Ct.
Charlotte, VT 05445

Re: Sketch Plan Review – Application Number PC-20-24-SK

Dear Mr. & Mrs. Patnaude,

This letter covers the Planning Commission's understanding of your development proposal for the Eastry Court property in the Rural District (RUR). This letter also cites the Charlotte Land Use Regulations (LURs) pertinent to the proposed development, and sets forth requirements for your next steps in the development review process, should you wish to pursue this project.

The Planning Commission has reviewed the application, which proposes to subdivide Lot #2 (part of your previously approved subdivision) into 2 lots, with a boundary adjustment for previously approved Lots 4 and 5. Lot 2, previously approved at 5.1 acres, would be subdivided into the following configuration:

- 1) **Lot 2A:** 2.4 acres, with an existing 4-BR dwelling served by an approved onsite septic and a shared water supply; and
- 2) **Lot 2B:** 2.7 acres, currently undeveloped, for residential use. This lot would access water from an existing drilled well to the east. Septic service would be established from a previously approved replacement area on Lot 2A, with an easement to 2B.

The proposed boundary adjustment for Lots 4 and 5 would reduce the existing lot size from ± 10 acres to ± 5 acres each, returning the balance of ± 5 acres for these lots back to the original farm parcel to maintain acreage density as approved for the previous subdivision.

A public meeting was held to consider your Sketch Plan Review application on May 21, 2020 (attended by yourself, Spencer Harris and Commissioners Peter Joslin, Vice Chair Charlie Pughe, Gerald Bouchard, and Marty Illick). Planning Commission members Peter Joslin, Marty Illick, Bill Stuono and Gerald Bouchard conducted drive-by site visits prior to the meeting.

The Planning Commission has classified your project as a "2-Lot Minor Subdivision / Planned Residential Development (PRD) & Subdivision Amendment" in accordance with **Section 6.1(C)(1)** and Sec. 8.2 of the Charlotte LURs. Minor Subdivisions and Subdivision Amendments require Final Plan Approval, which is a separate application and review process from what you just completed (see application requirements in Section 6.1., 6.5 and Tables 6.1 and 6.2).

The Planning Commission is providing the following guidance for your forthcoming Final Plan Subdivision application, which should address the following elements:

Section 2.3 Application of District Standards - Table 2.5 Rural District (RUR)

The proposed new lots 2A and 2B, as well as the reconfigured Lots 4 and 5, meet all dimensional standards as outlined in this section, except for minimum lot size for 2A and 2B. Single family dwellings are a permitted use in this district. Non-conformities are addressed in the PRD standards covered in **Section 8.4**, below.

Section 3.2 Road, Driveway, and Pedestrian Access Requirements

The proposed Lots 2A and 2B share access from Eastry Court, a private road. No additional access from a town road is proposed, or required, for this proposed subdivision. However, all lots are required to have access easements & a possible need for a maintenance agreement to maintain the private road, which may require upgrading to town road standards.

Section 7.2 General Standards - Areas of High Public Value (Table 7.1):

The following Areas of High Public Value (AHPV) were identified on the property (*source: ANR data via layers in Charlotte Map Viewer, CCRPC*):

- a. Primary Agricultural Soils (Prime and Statewide - PAS): Lot 2 is currently about 75% prime agricultural soils, with the balance (east end) statewide ag soils. Proposed Lot 2B house site sits just within prime soils area. The boundary adjustments for Lots 4 & 5 show the proposed new boundaries closely following the dividing line between prime & statewide ag soils, with the 5 acres to be transferred back to the farm parcel as statewide soils. None of these areas appear to be in recent active agricultural use.
- b. Surface Waters, Wetlands, and associated buffer areas: These lots have no listed resources of this type.
- c. Wildlife Habitat: These lots have no listed resources of this type.
- d. Water supply source protection areas (SPAs):
 - o Ground water: N/A
 - o Surface water: N/A
- e. Scenic Views and Vistas: N/A.
- f. Historic Districts, Sites, and Structures: These lots have no listed resources of this type.
- g. Conserved land on same or adjacent parcels: Within this parcel, there are open space designations attached to several of the lots, including Lots 4 and 5 in this application. Parcels to the north (Pecor farm) and west (Ten Stones Assoc.) of this project area are shown as conserved via open space agreements with the VT Land Trust and/or the town.

Section 7.2(C) Lot Layout: Except for the reduced lot sizes proposed for Lots 2A and 2B, per PRD waivers previously granted, proposed lot lines conform to these requirements.

Section 7.2 (D) Density: The original subject parcel (prior to subdivision) was 161 acres. There are 7 existing homes spread over 46 acres for the area to the west of the railroad ROW. So, adding an 8th home would yield a density of 5.75 acres per dwelling, which conforms to the density standards for the Rural District.

Section 7.2 (E): Building Envelope: Not shown in Lot 2B site plan. Required, unless waived.

Section 7.3: District Standards for Rural, Shoreland & Conservation Districts: Proposed development of an additional building lot 2B is consistent with existing patterns of settlement in the neighborhood (dispersed/low density single family dwellings in former agricultural fields). Other than encroaching upon prime agricultural soils, this additional lot would not adversely impact areas of High Public Value, as noted above.

Section 7.4: Compatibility with Agricultural Operations: As presented, this project would have no adverse impact on adjacent farm operations.

Section 7.5: Facilities, Services and Utilities: Proposed lot 2B has approx. 425' of frontage on an existing private road (Eastry Ct.), providing access to existing utility lines, emergency vehicles, and other town services. This site is approximately 2.7 miles from the Charlotte Fire Station. Utility easements should be shown on final plat. Utility lines shall be located underground.

Sections 7.6, Water Supply / 7.7 Sewage Disposal: Applicant proposes to use existing drilled well to east of parcel to supply water to Lot 2B dwelling. (It's unclear in application if this supply is already used by another dwelling, or if it was drilled but not hooked up to a house.) Final plat site plan must show well location and ROW/water line to dwelling. Septic design not included in Sketch Plan application; these details must be included in final plat application & on site plan, including proposed well and septic shields.

Section 8.4, Planned Residential Developments (PRDs):

The PRD status of your project (based on prior approvals) permits modification of lot size and other dimensional standards of the property boundaries of your proposed parcels 2A and 2B. PRD provisions require the designation of 50% open space, which in accord with **Section 8.6** of the Regulations, shall provide for the protection of resources on the site (e.g. the identified *Areas of High Public Value*, including agricultural soils discussed in **Section 7.2** above). Your sketch plan references returning 50% of Lots 4 and 5 back to the farm parcel.

Due to the multiple rounds of prior subdivision approvals for this subject parcel, in the Final Subdivision process, applicant should address the current status of the 50% required designation of open space area based on the original 160 acre parcel. In your Final Plat application, please identify: how many total acres are already protected, in what ways, through which approved subdivisions? It would be helpful to map these areas on the site plan, as well.

Conclusion / Summary:

For your Final Plat subdivision review, the following items should be included in your application:

1. For Final Plat review, the sketch plan survey map should be updated with:
 - a. The delineation of proposed building envelope for Lot 2B, which should observe a minimum 50' setback to lot lines unless a waiver is requested.
 - b. All access, utility, and other easements on Lot 2B and adjoining properties. Utility lines shall be located underground.
 - c. The location and footprint of all designated water supply and wastewater infrastructure for Lot 2B (including mounds, septic tanks, and replacement areas); and proposed driveways and vehicle turnouts within Lot 2B.
 - d. The delineation of all existing & proposed open space and conservation easements for the entire subject parcel, as discussed in **Section 8.4** above.
2. Provide a road maintenance agreement for Eastry Court property owners (sample language if it doesn't already exist), to be recorded with the deed for Lot 2B upon sale.
3. Provide an "ability to serve" letter from CVFRS re: emergency vehicle access to lot 2B as indicated on final plat.
4. Provide a draft Open Space Agreement (OSA) that encompasses all conserved lands approved in prior subdivisions, as well as what is proposed for this application, identified by type. (The town can provide boiler plate language upon request.) Total conserved lands must be at least 50% of the total lot acreage of original 161 acre parcel. This agreement must be approved and executed prior to obtaining a zoning permit to build new dwellings.
5. The Planning Commission is requesting a long-term master plan addressing proposed land use for the entire 160 acre parcel, including the 16 lots already approved on the east side of the railroad tracks. Other issues may be considered and requirements added 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 do not hesitate to include any status updates or additional information within your forthcoming application. You may contact the staff at the Planning and Zoning Office if you need further guidance in response to this advisory letter.

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

Sincerely,



Peter Joslin, Chair,
Charlotte Planning Commission