

**MINUTES  
CHARLESTOWN PLANNING BOARD  
APRIL 7, 2009**

Members Present: Robert Frizzell –Chair; Sharon Francis –Vice-Chair; Doug Ring – Ex-Officio; Andy Jellie, Eric Lutz, Ken Moore, Pat Royce

Alternates Present: Herb Greenwood

Staff Present: David Edkins – Planning & Zoning Administrator  
Regina Borden – Recording Secretary

**CALL TO ORDER & SEATING OF ALTERNATES:** Robert Frizzell called the meeting to order at 7:02 PM. He noted that Alternate member Linda Stewart was absent but a full Board was present therefore no Alternates would be seated.

**APPROVAL OF MINUTES OF MARCH 17, 2009:**

**Sharon Francis moved to approve the Minutes of the March 17, 2009, meeting, as printed. Eric Lutz seconded the motion. With five members in favor, the minutes were approved. Abstained: Andy Jellie who has not yet taken the Oath of Office and Doug Ring who did not attend this meeting.**

**ROBERT & ELIZABETH MORWAY, Jr., Cont'd. – Five (5) Lot Subdivision – Unity State Road – Map 209, Lot 20 – Zone D (Watershed:** Mr. Frizzell reported that prior to this meeting there was a tour of the Morway property that started on Lot #5. The group looked over the steep bank toward the spring house and could see the erosion where the water penetrated the bank. Jim McClammer pointed out the wetland areas.

Attorney Rebecca Todd said that in lot #4 above the stone wall there was largely unconsolidated material; it looked like that area was well drained. Her client's concern is that they the applicants should provide as much distance between the proposed septic location and the existing spring house. From the test pit it looks like there is some room to move it over to the western corner of that lot, as there is a flat area but this would require approval from the State. One option for the Board is to ask for a hydro-geologic study to see how unconsolidated that material is, where the clay is and the impact of the proposed well on the existing spring. The other option is to move the septic system over as far as possible away from the spring house; this would also move the septic system further down river which creates a bigger buffer from the spring house. Tom Dombroski, representing the applicants, said it is already 200-feet away from the well; it could be moved maybe another 40-feet but then you are starting to approach the property line of lot #3. Mr. Edkins noted that the subdivision approval that was already granted for this and the test pits is simply to show that there is a 4,000 square foot area on each lot which could accommodate a septic system but it does not mean that the septic system has to be within that 4,000 square foot area. The purchaser could have it moved with the approval of the State. Mr. Dombroski felt it could even be moved to the east because the lot is so

wide. The gravel on lot #4 is loamy so tends to be different than the gravel on lot #1. Mr. Ring felt that this application is not to place the septic systems on the lots but rather to see if the lots meet Town regulations. The applicants have a design that shows that a septic system can be located on each lot and that was approved by the State. Mrs. Francis is concerned with Mrs. Sargent's well and is not satisfied to vote approval for lot #4 unless they can require that the septic system is the maximum distance away from that well.

Mrs. Morway talked with Mrs. Sargent about their purchasing her water rights; they have a verbal agreement and have every intention to follow through on it. Attorney Todd explained that they are optimistic that they can resolve this but they do not have a signed agreement. They are happy to wait and come back before the Board in a period of time. Mr. Ring noted that the Board has a time frame. Mr. Edkins read the State statutes; this meeting is the last one before the end of the 65 day time period within which the Board must act on the application. The Board could grant conditional approval based on conditions being met; convey the spring rights from the Sargents to the Morways. If they could not reach that agreement then they would have to come back before the Board. Mrs. Morway noted that they just need a price from several well drillers but that could take two weeks. They would agree to an extension. The next Planning Board meeting is in two weeks, April 21<sup>st</sup>.

Mr. Dombroski wanted to know if there are any other issues. Ms. Dierks finds it amazing that the Board could not find the amount of water that usually exists considering how rubbly it is; there is a lot of rock and stony gravel. How could a septic system withstand that kind of water especially given that the proposed building site is lower than the wetland? Mr. Frizzell said it passed the State's review.

Mrs. Francis noted that on lot #5 there appeared to be a more substantial area with less wetland area than she had anticipated. In response to her question about how buyers will be informed of the restrictions in the Shoreland Protection Act, Mr. Dombroski said it is right on the plan as Note 5 and it will be recorded. People will be paying attention to the fines being imposed on violations.

Mr. Edkins explained that if this agreement is not resolved and it has to come back before the Board they would not look for a whole new application but rather the abutters would be notified again to get it back on the docket. A conditional approval would mean that Mr. Frizzell would not sign the mylar until the agreement was reached and the Morways could not sell any of the lots until that time.

**Mr. Lutz moved to grant Conditional Approval of this application contingent upon receipt of the written and signed agreement between the Morways and the Sargents on the disposition of the spring house water rights on Lot 4. The Chairman is authorized to sign the subdivision plan once the written agreement is received. Mr. Ring seconded the motion. With six members in favor, the motion was approved. Mr. Jellie abstained.**

**PRELIMINARY CONSULTATION – TF Moran, Inc. – Potential Subdivision – Calavant Hill Road – Map 205, Lot 33 – Zone E (Mixed Use):** Robert Cruess, Anne Cruess and Wayne McCutcheon requested the opportunity to have a preliminary consultation with the Board regarding a proposed subdivision. Mr. Cruess passed around pictures from other projects they have been involved in. They are looking at a piece of property that the Vaillencourts own, it is above the Class A Junk Yard, off Calavant Hill Road with a forested area separating Class A and the proposed development. People would look over the river and into Vermont. The land has some potential to be a very interesting project. Concept drawings were displayed. These would be middle-management, affordable places. With the businesses in Charlestown now and development of the CEDA Park this would be a middle-management place.

Plan “A” would be for a 12 lot cluster housing development that they believe would appeal to people. These would be controlled architecture, energy efficient, about 2,000 to 2,400 square feet; there would be covenants controlling the development. They would control the look and feel of the development; they like the top of the hill. There would be 16.85 acres (or 62.5%) of open space, a tree lined entry, private roads, and a community well. The entry road would be within a 50-foot wide right-of-way. The entire parcel is 26.8 acres. Each person would own their own lot of  $\frac{1}{2}$  to  $\frac{3}{4}$  acres. Each lot would have its own septic system. The 1-1/2 acres in the middle would be a common area - gardens, grass or a play area; this would be left up to the future homeowners.

Mr. Frizzell advised that the Board has been talking about cluster housing but unfortunately the Town has no regulations in place. Mr. Cruess stated that these developments are done throughout the State. This is where things are headed. Mr. Lutz mentioned that cluster housing is recommended in the Master Plan so maybe it is time to consider it. Mrs. Francis added that the Master Plan calls for innovative land uses. It could take a year or more to develop regulations and have them adopted by the voters.

Mr. Edkins read various portions of both the Subdivision and the Zoning regulations. There was discussion on the Town road standards in the event that the Association might eventually want the private roads taken over by the Town. The community well might be considered a public water system which is noted in the Zoning regulations. They could go to the Zoning Board of Adjustment for a Variance but the hardship feature would need to be addressed. Frontage requirements in Charlestown are addressed in the Subdivision Regulations.

Plan “B” would be for a 10 lot conventional subdivision with one acre minimum lots and 200-foot minimum frontage.

Mr. Cruess was not sure if his clients would want to wait for a year or more to see if the cluster housing is approved or to move forward with the conventional Plan B.

Mr. Frizzell asked the Board to voice their comments on the proposal:

*Frizzell* – has been an advocate for years for cluster housing as you can preserve open space; within a year they can do it the proper way without exceptions.

*Moore* – feels the cluster housing can work out well; everybody belongs to the group.

*Ring* – likes the way it came together with the two plans. It will save a lot of land and the future planning is good. He heard a lot of good comments that will help set new regulations.

*Francis* – thinks it would be a wonderful thing for Charlestown to see something like this. What the St. Pierre's and the Industrial Park are doing is good. When people plan good investments, the tax base benefits. She likes the open space for the wildlife. The Planning Board needs to start working on the regulations; going through the ZBA is a possibility.

*Lutz* – Depending on the urgency of the owners he would still like to see Plan "A"; in the meantime they will try to have the regulations in place for cluster housing. The Board will look seriously at what it will do for Charlestown.

*Jellie* – Would like to see the Board take their time to develop regulations.

*Royce* – thinks this is over-due and thanked the presenters for their work. She hopes they can see it come to fruition.

*Greenwood* – feels it would be great for the Town. He hopes they can bear with this to do things the right way.

Mr. Edkins noted that the Planning Board can modify or alter the frontage requirements in the Subdivision Ordinance. The Zoning regulations cannot be altered by the Planning Board. A good case might be made to the ZBA that with a community water system they could go to one-half acre lot sizes.

Mr. Cruess will take this information back to his clients to see how they want to move ahead and then will contact Mr. Edkins. Plan "B" meets the Town's regulations. Plan "A" could take some time.

**PLANNING & POLICY ISSUES:**

**Open Space Development Provisions:** Mr. Edkins will begin to work on these regulations.

**Violation Letter:** Copies of the letter to Ron LeClair were enclosed in the packets. He came in to see Mr. Edkins this morning and assured him that he is not doing any maintenance. He was seen doing work on a trailer but was only fixing a loose wire.

**Town Vacancies:** Mr. Edkins noted that most of the incumbents are interested in being re-appointed to the vacant positions. No one has expressed interest in filling the UVLSRPC vacancy as Mr. Lutz would like to step down. There have been no letters of interest for the Alternate position on the Planning Board.

**Transportation Ten Year Plan:** Mr. Edkins is on the UVLSRPC Transportation Advisory Committee. They have started working on the next update of the State's Ten Year Plan. It is up-dated every two years. Because of the stimulus money it looks like the State may be soliciting new projects. Two possible projects he mentioned were: 1) Expanding the currently planned Route 12 Project from the over-pass northward to the

**Charlestown Planning Board – April 7, 2009 – Page 5**

Charlestown Village; and 2) at the intersection of Route 12A by Buttonwood Lane (the hill and curve).

The Town submitted a pre-application for stimulus money to do the water, sewer, drainage and paving work in the West Street, Southwest Street area for an estimated \$4,000,000. The State got \$60,000,000 but received requests for \$800,000,000 in projects. Charlestown was about one-half way down the priority list. Keith Weed is beginning to think about alternatives for the road surface as it is in a terrible condition. They also submitted an application for the Fling Road Bridge; they feel they have about a 50/50 chance at this because it is basically shovel ready.

They continue to look for stimulus money for the Police Station.

**ADMINISTRATION & CORRESPONDENCE:** None.

**Next Meeting:** The next meeting is scheduled for Tuesday, April 21, 2009, at 7:00 PM.

**ADJOURNMENT:**

**There being no other business, Mr. Ring moved for adjournment. Mr. Moore seconded the motion, with all in favor, the meeting adjourned at 8:55 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 4-10-09

(**Note:** These are unapproved minutes. Corrections, if necessary, may be found in the minutes of the April 21, 2009, Planning Board meeting.)