DEVELOPMENT REVIEW BOARD hearing scheduled for April 23, 2025 @ 8:05 pm

General Information	
Applicants:	Amy Cooper and Taylor Harmeling (owners); Liam Murphy (attorney)
Application No.: **DRB 25-061-SDA**	Parcel IDs: 00027-3702
Status of Applicant:	Owners
Requested Action:	Subdivision Amendment
Purpose:	Transfer approximately 5.57 acres between lots of common ownership
Zoning:	Rural District
Locations:	3702 Mount Philo Road
Size:	39.66 total acres
Existing Land Use:	Residential
Surrounding Land Uses:	Residential, Agricultural, Pease Mountain Natural Area
Permitting History:	1982 Subdivision of David and Dorothy Waller 4C0519 and amendments (Act 250) 1997 Subdivision Modification of Joanne Williams Bruska PC-12-30-SDA HAP-12-06 WW-138-1303 13-38-TM: Three-bedroom single-family residence, one-bedroom accessory dwelling unit, and barn PC-21-015-BA
Applicable Regulations:	Land Use Regulations, as amended 2023 Recommended Standards for Developments & Homes, 1997 Charlotte Town Plan, 2019

Background*:* Amy Cooper and Taylor Harmeling own two adjacent lots at 3702 Mount Philo Road. They seek approval to transfer approximately 5.57 acres from the undeveloped easterly lot to their developed residential lot. The developed lot was created by the subdivision of Joanne Williams Bruska in 1997 and has gone through several subdivision amendments over the years. The undeveloped lot was originally part of the David and Dorothy Waller subdivision of 1982, which created the neighborhood at Pease Mountain Road.

Harmeling first purchased the former Bruska lot and then purchased former Waller lot 12 to build a driveway from Mount Philo Road. The alternative driveway option was to build from Colonel Williams Way, but the area contains significant areas of steep and very steep slopes. The Planning Commission approved a modification and driveway from Mount Philo Road in decision PC-12-30-SDA. Harmeling later gifted a portion of lands to parties Greene through PC-21-015-BA.

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

The applicants have proposed the following lot configuration.

Waller Lot 12: ±5.01 acres, reduced from 10.58 acres

Bruska Lot 1: ±34.65 acres, increased from 29.08 acres

(E) Dimensional Standards – Both lots meet the minimum five-acre requirement. The former Bruska lot currently lacks road frontage. The former Waller lot has approximately 455 feet of road frontage. The proposal appears to divide the road frontage almost equally between the two lots. The proposed plat does not indicate the exact lot frontage. While neither lot appears to have the required 300 feet of road frontage, the former Bruska lot would be less non-conforming because it is currently landlocked. Additionally, the board may consider whether the proposed access easement on the Bruska lot satisfies the road frontage requirement.

Section 3.2 Road, Driveway, and Pedestrian Access Requirements – An existing driveway serves the Cooper-Harmeling residence, and the applicants propose to build an extension off the driveway to serve the former Waller Lot.

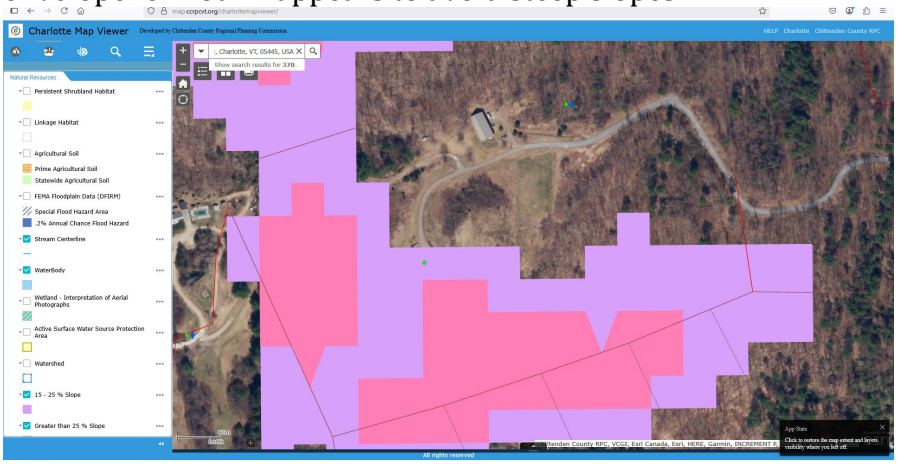
Section 3.6 Lot, Yard, and Setback Requirements – The proposed building envelope for Lot 12 complies with the district setbacks. The development on the Cooper-Harmeling lot complies with district setbacks and the previously approved building envelopes.

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

a. Land in active agricultural use – The parcels do not contain any known agricultural operations.

b. Primary Agricultural Soils (Prime and Statewide) – Small pockets of prime and statewide agricultural soils exist, but the site is largely characterized by forested land.

c. Steep slopes (>=15%) – Steep and very steep slopes abound, hence the 2012 subdivision amendment to build a driveway from Mount Philo Road. The proposed building envelope for Lot 12 appears to avoid steep slopes.



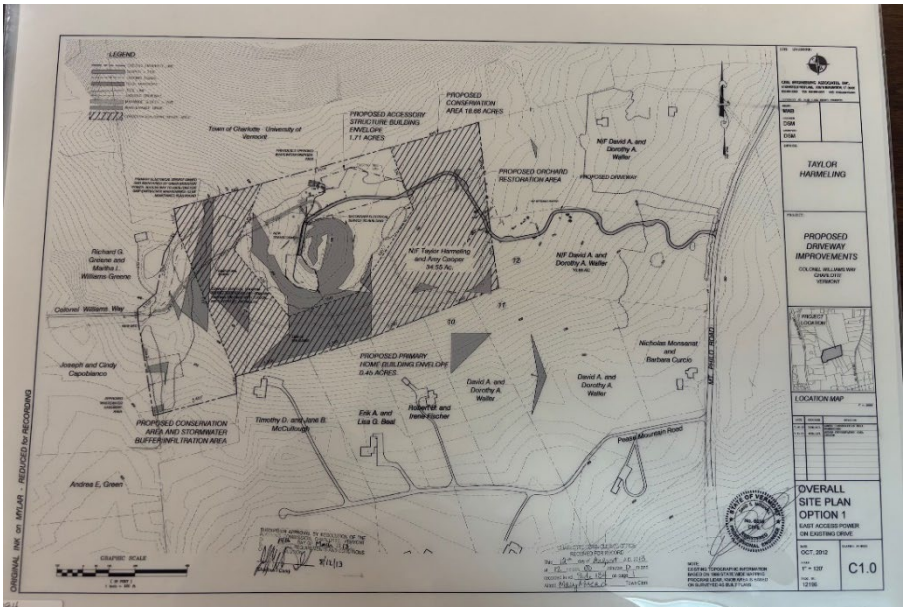
Purple highlights indicate steep slopes, and fuchsia indicates very steep slopes.

d. Flood Hazard Areas – N/A
e. Surface waters, wetlands and associated setback and buffer areas – The Charlotte Map Viewer does not show the presence of any wetlands or streams.
f. Shoreland Setbacks – N/A
g. Special Natural Areas – The lots border the Pease Mountain Natural Area.
h. Wildlife habitat – The lots contain forest habitat. Planning Commission decision 12-30-SDA highlighted potential bat habitat. At that time, bat populations across the northeast faced significant losses due to white nose fungus.
k. Scenic views and vistas – This section of Mount Philo Road is not designated a most scenic road. Previous decisions PC-12-030 and PC-21-015 cited important scenic views to the west.
I. Conserved land on adjacent parcels – The Pease Mountain Natural Area is owned by the Town and leased long-term to the University of Vermont.

Section 7.2(C) Lot Layout: As proposed, both lots are irregular in shape. The former Waller Lot 12 would have five sides, and the former Bruska lot would have approximately nine (depending on whether one counts slants in the lot lines). The subdivision modification would grant road frontage to the former Bruska lot, which is currently landlocked.

Section 7.2 (D) Density: Both lots have enough acreage to support a single-family residence.

Section 7.2 (E): Building Envelope: The Cooper-Harmeling 2012 subdivision amendment created two building envelopes on the westerly parcel – a 1.71-acre building envelope for a proposed accessory building and a 0.45-acre building envelope for a proposed house. The current application proposes a 100' by 100' building envelope on Lot 12.



2012 Harmeling Subdivision Amendment – Site Plan 1 (Slide 184)

Section 7.3: District Standards for Rural, Shoreland & Conservation Districts: The proposal appears compatible with the goals and standards of the Rural District.

Section 7.4: Compatibility with Agricultural Operations: The proposal does not seem to impact any agricultural operations.

Section 7.5: Facilities, Services and Utilities: The parcels are already served by the Charlotte Volunteer Fire and Rescue Service, which is located 1.6 miles away.

Sections 7.6, Water Supply / 7.7 Sewage Disposal: The developed parcel benefits from a wastewater permit for a four-bedroom single-family dwelling with a two-bedroom accessory dwelling unit. The system capacity exceeds the current use. The proposed plat shows that a wastewater area has been permitted on the undeveloped lot. The state wastewater permit database shows WW-4-6342 but does not have any documents as of this writing.

Sec. 7.8, Stormwater Management & Erosion Control: None proposed or required.

Sec. 7.9, Landscaping & Screening: No additional landscaping or screening is proposed.

Sec. 7.10, Roads, Driveways & Pedestrian Access: The applicants propose a new driveway to extend from the existing one. No new highway access permit is required.

Sec. 7.11, Common Land to be Conserved: No common land is proposed as part of this application. While not required for the application at the time, Harmeling conserved 18.66 acres through an open space agreement in 2013. This acreage does not appear as conserved on the Charlotte Map Viewer, but an Open Space Agreement was recorded at Volume 209, pp. 107-113.

Staff Observations: The major question facing the board is whether the proposal is approvable under road frontage standards. While the proposed lot lines will reduce Lot 12's Mount Philo Road frontage to under 300 feet, the former Bruska lot will gain road frontage and become less non-conforming. Additionally, the LUR's definition of Lot Frontage reads: "The distance that a lot fronts a road or right-of-way, measured along the road or *right-of- way from the intersection of one property boundary to the intersection of the other property boundary*" (emphasis added).

Sketch Plan: Zoning Administrator Aaron Brown waived sketch plan review on or around April 25, 2025

Materials Provided for Application: Subdivision amendment and boundary adjustment application forms (April 25, 2025)

***Public Notice**:* Seven days' notice is required for subdivision amendments. Notice of the public hearing was published in *The Citizen* print edition of May 1, 2025. Abutters'

notifications were mailed May 6, 2025. The application was posted on the town website April 25, 2025. Notices were placed at the Charlotte General Store, Post Office and Town Office at least fifteen days before the hearing.

Prepared by Zoning Administrator Aaron Brown, May 22, 2025