

Town of Charlotte Staff Report – Palmer

DEVELOPMENT REVIEW BOARD sketch plan hearing scheduled for March 27, 2024 @ 7:05 pm

General Information	
Applicants:	Richard Kozlowski, Trustee
Application No.: DRB 24-033-SK	Parcel ID: OH108-2943
Status of Applicant:	Trustee/Attorney
Requested Action:	Subdivision Amendment to Adjust Lot Lines
Purpose:	“Court ordered adjustment of property lines in preparation for inheritance”
Zoning:	Rural District
Location:	No E-911 address exists for this parcel. Access exists at 2943 Shelburne Falls Road, Hinesburg
Size:	Lot 1: adjusted from 55 acres to 31.22 acres Lot 2: adjusted from 47.66 acres to 71.43 acres
Existing Land Use:	Maple sugaring operation
Surrounding Land Uses:	Agriculture and residential development
Permitting / Subdivision History:	July 9, 1996: Planning Commission of Two-Lot Subdivision VT Superior Court Decision 22-CV-00685
Applicable Regulations:	Land Use Regulations, as amended 2023

Staff Observations / Recommendations: applicant, attorney/trustee Richard Kozlowski, describes this application as a “court ordered boundary adjustment” involving an inheritance dispute. The lots were subdivided under Charlotte regulations in 1996 and form the northeastern-most corner of Charlotte. Access exists in Hinesburg off Shelburne Falls Road. Judge Helen Toor’s December 2022 decision “grant[ed] the Trustee’s [Kozlowski’s] motion to amend the plan to liquidate and distribute trust properties” (In Re Marjorie T. Palmer Trust Fund 2022, 22-CV-00685, at p. 7). Given that these lots were created by a subdivision in 1996, the applicable standard of review is a subdivision amendment.

Background: No development is proposed as part of this process. The applicant has proposed adjusting lot lines to create the following acreage configuration:

Proposed Lot 1: 31.22 acres

Proposed Lot 2: 71.43 acres

History & process: Town Planner Larry Lewack did not waive sketch plan review for this application.

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

(E) Dimensional Standards - Lots 1 and 2 meet the five-acre standard for the Rural District.

Section 3.2 Road, Driveway, and Pedestrian Access Requirements – no new development is proposed.

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

a. Land in active agricultural use – the subject parcels are enrolled in the Current Use program for agriculture (ample sugaring).

b. Primary Agricultural Soils (Prime and Statewide) – the Charlotte Map Viewer shows that much of the land is statewide agricultural soil.

Town of Charlotte Staff Report – Palmer

- c. Steep slopes (>=15%) – steep slopes exist on the western half of the parcels.
- e. Surface waters, wetlands and associated setback and buffer areas – none
- h. Wildlife habitat – the cleared area along the southeastern edge of lot 1 is mapped as a wildlife linkage corridor.
- k. Scenic views and vistas: - n/a
- l. Conserved Land on adjacent parcels – none

Section 7.2(C) Lot Layout: proposed lots are irregular in shape and are presumably drawn to satisfy the trust settlement.

Section 7.2 (D) Density: both lots have enough density to support the development of a single-family home, but no development is proposed as part of this process.

Section 7.2 (E): Building Envelope: The applicants have not proposed a building envelope for either lot as part of this process.

Section 7.3(D): District Standards for Rural, Shoreland & Conservation Districts: The proposal seems to meet the standards of Section 7.3.

Section 7.4: Compatibility with Agricultural Operations: The proposal does not indicate if the existing maple syrup operation will change as a result of this process.

Section 7.5: Facilities, Services and Utilities: utilities exist at the residence located at 2943 Shelburne Falls Road.

Sections 7.6, Water Supply / 7.7 Sewage Disposal: no development is proposed at this time.

Sec. 7.8, Stormwater Management & Erosion Control: N/A

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

Sec. 7.10, Roads, Driveways & Pedestrian Access: The application proposes no change or impacts to traffic or safety. The proposal does not seek a new access.

Sec. 7.11, Common Land to be Conserved: N/A

Materials provided in this application folder: Boundary Adjustment Application and Project Review Sheet, March 15, 2024; services authorization, Trustees to Trudell Consulting Engineers, February 15, 2024; Subdivision Plat of the Lands of the Marjorie Palmer Revocable Trust, March 13, 2024.

Public Notice: public notice is not required for sketch plan meetings.

Prepared by: Aaron Brown, Zoning Administrator, March 22, 2024