

**CHARLOTTE PLANNING COMMISSION  
FINDINGS OF FACT AND DECISION  
IN RE APPLICATION OF**

**LANCE AND KELLY FOURNIER  
FINAL PLAT REVIEW  
For a  
2-LOT SUBDIVISION**

**Background:**

The applicants own 22.73 acres on Greenbush Road, where they currently own a residence and operate a landscaping business. Their proposal is to subdivide the parcel into two lots, build a new house for themselves on the northern lot, and continue to operate the landscaping business and also provide rental housing for landscaping workers within the existing building.

The application was classified as a Minor Subdivision on June 3, 1999 after Sketch Plan Review.

The applicants simultaneously applied for a town septic permit. The original proposed septic location was found to be unapprovable by the Town's septic consultant because of inadequate soils. The applicant then proposed another location which utilizes an expansion of the existing system which serves the applicants' current residence and business. This application was provisionally denied because the town's septic consultant was not present when soil test pits were opened. The applicants appealed the denial to the Selectboard (acting as the Board of Health). The Selectboard issued a Notice of Decision which allowed the applicants to use the existing test pit information from their existing septic system design for their new wastewater permit application.

**Application**

The application consists of:

1. A Subdivision Application form submitted on November 19, 1999 (with fee)
2. A map entitled "Preliminary Plat of Minor Subdivision, Property of Lance R. Fournier, Charlotte, Vermont" by Civil Engineering Associates, dated July 1999. (It is noted that this map is a revision of an earlier map, although this is not indicated on the map).
3. A septic plan entitled "Lance Fournier, Greenbush Road, Charlotte, Mound System Wastewater Plans" by J.H. Stuart Associates dated November 1999, drawing 1 of 1. This sheet shows the pump location and specifications as required in Condition #2 of the Selectboard's Notice of Decision.

**Public Hearing**

A Public Hearing was held for this application on December 16, 1999. Lance Fournier was present at the hearing.

**Regulations in Effect**

Town Plan readopted March 1995  
Zoning Bylaws as amended March 1997  
Subdivision Bylaws as amended March 1995

## **Findings**

1. A known wildlife corridor and intermittent stream bisects Lot #2 (east to west), and a protected wildlife area (Williams Woods), shown on the map entitled "Critical Wildlife Habitat" in the current and proposed Town Plan, is located to the west.
2. The Charlotte Subdivision Bylaws provide the following Planning Standards:
  - A. Chapter VI. Section 2.F.: The soils on the site provide an adequate capacity to treat the sewage flows from the proposed development.
  - B. Chapter VII Section 4.B.: Individual septic systems shall meet the requirements of the Health Ordinance for the Town of Charlotte Relating to Individual Sewage Disposal Systems and all other applicable municipal and state regulations and standards.
  - C. Chapter VII Section 4.C.: All septic systems shall conform to the Town of Charlotte Health Ordinance.
3. Lance Fournier submitted a letter from John H. Stuart (dated December 14, 1999) on December 16, 1999. The letter describes the location of the proposed expansion of the septic system in relation to the existing system, and discusses items in Condition #1 of the Selectboard's Notice of Decision.

## **Decision**

Based on these Findings, the Planning Commission approves the application for a 2-lot subdivision with the following conditions:

1. The plat shall be submitted to the Planning and Zoning Office within 45 days and recorded with the Town Clerk within 90 days, and shall be corrected for the following:
  - A. the arrow for the force main easement shall point to the easement;
  - B. the plat shall indicate the correct revision date;
  - C. the plat shall be stamped and signed by a licensed surveyor;
  - D. a signature block shall be added for endorsement by the Planning Commission and the Town Clerk;
  - E. The building envelope on Lot #2 shall be shown as described in Condition #2 below.
2. The building envelope on Lot #2 shall be as follows: the southern side of the envelope shall be the setback on the southern property boundary; the western side of the envelope shall be 450 feet east of the front property line; the northern side of the envelope shall be fifty feet from the top of the bank; and the eastern side of the envelope shall be aligned with the northern portion of the eastern property line.
3. Approval of this subdivision is conditioned on the approval of a septic permit for Lot #2.
4. Appropriate language shall be recorded into the deeds of the two lots indicating that Lot #1 shall have no more than two bedrooms and Lot #2 shall have no more than three bedrooms unless the septic permit is amended.
5. The applicants shall comply with all conditions of the Selectboard's Notice of Decision (In Re: Appeal of Lance and Kelly Fournier).

**Additional Conditions:** All plats, plans, drawings, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her successors, heirs and assigns. Projects shall be completed in accordance with such approved plans and conditions. Any deviation from the approved plans shall constitute a violation of permit and be subject to enforcement action by the Town.

**You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.**

**Members Present at the Public Hearing:** Al Moraska, Ed Melby, David Woolf, Jeff McDonald, Jim Donovan

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: December 16, 1999

Signed: \_\_\_\_\_ (Chair/Vice Chair)

Date Signed: \_\_\_\_\_