

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### JAMES BARKER AND SUSAN HONG

#### Subdivision Amendment Application # PC-00-31

#### Background

The Planning Commission held Sketch Plan Review on May 18, 2000. The purpose of the application, ultimately, is to build a barn, however the desired location is within the 100 foot frontyard setback from Fire Pond Road. The applicants' original proposal was to do a "boundary adjustment" with the adjoining property owner (Lot 12), however it was discovered that the proposed boundary line would encroach on a replacement septic area. The applicants then proposed to reduce the right-of-way for Fire Pond Road. In the course of discussion, it was found that the preferred action would be to reduce the frontyard setback.

#### Application

The application consists of:

1. A Subdivision Amendment application form and appropriate fee.
2. A map entitled "Plan of Right of Way Adjustment Along A Portion Of Fire Pond Road, Charlotte, Vermont" by Civil Engineering Associates, Inc., dated August 2000, no revisions.

#### Public Hearing

A Public Hearing was held for this application on October 5, 2000. Susan Hong was present at the hearing. Clark Hinsdale Jr., an adjoining landowner, was also present.

#### Regulations in Effect

Town Plan readopted March 2000  
Zoning Bylaws as amended March 1997  
Subdivision Bylaws as amended March 1995

#### Findings

1. The subdivision was approved on February 9, 1988 as a Planned Residential Development.
2. Section 5.15 of the Charlotte Zoning Bylaws, which describes Planned Residential Developments, states "the Planning Commission may allow modification of the area and dimensional requirements of the zoning district bylaws found in Chapter IV of these regulations".
3. It is noted if the barn is sited closer to the applicants' house, the need for cutting trees is

reduced; the Planning Commission recommends that the barn be re-sited.

**Decision**

Based on these Findings, the Planning Commission approves the Subdivision Amendment to reduce the frontyard setback on Fire Pond from 100' to 25', with the following conditions:

1. If it is necessary to cut trees to site the barn, before a building permit application for the barn is submitted, the applicant shall submit a statement from the President of the Stockbridge Homeowners Association indicating the Association's approval of the tree-cutting.
2. Before a new driveway is installed, the applicant shall submit a statement from the President of the Stockbridge Homeowners Association indicating the Association's approval of the driveway.
3. Within 90 days, the applicant shall record a mylar of the map substantially as submitted, except that the right-of-way for Fire Pond Road shall be 60 feet in width.

**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/its 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. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).**

**Members Present at the Public Hearing:** Al Moraska, Ed Stone, Dave Brown, Jim Donovan, and Josie Leavitt

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: October 5, 2000

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

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