

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### CHARLOTTE LAND TRUST

#### Final Plat Application

#### For A

#### 3-Lot Subdivision

#### Application # PC-00-40

### Background

The parcel was purchased by the Charlotte Land Trust from Earl Burns as recorded in Volume 12 pages 116-120 of the Charlotte Land Records. It is proposed to be divided into three lots and is also involved in two boundary adjustments. The Planning Commission held Sketch Plan Review for the proposed subdivision on September 21, 2000, and issued Preliminary Plat Approval on November 2, 2000.

### Application

The application consists of:

1. A Subdivision application form; the fee was waived by the Selectboard.
2. A survey map entitled "Final Plat, Major Subdivision, Boundary Adjustments, Property of the Charlotte Land Trust, Charlotte, Vermont" by Stuart Morrow, dated October 2000, last revised 11/13/00.
3. Site Plan maps (sheets C-1 through C-6) entitled "Charlotte Land Trust, Barber Hill Subdivision, Greenbush Road, Charlotte, Vermont" by Civil Engineering Associates, dated October 2000, last revised 11/10/00.
4. Septic plans (sheets 1-4) by Phelps Engineering entitled "Charlotte Land Trust, Barber Hill Subdivision, Septic System Design for Lot Nos. 1 & 2, Charlotte, Vermont, General Plan" dated 11/6/00 (no revisions); "Charlotte Land Trust, Barber Hill Subdivision, Lot No.1, Charlotte, Vermont, Site Plan" dated 11/6/00 (no revisions); "Charlotte Land Trust, Barber Hill Subdivision, Lot No. 2, Charlotte, Vermont, Site Plan" dated 11/6/00 (no revisions); and "Charlotte Land Trust, Barber Hill Subdivision, Lots 1 & 2, Charlotte, Vermont, Details and Notes" dated 11/6/00 (no revisions).
5. A draft License Agreement for parking between Lantern Vision, LLC and the Town of Charlotte.
6. A draft Declaration of Easements by and among Charlotte Land Trust, Lantern Vision, and Jay Albert Menard and Tracey Ann Menard.
7. Draft Recreation Path Easement Deeds for Lewis Creek Associates, Lantern Vision, and Charlotte Land Trust for a twenty-foot wide recreation path.
8. Barber Hill Subdivision Lot 1 Proposed Selective Clearing Plan.
9. Forest Management Plan by Greenleaf Consulting, dated October 2000, revised under a cover letter to Maurice Harvey dated November 15, 2000 to provide two management options.
10. A letter from David Marshall of Civil Engineering Associates to Dean Bloch dated

November 15, 2000.

11. A letter from David Marshall of Civil Engineering Associates to Dean Bloch dated November 28, 2000.

### **Public Hearing**

A Public Hearing was held for this application on November 30, 2000. David Marshall of Civil Engineering Associates was present representing the applicant.

### **Regulations in Effect**

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

### **Findings**

1. Section 4.4.5 of the Town Plan (Special Feature-views and vistas) indicates that the view east from Ferry Road near Lake Road is important. Chapter VII Section 1.A. of the Subdivision Bylaws indicates that “viewsheds...as identified in the Town Plan or as identified by the Planning Commission shall be preserved insofar as possible through harmonious design....”
2. The Town’s septic consultant has indicated that the proposed septic designs for Lots #1 and #2 are adequate, and that the applicant is seeking a Homestead Exemption permit from the State for the existing house on Lot #3. The State may require a replacement area for the existing house on Lot #3.
3. The eastern side of Barber Hill will have public recreation paths located on it, as allowed by the proposed recreation path easements.
4. The Recommended Standards for Developments and Homes recommends a maximum grade of 8% for driveways.
5. At the Public Hearing on November 2, 2000, David Marshall stated that the prospective buyers of Lot #1, Chris and Heather Kingston, have included a pledge in their Purchase and Sales Contract to deed to the Town of Charlotte the area shown as “Proposed Open Space” on site plan sheet C-3, last revised 10/30/00.

### **Decision**

Based on these Findings, the Planning Commission approves the Final Plat for a 3-lot subdivision with the following conditions:

1. That the maximum height of all structures on Lot 1 shall be limited to elevation 370 and the exterior of the house shall utilize colors compatible with the surrounding area.
2. That, except for the driveway and house-site, the clearing of the forest on Lot #1 shall follow the guidelines set forth in the Forest Management Plan and the Barber Hill Subdivision Lot #1 Selective Clearing Plan, and additionally that tree clearing is allowed 20 feet to the north, east, and south of structures and 30 feet to the west of structures on Lot #1. Additional selective cutting on Lot #1 shall be reviewed administratively by the Planning Commission. Tree-clearing limits for Lot #2 shall be 50 feet surrounding the structures.

3. That the septic tank for the existing farmhouse on Lot 3 shall be replaced with a 1,000 gallon concrete septic tank.
4. That the proposed location and grades for driveway access to the Lot #1 house site shall be designed as generally shown on Sheet C4 and that the final design shall be subject to the administrative approval of the Charlotte Planning Commission and Charlotte Fire and Rescue prior to issuance of a Building Permit for Lot #1.
5. That the Final Plat survey shall be amended to reflect any replacement wastewater disposal field easement required by the State of Vermont.
6. That the Final Plat survey shall be amended to show building envelopes for Lot #1 and Lot #2.
7. That a note shall be added to the Final Plat survey describing the tree-clearing limits, as described in Condition #2 above.
8. That the legal documents for the access, wastewater, and recreation path easements and the license agreement with Lantern Visions, LLC concerning public parking shall be approved by the Town Attorney and executed prior to the filing of the mylar of the Final Plat.
9. That the final plat plan, as amended, shall be submitted for signing by the Planning Commission Chair within 60 days, and recorded in the Charlotte Land Records no later than 90 days after receiving Final Plan approval by the Planning Commission.

**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:** Jeff McDonald, Al Moraska, Ed Stone, Dave Brown, Jim Donovan and Ed Melby

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: November 30, 2000

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

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