

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**KIMBERLY SPADACCINI, Property Owner
CHRIS MASTERSON, Applicant**

AMENDMENT TO 3-LOT SUBDIVISION

Background:

Charles Stearns and Linda Stearns Messier received Final Plat Approval on July 15, 1999 for a 3-lot subdivision of their property of approximately 57 acres located on Spear Street Extension. One of their daughters, Kimberly Spadaccini, currently owns Lot #3 and wants to move the building envelope for her residence to the east of the common right-of-way. The Planning Commission discussed the situation with Chris Masterson, the other daughter, on April 20, 2000. A site visit was held on May 18, 2000 at 6:00 PM.

Application

The application consists of:

1. A Subdivision Amendment application form with appropriate fee submitted on April 20, 2000.
2. A survey by Harold Marsh entitled APlat of Survey Showing a Proposed 3 Lot Subdivision for Charles P. Stearns and Linda L. Stearns@ dated April 1999, last revised September 12, (1999).

Public Hearing

A public hearing was held for this application on May 18, 2000. Kimberly Spadaccini and Chris Masterson were present at the meeting.

Regulations in Effect

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

Findings

1. There are mature hardwood trees along the western boundary of Lot #3. It was discussed at the subdivision hearing in July 1999 the desirability of preserving as much as possible this wooded area on the western side of Lot #3.
2. The proposed residence (in the currently proposed building envelope) will be accessed by the private right-of-way located on the south side of Spear Street Extension. Section 4.2.D.4 of the Charlotte Zoning Bylaws indicates that the frontyard setback in the Rural

District is 100 feet.

3. The original 3-lot subdivision of the 57 acre parcel was reviewed under Section 5.15 (Planned Residential Development) of the Charlotte Zoning Bylaws. This section allows the Planning Commission to modify the dimensional requirements of Chapter IV of the bylaws.
4. The topography of Lot #3 is easterly sloping in the vicinity of the proposed building envelope. There is also a knoll to the north of the proposed building envelope. By reducing the frontyard setback to 50 feet, the proposed residence will be tucked behind the knoll, so that it will be mostly shielded from view on Spear Street Extension, allowing the sweeping views to the south to remain.
5. The proposed building location will allow for more solar access to the residence, thereby conserving energy.

Decision

Based on these Findings, the Planning Commission approves the application for a subdivision amendment to move the building envelope on Lot #3 to the east side of the common right-of-way with the following conditions:

1. The plat shall be modified by the surveyor so that the proposed building envelope on Lot #3 is 50 feet east of the common right-of-way.
2. The applicant shall submit the revised plat to the Planning Commission within 60 days and record the plat in the town land records within 90 days.

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: Ed Melby, David Woolf, Jeff McDonald, and Josie, Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: May 18, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____