

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

CLARK HINSDALE III, Property Owner CHARLOTTE LITTLE LEAGUE, Applicant Final Plat Application For a 2-Lot Subdivision Application # PC-00-14

Background

The Planning Commission held Sketch Plan Review on March 16th and a site visit on March 23rd. The property owner is concurrently applying for Site Plan Review for the ball fields which will be owned by Charlotte Little League.

Application

The application consists of:

1. A subdivision application form submitted on April 13, 2000. The fee was waived by the Selectboard on February 14, 2000.
2. A survey map entitled "Final Plat, Minor Subdivision, Property of Clark W. Hinsdale III, Charlotte, Vermont" by Stuart Morrow, dated April 2000, most recently revised 4/14/00.
3. A map entitled "Charlotte Little League Recreation Park, Charlotte, Vermont, Conceptual Site Plan and Planting Plan" by Distinctive Landscaping, dated February 21, 2000, revised on April 13, 2000.
4. A map entitled "Charlotte Little League Recreation Park, Charlotte, Vermont, Site Grading and Drainage Plan" by Distinctive Landscaping, dated April 11, 2000.
5. A letter from Charlie Proutt of Distinctive Landscaping to Dean Bloch dated April 12, 2000.
6. A memo from Clark Hinsdale III to Dean Bloch dated April 11, 2000.
7. A letter from W.G. Livingston of the Vermont Land Trust to the Charlotte Planning Commission dated April 10, 2000.
8. A letter from Todd Ronson of VTRANS to Charlie Proutt dated April 20, 2000.
9. A letter from Christopher Davis of the Charlotte Volunteer Fire Department to Charlotte Little League and Clark Hinsdale III date May 2, 2000.

Public Hearing

A Public Hearing was held for this application on May 4, 2000, and continued to May 18, 2000. Present at the hearing on May 4th representing the applicant were Charlie Proutt and Bill Michaud; adjoining landowners and interested persons present were Naomi Randall, Thomas Randall, Frank Lambert, and Linda Radimer of the Charlotte Conservation Commission. Present at the continuation of the hearing on May 18th representing the applicant was Charlie Proutt; Holly Callery, an adjoining landowner, was also present.

Regulations in Effect

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

Findings

1. Chapter VI Section 2.F. of the Charlotte Subdivision Bylaws requires that “the soils on the site provide an adequate capacity to treat the sewage flows from the proposed development.”
2. The letter from W.G. Livingston of the Vermont Land Trust to the Charlotte Planning Commission dated April 10, 2000 states “(the) Vermont Land Trust will hold a legal interest in the parcel know as an ‘executory interest.’ The executory interest will restrict use of the parcel to public, outdoor recreational use, including ball fields, prohibit use of the parcel for residential, industrial, or commercial purposes (and) prohibit the subdivision, sale or other conveyance of the parcel.”
3. At the continuation of the public hearing on May 18, Charlie Proutt submitted a document entitled “Grant of Right of Entry, Covenants, and Conservation Restrictions” dated April 24, 2000.
4. The access road to the ballfields intersects with Ethan Allen Highway, which is a highly traveled State Highway.
5. At the continuation of the public hearing on May 18, Charlie Proutt stated that he met with an engineer from the Vermont Agency of Transportation, who said that the location of the proposed access drive is not a “high-accident location” therefore the State will not install blinking “Caution” signs. The engineer stated, however, that the Little League would be allowed to place temporary caution signs within the right-of-way of Ethan Allen Highway.
6. The applicant proposes to provide a recreation trail easement across Lot #2 which will connect with a proposed trail leading from the West Charlotte Village to Mount Philo, and will also connect with the proposed ballfields on Lot #1. The exact location of the recreation trail has not yet been determined.
7. Section 5.12 of the Charlotte Zoning Bylaws indicates that a 50 foot buffer is required around all Class Two wetlands, and that any exemption needs to be consistent with the provisions of the Vermont Wetland Rules.
8. At the public hearing on May 4 Charlie Proutt submitted a letter from Peter Keibel of the Vermont Water Quality Division to Charlie Proutt dated May 3, 2000. The letter states that the distance from the wetland to the proposed fields varies between 40 and 60 feet. Any activity within 50 feet of a Class Two or associated wetland needs a Conditional Use Determination from the Agency of Natural Resources. At the time the letter was written, Mr. Keibel indicated that he could foresee no red flag with the issuance of the CUD.
9. At the public hearing on May 4, Charlie Proutt stated that there will be minimal cutting of trees near the wetland area.

Decision

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

1. The document entitled “Grant of Right of Entry, Covenants and Conservation Restrictions” dated April 24, 2000 shall be executed and recorded in the Charlotte Land Records within 120 days, in a form acceptable to the town’s attorney.
2. The Charlotte Little League shall install two temporary “sandwich board” signs near Ethan Allen Highway at the crest of the hills in the northbound and southbound lanes. The signs shall provide a warning to drivers on Ethan Allen Highway, and will have flashing caution-lights mounted on them. The signs shall be installed only just before, during, and just after ball games. The signs shall not have the names of any businesses, products, services, or persons, or have advertisements of any kind.
3. A trail easement through Lot #2 connecting with Lot#1, as proposed by the applicant, will be noted on the map entitled “Final Plat, Minor Subdivision, Property of Clark W. Hinsdale III, Charlotte, Vermont” by Stuart Morrow.
4. An appropriately sized mylar of the map entitled “Final Plat, Minor Subdivision, Property of Clark W. Hinsdale III, Charlotte, Vermont” by Stuart Morrow, as amended in Condition #3 above, shall be submitted to the Planning Commission within 60 days and recorded in the town Land Records within 90 days.
5. An easement deed for the proposed trail shall be recorded in the Charlotte Land Records within 12 months, in a form acceptable to the town’s attorney.
6. The deed to Lot #1 shall include an easement for access to it from Ethan Allen Highway, over Lot #2, centered on the existing drive.
7. No outdoor lighting shall be used on Lot #1 or on Lot #2 for the purpose of lighting the baseball fields.
8. All utility lines shall be located underground.
9. Prior to beginning construction of the ball fields on Lot #1, the applicant shall provide an erosion control plan for administrative approval by the Planning Commission. The applicant shall comply with the erosion control plan as approved. Erosion control measures shall be installed prior to earth disturbance. The applicant shall prevent the transport of any sediment beyond the area approved herein for construction. All soils shall be stabilized within fourteen days of initial disturbance. From October 1 to April 15 of any calendar year, all disturbed areas of the construction site shall be mulched until final grading and vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all disturbed areas. The Planning Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as they deem necessary. The applicant shall incorporate all erosion controls set forth in the erosion control plans as approved into the contract documents for site work and excavation.

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.

Members Present at the Public Hearing on May 4: Al Moraska, Ed Melby, Dave Brown, David Woolf, and Jim Donovan

Members Present at the Public Hearing on May 18: Al Moraska, Ed Melby, Dave Brown, David Woolf, Josie Leavitt, and Jeff McDonald

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: May 18, 2000

Signed: _____(Chair/Vice Chair)

Date Signed: _____