

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

David and Audrey Fredenburg

**Final Plat Hearing
For A
Two-Lot Subdivision
Application # PC-05-46**

Background

Sketch Plan Review was held on August 18th, 2005. The subject property was created by a subdivision in 1980.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing for this application was opened on November 3, 2005. David Fredenburg was present and participated in the hearing. John Hauenstein, a prospective buyer of Lot 2 was also present and participated.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. The subject parcel is 10.4 acres and has an existing dwelling. It is proposed to be subdivided into two lots: Lot 1 (5.26 acres) and Lot 2 (5.14 acres).
2. Lot 2 is proposed to be accessed by an existing driveway that serves the existing dwelling on Lot 1. The driveway will be within a 60 foot right-of-way. Since the driveway already exists, and is proposed to serve only two dwellings, a Highway Access Permit is not needed.
3. The Town's wastewater consultant has reviewed the wastewater disposal design and issued two memos dated 10/10/05 and 10/31/05. As a result of the 10/10 memo the applicant filed a revised survey (no revision date) and a revised site plan with a revision date of 10/19/05. The 10/31 memo approval of the wastewater disposal plans. The applicant will need a wastewater permit from the state.
4. The proposed subdivision will not impact any significant or mapped agricultural, wildlife or scenic resources.

5. The isolation distance for the proposed drilled well includes a portion of an adjoining parcel; it can be adjusted so that it will not impact the adjoining parcel.
6. The existing shed on Lot 1 will be within the setback of the northeasterly property boundary, as proposed. The applicant stated at the hearing that he will be removing the shed.
7. As depicted on the Subdivision Survey and the Site Plan, the southerly end of the driveway, which is proposed to be shared by Lot 1 and Lot 2, is not within the proposed 60 foot wide right-of-way to Lot 2.
8. Shared driveways should be appropriately configured to allow for safe ingress and egress.

Decision

Based on these Findings, the Planning Commission approves Final Plat Application PC-05-46 with the following conditions:

1. The applicant may revise the plat by eliminating the building envelope on Lot 2, since no significant or mapped resources are impacted by the proposed subdivision. If the building envelope is eliminated, the standard setbacks for the zoning district will apply. If the building envelope is not eliminated, the principle dwelling must be located within the envelope, however accessory structures do not need to be within the envelope.
2. The plat and site plan will be revised so that the driveway to Lot 2 is within 60 foot wide right-of-way to Lot 2. The site plan will also be amended so that the proposed well isolation distance for Lot 2 does not include any other lot, except it may include Lot 1.
3. Two paper copies (one full size and one 11" x 17") of the revised plat and site plan will be submitted to the Planning Commission for review within 160 days.
4. The applicant will record a mylar (18" x 24") of the plat (after being endorsed by the Planning Commission Chair) in the Charlotte Land Records within 180 days.
5. Prior to the submission of the mylar in accordance with Condition #4 above, the applicant shall submit a letter from the surveyor indicating that s/he has set the survey pins in the field as indicated on the survey. If the survey pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that s/he will set the pins when the ground thaws and has been paid to do so.
6. The conveyance deed for Lot 2 will include an access easement and a wastewater disposal and force main easement over Lot 1.
7. The driveways to Lot 1 and Lot 2 will be shared for at least the first twenty-five feet north of the edge of pavement of Ferry Road.
8. No pole-mounted light fixture will be taller than 8' off the ground, and no building-mounted light fixture will be taller than 20' off the ground. Fixtures will be shielded to direct light downward.
9. All new utility lines will be underground.
10. The driveway to Lot 2 shall be surfaced with non-white crushed stone.
11. Notice is hereby given of the existence of active farm and agricultural operations located in the vicinity of the subject property. Prospective homeowners should understand the importance of agriculture to the town of Charlotte, and should also recognize that agricultural practices may create conditions—including odor, dust, noise (including noise at night), and flies—and include the use of chemicals, genetically engineered seeds, and

large buildings, that can impact neighbors’ desired lifestyles. In general, neighbors should try to resolve any problems among themselves; however, it should be understood that reasonable agricultural practices, which are defined by the State of Vermont, are necessary for viable farming operations and contribute to a working landscape and community pride.

Additional Conditions: All plats, plans, drawings, documents, 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.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on November 3rd: Jeff McDonald, Jim Donovan, Linda Radimer, Robin Pierce, John Owen, and Peter Joslin

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

- 1. Signed:_____ For / Against Date Signed:_____
- 2. Signed:_____ For / Against Date Signed:_____
- 3. Signed:_____ For / Against Date Signed:_____
- 4. Signed:_____ For / Against Date Signed:_____
- 5. Signed:_____ For / Against Date Signed:_____
- 6. Signed:_____ For / Against Date Signed:_____
- 7. Signed:_____ For / Against Date Signed:_____

APPENDIX A

- 1. An application form and appropriate fee.
- 2. A plan entitled “David & Audrey Fredenburg, 1578 Ferry Road—Charlotte, VT, Subdivision Survey” by Lincoln Applied Geology, Inc. dated 10/3/05, no revisions.
- 3. A plan entitled “David & Audrey Fredenburg, 1578 Ferry Road, Charlotte, VT, Site Plan” by Lincoln Applied Geology, Inc. dated 9/21/05, no revisions.

4. A sheet entitled “David & Audrey Fredenburg, 1578 Ferry Road, Charlotte, VT, Lot 2 Primary Water & Wastewater Systems Details & Specifications” by Lincoln Applied Geology, Inc. dated 9/21/05, no revisions.
5. A document entitled “Dave and Audrey Fredenburg, Proposed Residential Subdivision, Wastewater System and Potable Water Supply Design Summary” by Lincoln Applied Geology, Inc. dated October 13, 2005.
6. A document entitled “Soil Test Pit Lot, Fredenburg Property, 1578 Ferry Road, Charlotte, VT, Logged By Jamey Holstein, Spencer Harris Observing”, dated 7/26/05.
7. A letter from Jamey Holstein of Lincoln Applied Geology, Inc. to Dean Block (sic) and Spencer Harris dated October 20, 2005
8. A memo from Alan Quackenbush, State Wetlands Coordinator to David Fredenburg dated September 30, 2005.