

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Steve and Ruthann Hackett
Subdivision Amendment
Application # PC-04-19**

Background

The parcel was created by Gary Darling in 1993. Clark Hinsdale III amended the wastewater disposal plan and the building envelope in 2003 (PC-03-28). The applicant is proposing to move the driveway.

Application

The application consists of:

1. An application form and appropriate fee.
2. A letter from Cathy O'Brien (Wetland Consultant) to Steve Hackett dated August 9, 2004 re: Lot 2, Hinsdale Subdivision, Old Town Trail, Charlotte.
3. A sheet entitled "Town of Charlotte, Sub-Division Modification, Lot 2 Lower Old Town Trail, Proposed Change" (labeled Addendum #1)
4. A sketch entitled "Hackett Property, Old Town Trail, Charlotte, VT, Wetland Delineation" by C. O'Brien dated 5/30/04 (labeled Addendum #2).

Public Hearing

A public hearing was held for this application on September 2, 2004. Steve and Ruthann Hackett and Shawn Sweeney were present representing the applicant. Clark Hinsdale III, an adjoining property owner, was also present.

Regulations in Effect

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

Findings

1. The location of the driveway was specified by Condition 6 of Findings of Fact and Decision for PC-03-28, as follows: *The portion of the driveway for Lot 2 along the northern edge of the wetland will be constructed as depicted on the Green Mountain Engineering survey. The eastern portion of the driveway will not encroach on the 50' wetland buffer (along the eastern edge of the wetland, as depicted on the Green Mountain Engineering survey).*
2. The reason for this condition is that it was thought this would result in the least impact to the Class 3 wetland which runs along the western portion of the parcel; however the

wetland had not been extensively delineated at that time.

3. The original location of the driveway crosses the wetland where it is approximately 75' in width. The alternate location of the driveway crosses the wetland where it is approximately 20' in width.
4. The original location of the driveway would also require cutting several mature hardwood trees, whereas the alternate location would not.
5. The Conservation Commission submitted comments regarding the application. The comments state "the new proposed route for the driveway appears to have less impact on the wetlands, so is better than the original."
6. The applicant requested that he be allowed the option of the original and alternate locations, one of which he would select based on the cost of construction; once he selects the driveway he would stay with that location and he would abandon the other option.
7. The parcel is located in an area designated as *forest habitat* on Map 6 (entitled "Critical Wildlife Habitat") of the Charlotte Town Plan.

Decision

Based on these Findings, the Planning Commission approves the application for a Subdivision Amendment with the following conditions:

1. The Green Mountain Engineering survey will be revised to show the delineated wetland, the selected driveway route, and if necessary a new "emergency vehicle turnaround."
2. A mylar (18" x 24") of the survey as amended in Condition 1 above will be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
3. Erosion control details (for the wetland crossing) will be submitted to the Planning Commission for administrative review prior to the submission of a Zoning Permit application.
4. Only one of the driveways (ie: original or alternative locations) will be constructed.
5. Conditions 8, 9 and 10 of PC-03-28 remain in full force and effect.
6. Notwithstanding Condition 5 herein, the applicant may seek to obtain release from the provisions of Condition 8 of PC-03-28 (ie: "...no cutting of trees larger than six inches in diameter outside of the building envelope and driveway location...") by submitting to the Planning Commission a forest management plan created by a qualified forestry professional for administrative review and approval.

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 of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on September 2nd: Al Moraska, Gordon Troy, Linda

Radimer and John Owen.

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: _____