

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Theresa Knowles
1324 Ferry Road**

**Final Plan Review
For A
Two-Lot Subdivision
Application # PC-13-07**

Background

The Planning Commission conducted Sketch Plan Review on January 17, 2013 (PC-13-01) and classified the project as a Minor Subdivision.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing was held for this application on May 2, 2013. David Miskell was present representing the applicant. Dale Knowles was present but did not participate in the hearing. No adjoining property owners or other parties were present or submitted written comments.

Regulations in Effect

Town Plan amended March, 2008

Land Use Regulations amended November, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The subject property is an approximately 104.7 acre parcel located within the Rural zoning district.
2. The proposed subdivision will create two lots: Lot 1 is a 5.13 acre lot that includes an existing single family dwelling and agricultural structures, and Lot 2 is a 99 acre parcel that consists of farmland (most of the parcel) and wetland (in the northeast corner).
3. There is a conservation easement on all of Lot 2 held by Vermont Land Trust, Vermont Agency of Agriculture, Food and Markets, and Vermont Housing and Conservation Board.
4. The project does not propose any new development.
5. Although the subdivision will result in the separation of the agricultural infrastructure (i.e. barns and silos) from the farmland, the conservation easement on Lot 2 will ensure that it will stay in agricultural use; and the subdivision will allow the current owner to remain living in the dwelling on Lot 1 while allowing Lot 2 to be sold to a farmer.

- 6. The Vermont Land Trust has indicated that the subdivision and the wastewater disposal easement on Lot 2 are acceptable.
- 7. The applicant has obtained an amendment to the Wastewater System and Potable Water Supply Permit to account for the easement on Lot 2 to benefit Lot 1 (WW-138-0803-1).

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed two-lot subdivision with the following conditions:

- 1. A digital copy (pdf) and a mylar (18” x 24”) of the survey plat will be submitted to the Planning Commission for review and signature (of the mylar) within 160 days. The applicant will record the signed mylars in the Charlotte Land Records within 180 days.
- 2. Prior to the submission of the mylar in accordance with Condition #1 above, the applicant will submit a letter from the surveyor indicating he has set the survey markers in the field as indicated on the plat.
- 3. No new pole-mounted light fixture will be taller than 8’ off the ground, and no new building-mounted light fixture will be taller than 15’ off the ground. Fixtures will be shielded to direct light downward, and will not direct light onto adjacent properties or roads, and will not result in excessive lighting levels that are uncharacteristic of the neighborhood.
- 4. All new utility lines will be underground.
- 5. Any new driveways will be surfaced with non-white crushed stone.

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 May 2, 2013: Jeff McDonald, Jim Donovan, Peter Joslin, Linda Radimer, Gerald Bouchard and Donna Stearns

Vote of Members after Deliberations:

The following is the vote for or against this Findings of Fact and Decision as written:

- 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

The following items were submitted with the application:

- 1. An application form and appropriate fee.
- 2. A survey plat by Stuart J. Morrow entitled “Final Plat, Minor Subdivision, Property of Theresa L. Knowles, Charlotte, Vermont” dated February 2008, no revisions.
- 3. A plan by Vermont Land Trust depicting a portion of the protected property, excluded land, the approximate location of existing leach fields, and the approximate location of proposed replacement septic.
- 4. A draft document entitled “Knowles Lot 2 Sewage Disposal Easement.”
- 5. A letter from Jon Ramsay of Vermont Land Trust to Dean Bloch dated May 24, 2007 re: “Grant of Development Rights, Conservation Restrictions and Contingent Right of the United States of America—Knowles Farm, Charlotte”.
- 6. An e-mail from Cara Montgomery to Dean Bloch dated January 17, 2013 regarding “FW: knowles subdivision and septic”.