

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Renald and Agnes Lussier
78 Carpenter Road
and
Lambert and Michelle Lussier
211 Carpenter Road**

**Final Plan Hearing
For A
Three-Lot Subdivision and
Application # PC-10-38**

Background

The Planning Commission conducted Sketch Plan Review on August 9, 2010 (PC-10-32) and classified the project as a Minor Subdivision.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

The Planning Commission held a public hearing for this application on November 4, 2010. Representing the applicant at the hearing were Renald Lussier, Agnes Lussier, and David Miskell. No other parties were present or submitted written testimony prior to the hearing.

Regulations in Effect

Town Plan amended March, 2008

Land Use Regulations amended March, 2009.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. Renald and Agnes Lussier own a 9.52 acre parcel of land on the south side of Carpenter Road, in the Rural District. The property has been developed with three single family dwellings.
2. The purpose of the application is to create three lots so that each of the three existing dwellings is located on a separate parcel. No vacant lots for new development are being proposed.
3. The 9.52 acre parcel does not have sufficient density acreage to create three lots in accordance with Table 2.5 of the Charlotte Land Use Regulations, which requires five acres of density per dwelling unit.
4. Lambert and Michelle Lussier own a 31.95 acre parcel of land on the north side of

Carpenter Road, in the Rural District. The property has been developed with a single family dwelling and outbuildings.

5. The parcel owned by Lambert and Michelle Lussier was created by a subdivision by Yvan Plouffe approved on September 16, 1997 (as recorded in map slide 109). Lambert and Michelle Lussier's parcel was labeled Lot P2.
6. The plat and minutes for the subdivision state "Lot P2 is subject to a +/- six acre density requirement for the 9.4 acre Plouffe parcel on the south side of Carpenter Road." The "9.4 acre Plouffe parcel" is the parcel currently owned by Renald and Agnes Lussier.
7. The current application also proposes three replacement wastewater disposal areas for the three proposed lots.
8. The three dwellings on the three proposed lots currently share a spring located off-site on the north side of Carpenter Road. The application proposes new drilled wells on Lots 1 and 3, and there is an existing unused well located proposed Lot 2, which is proposed to become the primary water source for that lot.
9. The two proposed wells require isolation zones on the parcel owned by Lambert and Michelle Lussier.
10. The proposed replacement wastewater disposal system and wells are located in the vicinity of the exiting dwellings and will not impact areas of high public value.
11. Information about the existing septic tanks, as required by Section 7.7(B)(3) of the Charlotte Land Use Regulations, was not included with the application.

Decision

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

1. Mylars (18" x 24") of the survey (by Stuart J. Morrow) and the water and wastewater plan (by Lincoln Applied Geology) submitted with the application will be submitted to the Planning Commission for review and signature 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 mylars in accordance with Condition 1 above, the applicant will complete the following steps:
 - A. Submit a letter from the surveyor indicating he has set the survey markers in the field as indicated on the plat. 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 he will set the pins when the ground thaws and has been paid to do so.
 - B. Easements for the proposed well isolation zones on Lots 1 and 3 will be executed and recorded in the Charlotte Land Records.
 - C. Easements for the proposed replacement wastewater disposal areas serving Lots 2 and 3 will be executed and recorded in the Charlotte Land Records.
 - D. The septic tanks will be pumped and inspected for adequate sizing and appropriate construction as required by Section 7.7(B)(3) of the Charlotte Land Use Regulations.

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 4, 2010: Jim Donovan, Eleanor Russell, Linda Radimer and Gerald Bouchard

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

The following items were submitted with the application:

- 1. An application form and appropriate fee.
- 2. A survey by Stuart J. Morrow entitled “Final Plat Minor Subdivision, Property of Renald and Agnes Lussier, 78 Carpenter Road, Charlotte, Vermont” dated September, 2010, no revisions.
- 3. A plan by Lincoln Applied Geology, Inc. entitled “Lussier Property, 78 Carpenter Road, Charlotte, Vermont, Three Lot Site Plan with Existing & Replacement Water & Wastewater Systems,” Plan Sheet #1, dated September 30, 2010, no revisions.
- 4. A document entitled “Subdivision Application Requirements and Waiver Requests.”
- 5. A memo from Renald and Agnes Lussier to Tom and Dean dated July 27, 2008 (signed July 27, 2010) authorizing David Miskell to represent the applicants.