

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Mary Beth Olsen

**Final Plan Application
For A
Subdivision Amendment
Application # PC-09-24**

Background

A Final Plan Application for a Two Lot Planned Residential Subdivision (PC-07-13) was approved by the Planning Commission on March 1, 2007 and is recorded at volume 170 page 664 of the Charlotte land records. The decision was appealed to the Vermont Environmental Court by the applicant (Docket No. 24-2-08 Vtec); the resulting Stipulation of Dismissal and Order was issued by the court on April 28, 2008 and is recorded at volume 173 page 264 of the Charlotte Land Records. The current application proposes to amend the subdivision to change the wastewater disposal plan and associated easements. Sketch Plan Review was waived.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on November 5, 2009. Michael Russell was present representing the applicant. Dorothy Waller was also present. No other interested parties were present or made written submissions regarding this application.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2009.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The application proposes to amend the wastewater plan approved with PC-07-13 and WW-4-2814 as follows:
 - change the shared replacement wastewater disposal area serving Lots 5A and 5B (located on Lot 5A) into a primary wastewater disposal area for Lot 5A;
 - change the primary wastewater disposal area for Lot 5A (located on Lot 5B) into a primary wastewater disposal area for Lot 5B; and
 - eliminate the previously designated primary wastewater disposal area for Lot 5B.
2. The applicant has obtained an amendment to WW-4-2814 that was issued for the original subdivision. The amendment, WW-138-0914, is recorded in volume 182 page 256 of the

Charlotte land records.

- 3. The wastewater disposal permit amendment has addressed the technical criteria related to the revised wastewater disposal plan.
- 4. Covenants that created wastewater disposal easements associated with the previous wastewater disposal design have been recorded in the Charlotte land records at volume 175 page 704.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Subdivision Amendment with the following conditions:

- 1. A mylar (18" x 24") of the plat will be submitted to the Planning Commission for review within 160 days; the applicant will record the mylar of the plat in the Charlotte Land Records within 180 days.
- 2. Prior to the submission of the mylar in accordance with Condition #1 above, the applicant shall execute and record in the Charlotte land records a document that nullifies the wastewater disposal easements or nullifies the entire covenants.
- 3. Conditions of PC-07-13 relating to the previous wastewater disposal design are hereby nullified. All other conditions of PC-07-13 remain in full force and effect except as indicated in the Stipulation of Dismissal and Order for Vtec 24-2-08.

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 5, 2009: Jeff McDonald, John Owen, Linda Radimer, Peter Joslin, Paul Landler, Ellie Russell

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 in association with the application:

- 1. An application form for a Subdivision Amendment and appropriate fee.
- 2. A survey by Harris Surveying & Land Dispute Resolution entitled “Planned Residential Development of lands of Mary Beth Olsen, 178 Popple Dungeon Road, Charlotte, Vermont” dated September 23, 2009, no revisions.
- 3. A memo dated September 23, 2009 to Thomas Mansfield from Mary Beth Olsen authorizing Michael Russell to represent her with regard to this application.