

CHARLOTTE PLANNING COMMISSION

**FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

**Hayes and Susan Sogoloff; Applicant
Waller Exchange; Property Owner
for a
Subdivision Amendment
Application # PC-04-23**

Background

The subject parcel is Lot 2 of the Mansfield Subdivision (PC-04-06) that was approved on April 15, 2004. The applicants obtained approval for a Subdivision Amendment (PC-04-14) to construct barn to be used in conjunction with a horse-breeding and training operation, as well as a single family dwelling for the applicant, and a single family dwelling for the farm manager. The current application is to enlarge the building envelope for the structures.

Application

The application consists of:

1. An application form and appropriate fee.
2. A sheet with the signature of the property owner, authorizing the applicant to apply for permits.
3. A plan by Krebs & Lansing Consulting Engineers entitled “Overall Site Plan, Hayes & Bonnie Sogoloff, Mansfield Property, Mount Philo Road, Charlotte, Vermont” dated October 4, 2004, last revised October 20, 2004.

Public Hearing

A public hearing was held for this application on November 18, 2004. Kevin Shortell was present representing the applicant. No adjoining property owners were 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 applicant is proposing to construct a barn to be used in conjunction with a horse-breeding and training operation, as well as a single family dwelling for the applicant, and a single family dwelling for the farm manager.
2. With the current application the applicant is proposing to enlarge the building envelope

because the proposed septic system is located where the southerly dwelling was going to be located.

3. The proposed expansion of the building envelope expands the southerly 230 feet of the existing building envelope 150 to the east.
4. The proposed amendment does not impact the resources identified and described in PC-04-14. As described in Finding #4, the building envelope will be located near the easterly edge of the field, and approximately 300 feet from the wooded area on the parcel, which is indicated as *forest habitat* on Map 6 of the Charlotte Town Plan. Siting the proposed structures within this building envelope will minimize the impact of the project on the agricultural and wildlife resources on and in the vicinity of the subject parcel.
5. In terms of the impact of the project on scenic resources, siting the buildings near Mount Philo Road or as proposed, ie: on the eastern side of the parcel (approximately 800 feet from Mount Philo Road) both have merit. A location close to Mount Philo Road would be more compatible with historic patterns, however the proposed location at the eastern side of the field will allow for a more distant view (from Mount Philo Road) of what will be an attractive but large structure, with a wood-line in the background and farm fields in the foreground. The Planning Commission finds the location of the proposed building envelope is acceptable in terms of the impact on scenic resources on and in the vicinity of the subject parcel.

Decision

Based on these Findings, the Planning Commission approves the application for a Subdivision Amendment to enlarge the building envelope as depicted on the submitted plan with the following conditions:

1. A mylar (18" x 24") of the site plan will be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
2. Conditions 3-6 of PC-04-14 are in full force and effect.

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 June 17: Jeff McDonald, Al Moraska, Gordon Troy, John Owen and Robin Pierce.

Members Present at the Public Hearing on July 1: Jeff McDonald, Al Moraska, Gordon Troy, John Owen, Jim Donovan, and Linda Radimer.

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: _____