

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Steve and Ruthann Hackett
Subdivision Amendment
Application # PC-05-30**

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 received approval to move the driveway in 2004 (PC-04-19).

Application

The application consists of:

1. An application form and appropriate fee.
2. A sketch labeled Attachment #1.

Public Hearing

A public hearing was held for this application on July 7, 2005. Steve Hackett was present representing the applicant. Jim Keyes, an adjoining property, was also present and participated.

Regulations in Effect

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

Findings

1. The current building envelope is approximately 165' (north/south) x 115' (east/west).
2. The applicant is proposing to expand the envelope towards the north by 200' and maintain the 115' depth for the purpose of constructing a storage barn.
3. The parcel is located in an area designated as *forest habitat* on Map 6 (entitled "Critical Wildlife Habitat") of the Charlotte Town Plan. It is also located along the Route 7 corridor, which is indicated as a scenic corridor in the Town Plan.
4. While the proposed barn could conceivably be located within the existing building envelope, the existing envelope is relatively small, and the proposed expansion is also relatively small. Furthermore, the proposed expansion would not impact significantly more forest habitat than if the barn were to be located within the existing envelope, especially since much the proposed expanded envelope would include the existing driveway.
5. The proposed building envelope expansion maintains a 50' buffer from the Class 3

wetland that runs approximately in a north/south orientation.

- 6. The proposed building envelope is visually buffered from Route 7 by fairly thick forest.

Decision

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

- 1. The plat will be revised to show the expanded building envelope (200' x 115').
- 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.

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.

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 site visit on July 7th: Jeff McDonald, Linda Radimer, John Owen, Peter Joslin and Robin Pierce.

Members Present at the Public Hearing on July 7th: Jeff McDonald, Linda Radimer, John Owen, Peter Joslin, Robin Pierce and Robert Mack.

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:_____