

**CHARLOTTE PLANNING COMMISSION**  
**FINDINGS OF FACT AND DECISION**  
**IN RE**  
**RECONSIDERATION OF APPLICATION OF**

**JANE E. TITUS**  
**For a**  
**2-LOT SUBDIVISION**

**Background:**

The Planning Commission issued Final Plat Approval in its Decision of 1/28/99. The applicant requested that the Planning Commission reconsider its Decision with regard to the conditions.

**Findings:**

1. The Planning Commission issued Final Plat Approval on 1/28/99.
2. The applicant, through a letter from her surveyor, Stuart J. Morrow, dated 2/24/99 and received in the Charlotte Planning Office on 2/25/99, requested a reconsideration of Conditions #1 and #3 of the Final Plat Decision.
3. Condition #1 of the Decision states AThere will be no future subdivision of Lot #2.@ Condition #3 states ASanitary design of intermittent sand filter be revised to show a separation distance of 12 inches above ground water table for Lot #2.@
4. The Planning Commission heard the request for reconsideration at a regularly scheduled meeting on 4/20/99. Present at the meeting were Jane Titus, Pam Titus, and Stuart Morrow.
5. It was stated by several in attendance at the Planning Commission meeting of 4/20/99 as well as at previous meetings associated with this application, and acknowledged and not refuted by the applicant or her representative, that the western portion of Lot #2 of the approved plat, near McCabe's Brook and the surrounding woods, is a wildlife corridor, and in general an area with high quality wildlife habitat.
6. The subject parcel is bounded on the west by protected lands known as the Demeter Fund project.
7. Section 5.15 of the Charlotte Zoning Regulations indicate that open space amounting to 50% of the original parcel is recommended for parcels over 100 acres which are being subdivided.
8. Stuart Morrow indicated that the required twelve inches of separation from the water table as required in Condition #3 is a more strict standard than the State's standard for such septic systems.

9. It was noted that the Town's septic consultant, Spencer Harris, indicated in his review that he left a message with Frank (O'Brien) regarding revisions to include the sand filter moved to the new building envelope and the sand filter elevated to maintain 12" of separation to the water table.

10. The Findings of Fact of the Final Plat Decision of 1/28/99 are incorporated by reference into this Decision.

**Decision:**

Based upon the foregoing Findings, The Planning Commission concludes that the application meets the Planning Standards of the Charlotte Subdivision Regulations and approves the Subdivision with the following conditions:

1. The open space requirement shall be applied to Lot #1 with any future subdivision.
2. A portion of Lot #2 shall be designated as open space as follows: the western portion as delineated by a line starting at a point on the northern property line approximately 775 feet east of the western property line (200 feet east of where the swale which runs into McCabe's Brook intersects the northern property line), moving south perpendicularly from the northern property line to the southern property line.
3. The sanitary design of intermittent sand filter shall be revised to show a separation distance of 12 inches about ground water table for Lot #2.
4. The sanitary design plan shall be submitted showing sand filter moved to the new building envelope on Lot #2.
5. The sand filter system and mound shall be protected from vehicular traffic.
6. Plans for any curb cut on Lot #2 shall be submitted to the Planning Commission before a building permit is issued.
7. A mylar shall be submitted for recording within 90 days of approval.

**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 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 are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.**

**Board Members Present For Hearing on April 20, 1999:** Al Moraska, Ed Melby, David

Brown, Jim Donovan, Jeff McDonald

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: \_\_\_\_\_

Signed: \_\_\_\_\_  
(Chair/Vice Chair)

Date Signed: \_\_\_\_\_