

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Lydia Hibbard, Applicant
Barbara Horsford, Property Owner
Final Plat Application
For A
2-Lot Subdivision
Application # PC-01-38

Background

Sketch Plan Review was held on September 6, 2001.

Application

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A Limited Appointment of Guardian Document, appointing Lydia Hibbard as guardian for Barbara Horsford (Chittenden County Probate Court Docket 11495).
3. A map entitled "Barbara Horsford, Town of Charlotte Vermont, Prindle RD & Roscoe Rd" by William Robenstein dated 6/27/2001, no revisions.
4. A map entitled "Sanitary Design Plan, William & Barbara Horsford, Prindle Road, Charlotte, Vermont" sheet 1 of 2 by Ridge Consulting Engineers (stamped by Frank O'Brien) dated 1/14/00, no revisions.
5. A map entitled "Sand Filter Design/Details, William & Barbara Horsford, Prindle Road, Charlotte, Vermont" sheet 2 of 2 by Ridge Consulting Engineers (stamped by Frank O'Brien) dated 1/14/00, no revisions.
6. A map entitled "Subdivision Plan, Barbara Horsford, Prindle Road, Charlotte, Vermont" sheet of 2 by Ridge Consulting Engineers (stamped by David Fuqua) dated 10/11/01, no revisions.
7. A map entitled "Sewer Details, Barbara Horsford, Prindle Road, Charlotte, Vermont" sheet 2 of 2 by Ridge Consulting Engineers (stamped by David Fuqua) dated 10/11/01, no revisions.

Public Hearing

A Public Hearing was held for this application on November 1, 2001. Lydia Hibbard, Linda Radimer, Catherine Kronk, Esq., and Stuart Morrow were present representing the applicant. Liam Murphy and Jonathan Fisher were present representing adjoining property owner Melrose Huff.

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The application is to subdivide a parcel approximately 54 acres in size into two lots: Lot #1 to be 15 acres, and Lot #2 to be 39 acres.
2. Because the parent parcel is larger than 25 acres, the Planning Commission must review the application under Section 5.15 of the Charlotte Zoning Bylaws, which is for Planned Residential Developments (PRDs).
3. The town's septic consultant previously reviewed the submitted septic plans, and in a memo dated 10/22/01 indicated concerns regarding the ability of the design by Dave Fuqua to meet the requirements of the Charlotte Sewage Ordinance.
4. At the public hearing Catherine Kronk stated that the survey map incorrectly stated the designation of septic fields, and that the applicant is proposing the easternmost field be designated for Lot #1.
5. At the public hearing Catherine Kronk requested that Lot #2 be reviewed under Section 13.2 of the Charlotte Subdivision Bylaws. This section allows the requirement for demonstrating sewage disposal capability to be waived under special circumstances.
6. At the public hearing, Lydia Hibbard submitted a signed letter dated November 1, 2001 to the Charlotte Planning Commission indicating agreement with the provisions of Section 13.2 of the Charlotte Subdivision Bylaws.
7. At the public hearing, Lydia Hibbard stated that she will grant an easement within her driveway (adjoining the subject parcel) allowing construction, maintenance, repair and replacement of the septic systems serving Lots 1 and 2.

Decision

Based on these Findings, the Planning Commission approves the 2-lot subdivision with the following conditions:

1. Pursuant to Section 13.2 of the Charlotte Subdivision Bylaws, the septic disposal requirements for Lot #2 are waived for this subdivision approval. Prior to submission of a building permit application for Lot #2, there shall be an application to the Deputy Health Officer for a septic permit which shall comply with the Town of Charlotte Sewage Ordinance.
2. The applicant shall resubmit the survey plat with the following additions or corrections:
 - a. The easterly septic field will be designated for Lot #1.
 - b. A note indicating that the exact location of the force main easement shall be based on the as-built location of the force main.
 - c. An easement within the driveway of the adjoining Hibbard lot for construction, maintenance, repair and replacement of the septic systems serving both Lots 1 and 2 (if Lot 2 septic system is ever approved and constructed).
 - d. The size of the wastewater disposal area for Lot #1 shall be enlarged to allow for construction, repair and maintenance, and the dimensions shall be shown.
 - e. A shared driveway for Lots 1 and 2, with a curb-cut on Prindle Road. The survey shall indicate "pins to be set" and these shall be installed within 15 days of submission of the mylar.
 - f. Building envelopes shall show dimensions. Designation of the building envelopes will satisfy the open space requirements of Section 5.15.D. of the Charlotte Zoning Bylaws.
 - g. A note indicating that Lot #2 is not approved for septic disposal, pursuant to Section

13.2 of the Charlotte Subdivision Bylaws.

3. Prior to or simultaneous with the recording of the survey mylar, the following shall be recorded in the Charlotte Land Records:
 - a. An easement for the force main and the easement for access to the septic areas as identified in Condition 2.c. above.
 - b. Deed language addressing rights to access, and the responsibility for construction and maintenance of the shared portion of the driveway for Lots 1 and 2.
4. Since the application is being reviewed under the PRD provisions (Section 5.15) of the Charlotte Zoning Bylaws, the setback from the private right-of-way may be 50 feet instead of 100 feet.
5. If prior to conveyance of Lot 2, septic disposal capacity is not approved, deed language for Lot #2 indicating that Lot #2 is not approved for septic disposal (pursuant to Section 13.2 of the Charlotte Subdivision Bylaws) shall be included in the deed.

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 as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing: Jeff McDonald, Martha Perkins, Gordon Troy, Jim Donovan, Al Moraska, Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: November 1, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____