

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Lorna Jimerson
Final Plat Application
For A
2-Lot Subdivision
Application # PC-01-47**

Background

Sketch Plan was held on December 21, 2000. The Planning Commission granted a six month extension for submitting the Final Plat application on June 7, 2001.

Application

The application consists of:

1. Application form and appropriate fee.
2. A survey map by Krebs and Lansing Consulting Engineers entitled "Final Plat, Lorna and Robert Jimerson, Roscoe Road, Charlotte, Vermont" dated December 5, 2001, no revisions, designated as sheet 1.
3. A site plan by Krebs and Lansing Consulting Engineers entitled "Overall Site Plan, Lorna and Robert Jimerson, Roscoe Road, Charlotte, Vermont" dated December 5, 2001, no revisions, designated as sheet 2
4. A wastewater plan by Krebs and Lansing Consulting Engineers entitled "Wastewater Disposal Plan-Lot 2, Lorna & Robert Jimerson, Roscoe Road, Charlotte, Vermont" dated December 5, 2001, no revisions, designated as sheet 3
5. A wastewater plan by Krebs and Lansing Consulting Engineers entitled "Wastewater Disposal Plan-Lot 1, Lorna & Robert Jimerson, Roscoe Road, Charlotte, Vermont" dated December 5, 2001, no revisions, designated as sheet 4.
6. Two sheets entitled "Wastewater Disposal Details, Lorna & Robert Jimerson, Roscoe Road, Charlotte, Vermont" dated December 5, 2001, no revisions, designated as sheets 5 and 6.

Public Hearing

A public hearing for this application on March 21, 2002. Present at the public hearing representing the applicant were: Lorna Jimerson and Michael Burke.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The proposed subdivision is located within the Rural Zoning District.
2. The proposed lots meet the dimensional requirements of the district. The PRD provisions of Section 5.15 of the zoning bylaws are not triggered because the original parcel is less than twenty-five acres.
3. The original parcel was created by a subdivision in 1975. The only condition of that subdivision which affects the current application is that the Wayne Palmer lot has an access easement over the subject parcel. The easement is not required to be sixty feet in width because the Wayne Palmer lot has road frontage on Roscoe Road which meet the requirements of the zoning bylaws.
4. It was reported by the applicant that the existing dwelling on the subject parcel (located on what is proposed to be Lot 1) is in a state of disrepair.
5. The Historic Sites and Structures Survey conducted by Vermont Division of Historic Preservation (attached hereto) includes the existing dwelling (identified as site number 0403-9). Map 12 in the Charlotte Town Plan, entitled "Cultural and Recreational Resources," includes a correlating listing (identified as H9).
6. The town encourages the preservation of historic structures.

Decision

Based on these Findings, the Planning Commission approves the Final Plat application for a two-lot subdivision with the following conditions:

1. The Final Plat shall be revised as follows:
 - A. A force main easement shall be indicated between the southern portion of the building envelope on Lot 1 and the septic field.
 - B. The septic easement for Lot 1 shall include metes and bounds.
 - C. The building envelopes shall include metes and bounds, and the northern portion of the building envelope for Lot 1 shall be labeled (ie: as a building envelope).
 - D. The driveway on Lot 1 shall be delineated to the southern building envelope. It shall avoid the wet meadow shown on the Charlotte Wetland Map.
 - E. The Minimum Lot Frontage shall indicate 300'.
 - F. A Planning Commission approval block and a Town Clerk recording block shall be added.
2. The wastewater plans shall be revised as follows:
 - A. The detail sheets (pages 5 and 6) shall be labeled to indicate which lots they refer to, and shall clarify whether the systems are bed or trench systems.
 - B. The wastewater plan for Lot 2 (sheet 3) shall designate a primary system, and shall indicate a minimum distance between the underdrain and the property line (with Palmer). The outlet of the underdrain shall be located downslope from the Palmer lot.
 - C. The wastewater plan for Lot 1 (sheet 4) shall clarify whether the underdrain is necessary for the primary system, or only the secondary system.
3. The deed for Lot 1 shall include a septic easement over the Jimerson lot (adjoining Lot 1).
4. Prior to the conveyance of Lot 1, the applicant shall record an easement deed over the adjoining parcel owned by the applicant (parcel #00031-0221) for the septic easement in favor of Lot 1.
5. If the constructed force main is located in such an area as to need an easement over the

adjoining Jimerson parcel, an as-built wastewater plan for Lot 1 shall be submitted which shows the location of the force main and associated easement.

6. The driveway for Lot 1 shall use the existing easterly curb-cut (near the existing dwelling) and avoid wetland on the lot.
7. The driveway for Lot 2 shall use the existing curb-cut which serves the Wayne Palmer lot.
8. New driveways shall be surfaced with non-white crushed stone.
9. The deed for Lot 2 shall include the access easement for Wayne Palmer, heirs and assigns. The deed for Lot 2 shall also indicate that the owner of Lot 2 shall share responsibility for maintenance and repair of the driveway from Roscoe Road to the point where the driveway splits towards the Palmer residence.
10. All new utility lines which serve Lot 1 or Lot 2 shall be installed underground.
11. The existing dwelling should be preserved insofar as possible through harmonious design, appropriate construction methods, and in accordance with the policies and standards set forth in Town Plan.
12. An 18" by 24" mylar of the Final Plat (revised in accordance with Condition 1 above) shall be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte 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.

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, Josie Leavitt, Al Moraska, Jim Donovan and Gordon Troy.

Vote of Members Present after Deliberations:

AYES: Unanimous

NAYS: 0

ABSTENTION:

Date Approved: March 21, 2002

Signed: _____ (Chair/Vice Chair)

Date Signed: _____