

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

CHRIS MASTERSON/CHARLES STEARNS & LINDA MESSIER

FINAL PLAT REVIEW For a 3-LOT SUBDIVISION

Background:

The property-owners, Charles Stearns and Linda Stearns Messier, are proposing to subdivide their property of approximately 57 acres located on Spear Street Extension into three lots. Chris Masterson, a daughter of the property-owners, was authorized by the property-owners to be the applicant for this subdivision. The project was classified as a minor subdivision at the Sketch Plan Review on 6/3/99.

Application

The application consists of:

1. A subdivision application submitted on June 24, 1999.
2. A survey by Harold Marsh entitled APlat of Survey Showing a Proposed 3 Lot Subdivision for Charles P. Stearns and Linda L. Stearns@ dated April 1999, last revised July 1, 1999.
3. A septic design by J.H. Stuart Associates entitled ACharles Stearns Property, Spear Street Charlotte@ dated April 1999, no revisions, drawing 1 of 1.
4. A siteplan based on the survey indicated in Application item #2, revised by John H. Stuart on 8/99 to show wells and well shields.

Public Hearing

A public hearing was held for this application on July 15, 1999. Chris Masterson was present at the meeting. Also present was Matthew Dawson, an adjoining property owner.

Regulations in Effect

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

Findings

1. The original parcel is approximately 57 acres and therefore is required to be reviewed under the provisions of Chapter V. Section 5.15 of the Zoning Bylaws.
2. Chapter V. Section 5.15 of the Zoning Bylaws requires that between 15% and 50% of the parcel being subdivided be reserved as open space.
3. At the public hearing on 7/15/99 Chris Masterson stated that she would like the open space

requirement to be applied to each of the lots individually, and that the open space requirement for Lot #1 not be applied until that lot is subdivided.

4. There are mature hardwood trees along the western boundary of Lot #3. Some of these trees are located on the boundary line of the adjoining properties. The adjoining property owners requested that trees on the boundary line be preserved.

5. The Town's septic consultant indicated that the septic design, as shown on the design sheets submitted by J.H. Stuart dated April 1999 and August 1999, is appropriate for three building lots.

Decision

Based on these Findings, the Planning Commission approves the application for a 3-lot subdivision with the following conditions:

1. Open space shall be designated on Lot #2 between the rear (southerly) property line and a parallel line 550 feet north of the rear property line, and between the easterly property line (shared with Lot #1) and a parallel line 200 feet west of this line.
2. Open space shall be designated on Lot #3 between the front (northerly) property line and a line 250 feet north of the line separating Lot #3 and Lot #2, extending between the eastern property line (shared with Lot #1) and the sixty foot right-of-way.
3. Open space shall be designated on Lot #1 when that lot is subdivided.
4. Trees located on the westerly property line of Lot #3 that have a diameter of twelve inches or greater shall not be disturbed except for normal care.
5. A mylar shall be submitted within ninety days of subdivision 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 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: Al Moraska, Ed Melby, Jim Donovan, David Woolf, Jeff McDonald, Josie, Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: July 15, 1999

Signed: _____ (Chair/Vice Chair)

Date Signed: _____