

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Christopher and Heather Kingston**

**Subdivision Amendment  
To Change Septic Disposal Location  
Application # PC-01-43**

### **Background**

The Charlotte Land Trust received approval on the Final Plat Application (#PC-00-40) for a three-lot subdivision on November 30, 2000. The current owners of Lot #1, Chris and Heather Kingston, seek in this application to amend the wastewater system for their residence, to use the existing system that had served the “bath-house” at the Old Lantern Campground.

### **Application**

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A wastewater plan with two sheets. Sheet 1 is entitled “Kingston Property-Lot 1, Existing Condition Plan, Charlotte, Vermont” by Civil Engineering Associates, dated March, 2001, no revisions. Sheet 2 is entitled Kingston Property Wastewater System Details and Sections, Charlotte Vermont” by Civil Engineering Associates, dated October, 2001, no revisions.

### **Public Hearing**

A Public Hearing was held for this application on December 6, 2001. Chris Kingston was present representing the applicant.

### **Regulations in Effect**

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

### **Findings**

1. The town’s septic consultant has reviewed the proposed wastewater system. His comments are as follows:  
“I have reviewed the plans submitted and it appears to be consistent with previous discussions regarding the proposal. The proposal to tie into the existing disposal system for the campground is acceptable although the status of the existing system is somewhat unknown. I would recommend the system be reviewed for any signs of failure in the next 6 months and then again in a year. I also would recommend the proposed replacement site be maintained in the event of a

failure.”

## **Decision**

Based on these Findings, the Planning Commission approves the Subdivision Amendment to change the wastewater system for Lot #1 as proposed, with the following conditions:

1. The primary and replacement septic disposal areas which were originally approved for Lot #1 shall be maintained in a condition that would allow for their use in the event of a failure of the proposed system.
2. Upon completion of construction of the applicants’ residence in a manner which conforms with the Zoning Permit, the Administrative Officer shall issue a Temporary Certificate of Occupancy (pursuant to Section 6.2.C. of the Charlotte Zoning Bylaws). The applicant shall apply for a permanent Certificate of Occupancy after one year. The Administrative Officer shall inspect the septic system for signs of failure after six months of use, and again after one year of use, and only issue the permanent Certificate of Occupancy if the septic system is found to be in good working order.

**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, Al Moraska, Gordon Troy, and Martha Perkins

### **Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: December 6, 2001

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

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