

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Champlain Valley Cohousing Development Company, LLC Subdivision Amendment Application # PC-05-24

Background

The applicant received final plat and site plan approvals in September, 2003 for a planned residential development creating 26 dwelling units and common buildings with the Findings of Fact and Decision for applications # PC-03-17 and PC-03-31, which is recorded in volume 143 page 233 in the Charlotte Land Records and map slide 136 pages 1-4.

Application

Materials submitted with the application is listed in Appendix A.

Public Hearing

A public hearing was held for this application on June 30, 2005. Mark Neagley and Mark Greenblatt were present representing the applicant. Clark Hinsdale, III, an adjoining property owner, was also present and participated in the hearing.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. The applicant is proposing to phase construction of the dwellings in two phases. One quadplex, one triplex, and one parking shed are proposed to be constructed during Phase I, and the remainder of the dwellings would be constructed during Phase II. Common buildings, such as the workshops, barn and office are proposed to be constructed incrementally thereafter, as members determine need and raise funds for construction.
2. The proposed amendment will allow for occupancy within part of the development prior to the completion of all construction.
3. The proposed phasing of construction will not substantively impact the findings or the intent of the conditions in Findings of Fact and Decision # PC-03-17 and PC-03-31.
4. The applicant is also proposing to phase the installation of landscaping in two phases, which are labeled on Sheets L-1, L-2 and L-3.
5. The landscaping along the roadway where it descends from Greenbush Road, as depicted on Sheet L-3, is important for mitigating the visual impact of the roadway. This impact will occur immediately as a result of Phase I of construction, and regardless of whether Phase II of construction ever occurs. Furthermore, the deferral of the landscaping along

the roadway until Phase II could result in a default of this mitigation if Phase II is not constructed.

6. The proposed landscaping just to the north of the two most northeasterly parking sheds as depicted on Sheet L-1 is not necessary to install during Phase I, since these parking sheds will not be constructed during Phase I, and additional landscaping immediately south of the houses within Wildwood West will be installed during Phase I.
7. The applicant is also requesting an amendment to Condition #5 of PC-03-17 & PC-03-31 to allow all home occupations within common buildings, including those that require conditional use permits. The current zoning bylaws describe these as “expanded home occupations”, which require both conditional use review and site plan approval.
8. The potential impacts of “expanded home occupations” can be sufficiently assessed and mitigated within the conditional use review and site plan review processes.
9. The applicant is also requesting that Condition # 15 be amended to allow the final roadway surface to be applied at the end of Phase II.
10. The deferral of the application of the final surface of the roadway will not substantively impact the findings or the intent of the conditions of Findings of Fact and Decision # PC-03-17 and PC-03-31.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Amendment as follows and with the following conditions:

1. The development may be constructed in two phases as proposed, except that the landscaping depicted on Sheet L-3 will be included in Phase I.
2. Landscaping depicted on Sheet L-1 located just north of the two most northeasterly parking sheds may be included in Phase II rather than Phase I.
3. Landscaping associated respectively with Phase I and Phase II (as conditioned herein) will be installed prior to the submission of an application for a Certificate of Occupancy for the first dwelling unit within each phase.
4. Condition #5 of PC-03-17 & PC-03-31 is amended as follows: The use of the common office, workshop and greenhouse are subject to the restriction that they will not be used for any trade or business, other than home occupations allowed under the Town of Charlotte Zoning Ordinance.
5. Condition #15.B. of PC-03-17 & PC-03-31 is amended as follows: the final surface of the roadway shall be applied prior to the submission of an application for a Certificate of Occupancy for the last dwelling unit within Phase II.
6. Condition #15.G. of PC-03-17 & PC-03-31 is amended as follows: parking sheds associated with Phase I and Phase II will be completely constructed prior to the submission of an application for a Certificate of Occupancy for the first dwelling unit within each phase, respectively.
7. Condition #15.J. of PC-03-17 & PC-03-31 is amended as follows: Landscaping will be installed as described in Conditions 1, 2 and 3 herein.
8. The Phase II landscaping on Sheet L-2 shall be installed two years from the issuance of this permit.

Additional Conditions: All plats, plans, drawings, documents, evidence and testimony

submitted with the application or at the hearing and used as the basis for the Decision to grant permit, as well as all conditions listed above 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.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearings on June 30, 2005: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Peter Joslin, and Robert Mack.

Vote of Members after Deliberations:

The following is the vote for or against the applications, with conditions as stated in this Decision:

- 1. Signed:_____ For / Against Date Signed:_____
- 2. Signed:_____ For / Against Date Signed:_____
- 3. Signed:_____ For / Against Date Signed:_____
- 4. Signed:_____ For / Against Date Signed:_____
- 5. Signed:_____ For / Against Date Signed:_____
- 6. Signed:_____ For / Against Date Signed:_____
- 7. Signed:_____ For / Against Date Signed:_____

Appendix A

The application consists of the following:

- 1. An application form and appropriate fee.
- 2. A letter dated May 18, 2005 from William Maclay to Dean Bloch, re: Amendments to Champlain Valley Cohousing Final Subdivision and Site Plan Approval Applications.
- 3. A plan entitled “Champlain Valley Co-housing Final Plat Subdivision Plan”, sheet S-2.2 by Civil Engineering Associates, Inc. dated September 2002, with a revision date of 6/01/03—with color highlights and labels indicating “Quadplex and Triplex to be constructed in the first phase” and “Parking Shed to be constructed in the first phase.”
- 4. A plan entitled “Champlain Valley Co-housing Overall Site Plan”, sheet C1.0 by Civil Engineering Associates, Inc. dated September 2002, with a revision date of 4/29/03—with color highlights and labels indicating “Quadplex and Triplex to be constructed in the first phase” and “Parking Shed to be constructed in the first phase.”
- 5. A plan entitled “Champlain Valley Cohousing, Housing Planting Plan”, sheet L-1 by T.J.

Boyle and Associates dated 8/28/02, last revised 5/6/03—with color highlights and labels indicating “Quadplex and Triplex to be constructed in the first phase”, “Parking Shed to be constructed in the first phase” and “Loop road and site infrastructure constructed in first phase.”

6. A plan entitled “Champlain Valley Cohousing, Housing Planting Plan”, sheet L-1 by T.J. Boyle and Associates dated 8/28/02, last revised 5/6/03—with labels “Phase I” and “Phase II” for areas of where landscaping was proposed/required.
7. A plan entitled “Champlain Valley Cohousing, Storm Water & Wildlife Planting Plan”, sheet L-2 by T.J. Boyle and Associates dated 8/28/02, last revised 5/6/03—with labels “Phase I” and “Phase II” for areas of where landscaping was proposed/required.
8. A plan entitled “Champlain Valley Cohousing, Entry Planting Plan”, sheet L-3 by T.J. Boyle and Associates dated 8/28/02, last revised 5/6/03—with labels “Phase I” and “Phase II” for areas of where landscaping was proposed/required.