

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### Thomas C. Esnes and Valerie Gilliam Final Plat Application For A Two-Lot Subdivision Application # PC-03-34

#### Background

Sketch Plan Review for this project was held on September 4, 2003.

#### Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map entitled "Final Plat, Minor Subdivision, Property of Thomas C. Esnes and Valerie Gillman (sic), Charlotte, Vermont" by Stuart J. Morrow dated August 2003, no revisions.
3. A letter from Thomas Esnes and Valerie Gilliam, signed and dated 7/10/03, authorizing Liam Murphy and/or Diane McCargo and Peter Swift to act on their behalf for the purposes related to the proposed subdivision of their property.
4. A cover letter from Liam Murphy, Esq. to Gloria Warden dated September 22, 2003.

#### Public Hearing

A public hearing was warned for this application for November 6, 2003, however a quorum of the Planning Commission was not in attendance. The hearing was rewarned and held on December 4, 2003. Liam Murphy was present representing the applicant. Hazel Prindle, an adjoining property owner, was also present.

#### Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

#### Findings

1. At the public hearing Liam Murphy stated that no development is currently proposed for either lot, and that the applicant is applying under Chapter VII Section 13.1 of the Subdivision Bylaws.
2. Designation of open space is a requirement of Chapter VI Section 2.M of the Charlotte Subdivision Bylaws and Chapter V Section 5.15 of the Charlotte Zoning Bylaws.
3. The Town Plan (Section 1.1 and Section 4.7.4) calls for the creation of an integrated trail

system within the town. There are several trails in the vicinity of the subject property, most notably the Nordic Farm Trail to the west, McGuire Pent Road to the north and Plouffe Farm Lane (leading to the former landfill) and an informal trail network to the east. Spear Gervia Road (also called Uncle Tom's Road) is a town-owned legal trail that currently exists on the western portion of the subject parcel, on what is proposed to be Lot #2. A connecting trail to Spear Street would be an important addition to the trail network.

4. It is understood by the Planning Commission that the applicant is not comfortable with designating a specific trail route at the current time. A floating trail easement allows the designation of a route to occur at a future time that would be in a location acceptable to the landowner along with appropriate use restrictions compatible with the intended uses of the trail and the trails in the vicinity.

## **Decision**

Based on these Findings, the Planning Commission approves the application for a Two-Lot Subdivision with the following conditions:

1. A mylar (18" x 24") of the survey will be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
2. Prior to the conveyance of either Lots 1 or Lot 2, survey pins will be set as indicated on the survey.
3. A Subdivision Amendment will be required at such time as development is proposed for either Lot 1 or Lot 2. The amendment will require designation of a building envelope, and wastewater disposal areas, and will also require an access plan.
4. The Planning Commission will not require open space to be designated at this time, however any future subdivision of either Lot 1 or Lot 2 will require the designation of open space. The total 178 acres will be considered when calculating the percentage of open space as provided for in Chapter V. Section 5.15 of the Charlotte Zoning Bylaws (or succeeding town regulations in effect).
5. Prior to submission of the mylar pursuant to Condition 1 herein, the applicant will submit a proposed Irrevocable Offer of Dedication and a Trail Easement. The trail route will be floating (ie: not specified), with the route to be identified and appropriate use restrictions compatible with the intended uses of the trail and the trails in the vicinity upon mutual agreement of the landowner and the Town. The documents will be submitted for review and approval by the town's attorney and the Planning Commission, and once these are approved the applicant will execute said documents and submit them to the Selectboard for acceptance and recording.

**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 of the date of 4<sup>th</sup> signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.**

**Members Present at the Public Hearing on December 4<sup>th</sup>:** Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, Linda Radimer, and Robin Pierce.

**Vote of Members after Deliberations:**

The following is the vote for or against the application, 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:\_\_\_\_\_
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