

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### David and Susan Miskell Application For A Two-Lot Subdivision Application # PC-03-36

#### Background

The subject parcel is Lot 1 of a three-lot subdivision by the Vermont Land Trust approved in May 1988. Sketch Plan Review for the current project was held on September 4, 2003. A Subdivision Amendment application to move the location of septic disposal on Lot 2 of the Vermont Land Trust subdivision, currently owned by Arnold Koss and Anne Rillero, has been submitted to the Planning Commission and is in the process of being reviewed.

#### Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map entitled “Final Plat, Subdivision, Property of David L. and Susan H. Miskell, Charlotte, Vermont” by Stuart J. Morrow dated July 2003, no revisions.
3. A wastewater disposal plan by Ridge Consulting Engineers (three pages) entitled “David Miskell, 718 Greenbush Road, Charlotte, Vermont” dated 12/3/03, no revisions. Sheet 1 is labeled “Overall Site Plan”, sheet 2 is labeled “Sanitary Design” and sheet 3 is labeled “Details”.
4. A draft Easement Deed for access and utilities on Lot 1A for the benefit of Lot 1B, and a septic system and septic lines on Lot 1B for the benefit of Lot 1A.
5. A draft Easement Deed for a replacement septic system on Lot 2 in favor of Lot 1B.
6. A draft Easement Deed for the use of a water well and water line on Lot 1A or Lot 1B in favor of Lot 2.
7. A draft Quit-Claim Deed from David and Susan Miskell to Arnold Koss and Anne Rillero with regard to a Shared Septic Agreement between David and Susan Miskell and Charles and Carla Conway.
8. A draft Quit-Claim Deed from Arnold Koss and Anne Rillero to David and Susan Miskell with regard to a Shared Septic Agreement between David and Susan Miskell and Charles and Carla Conway.

#### Public Hearing

A public hearing for this application was held on December 4, 2003. David Miskell and Susan Miskell were present representing the applicant.

#### Regulations in Effect

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

## **Findings**

1. The primary natural resource on the subject parcel is the agricultural value of the land. Soils on the parcel are classified as Prime and Statewide. The western portion of the parcel (ie: approximately two-thirds of what is proposed to be Lot 1B) is currently in agricultural use in conjunction with Lot 3.
2. Map 7 in the Town Plan appears to indicate that there are wetlands located in the vicinity of the existing pond on the subject parcel. The application does not propose development in this area. A farm road already exists in this area, and this road can serve as the driveway for Lot 1B.
3. The dimensions of Lots 1A and 1B comply with the requirements of the Charlotte Zoning Bylaws for the Rural District.
4. The proposed access to Lots 1A and Lot 1B is the existing driveway serving the subject parcel. The application includes a draft Easement Deed providing Lot 1B with an access right-of-way over Lot 1A.
5. The primary and replacement septic systems for Lot 1A are located on Lot 1B. The application includes a draft Easement Deed providing for this situation.
6. The replacement septic system for Lot 1B is located on Lot 2. The application includes a draft Easement Deed providing for this situation.
7. A building envelope has been proposed for Lot 1B which minimizes the impact of the subdivision on the agricultural use of the lot. The applicant has further adjusted the building envelope on Lot 1B from what was originally submitted (eliminating 30 feet from the southern side) in order to further reduce the impact on the agricultural use of Lot 1B.
8. The Town's septic consultant has indicated that the septic plan is acceptable. The applicant will also need a wastewater permit from the State.

## **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 1A or Lot 1B, survey pins will be set as indicated on the survey.
3. Within 90 days and prior to the conveyance of either Lot 1A or Lot 1B, the Easement Deeds and Quit-Claim Deeds submitted with this application will be executed and recorded in the Charlotte Land Records.
4. All new utility lines will be underground.
5. The driveway will be surfaced with non-white crushed stone.
6. Exterior lighting fixtures will be shielded to direct light downward.

**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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