

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Andrea and Cleveland Rickards
156 Popple Dungeon Road**

**Final Plan Application
for a Subdivision Amendment
Application # PC-11-09**

Background

The applicant's parcel was created by a subdivision by Mary Beth Olsen (formerly Mary Beth Freeman) approved by the Charlotte Planning Commission on November 20, 2007 (PC-07-13, recorded at volume 170 page 664 of the Charlotte land records), which was subject to a Stipulation of Dismissal and Order dated April 28, 2008, recorded at volume 173 page 269. Sketch Plan Review for the current project was waived by the Town Planner as provided in Section 6.3 of the Charlotte Land Use Regulations at the request of the applicant.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing was opened for this application on May 5, 2011. Cleveland Rickards and Andrea Rickards were present representing the applicant. Michelle Jordan, a nearby property owner, was present and participated in the hearing. Kennedy Snow, an adjoining property, submitted comments by e-mail in advance of the hearing.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted November, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The applicant owns a three-acre parcel (labeled Lot 5B on the subdivision plat) located on the easterly side of Popple Dungeon Road, a privately maintained road, in the Rural District.
2. The applicant's residence is located on the easterly portion of the lot; the driveway from Popple Dungeon Road to the residence is approximately 340 feet long.
3. Condition 13 of the Findings of Fact and Decision for PC-07-13 states "all new driveways shall be surfaced with non-white crushed stone". This condition was not appealed by the then applicant (Olsen).
4. With the current application the applicant requests to be allowed to pave the driveway

due to extensive snow drifts and the undulating terrain, which have resulted in severe damage to the driveway’s top layer and sub-layer from snow-plowing. The application states that the cost to repair the severe damage annually is not affordable. The application also states “the flooding also is a huge problem.”

- 5. The location of the driveway was requested by applicant Olsen/Freeman during a Sketch Plan Amendment (PC-06-31). This request was approved by the Planning Commission as indicated in a letter dated January 19, 2007 to Mary Beth Freeman from Dean Bloch, Town Planner.
- 6. The current applicant testified that they had requested, through their builder, to move the driveway back to its original location, which shared a curb-cut on Popple Dungeon Road with the driveway on Lot 5A, and that this was denied by the Town. There is no record in the Town Office of this request or denial.
- 7. The application includes three price quotes for paving the driveway and one price quote for replacing the top three inches of blue stone. No analysis, recommendation or report from an engineer or landscape architect is included in the application.
- 8. The applicant has not provided sufficient information from qualified persons or professionals indicating that appropriate re-construction and site improvements would not be able to substantively address the problems the applicant experienced this past winter.

Decision

Based on these Findings, the Planning Commission denies Application PC-11-09.

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.

The following is the vote for or against this Findings of Fact and Decision as written:

- 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:_____

Members Present at the Public Hearing on May 5: Jeff McDonald, Linda Radimer, Peter Joslin, Eleanor Russell, Gerald Bouchard and Paul Landler.

APPENDIX A

The application consists of the following:

1. An application form and appropriate fee.
2. Photographs of the driveway.
3. A copy of a portion of the subdivision plat with
4. A copy of an invoice for snow plowing for the 2010-2011 season from Pleasant Valley, Inc.
5. A letter from Mark Franceschetti, owner of Pleasant Valley
6. Price quotes to pave the driveway from three paving companies: Rox Asphalt, LLC, Premier Paving, Inc., and S.D. Ireland.
7. A price quote to add three inches of “blue” stone from Lewis Excavating, LLC.