

# **CHARLOTTE PLANNING COMMISSION**

## **FINDINGS OF FACT AND DECISION IN RE APPLICATION OF**

**Constance S. Lewis and David A. Lewis  
114 and 118 Mount Philo Road**

**Final Plan Application  
For A  
Subdivision Amendment  
Application # PC-12-08**

### **Background**

The applicants own two parcels that were created by a subdivision by Alexander and Constance Lewis approved in 2000 (PC-00-32). Sketch Plan Review for the current proposal was held on March 2, 2012 (PC-12-02).

### **Application**

Materials submitted with the applications are listed in Appendix A.

### **Public Hearing**

The Planning Commission opened a public hearing for this application on May 17, 2012 and continued it to June 7, 2012. No testimony was taken on May 17<sup>th</sup>. The applicant was represented by David Lewis. Pamela Titus, an adjoining property owner, was also present and participated in the hearing.

### **Regulations in Effect**

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

### **Findings**

1. The purpose of the application is to adjust the boundaries of the two adjacent lots owned by the two applicants, and to adjust the building envelopes for the two lots.
2. It is noted that the two lots were labeled Lot 2 (westerly) and Lot 3 (easterly) in the 2000 subdivision (PC-00-32). The lots will be referred to by these labels in this Findings of Fact and Decision, although the plat submitted with the application labels both lots "Lot 2".
3. The application proposes to add 6.9 acres from Lot 3 to Lot 2. As a result, Lot 3 is proposed to be 3.15 acres and Lot 2 is proposed to be 27.5 acres.
4. The provisions of Chapter VIII of the Charlotte Land Use Regulations (Planned Residential and Planned Unit Development) allow lots to be created that are less than the minimum lot size.

5. With the 2000 subdivision, the westerly 11.1 acres of Lot 2 were designated on the plat as an "Open Space Area." However, an Open Space Agreement was not required at the time.
6. The current application proposes to add 4.2 acres in the southeast portion of Lot 2 to the Open Space Area.
7. As the resulting acreage of Lot 2 will be enough to create four additional lots, the Planning Commission finds, and the applicant agreed at the hearing, that an Open Space Agreement with the Town is appropriate.
8. 1.85 acres of density of Lot 2 are to be allocated to Lot 3. A density table should be added to the plat to reflect this.
9. The application also proposed to adjust building envelopes so that the existing buildings are located within the building envelopes.
10. The Planning Commission finds the proposed building envelopes to be appropriate.

## **Decision**

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Subdivision Amendment with the following condition:

1. The plat will be revised as follows:
  - A. The 3.15 acre lot will be labeled "Lot 3".
  - B. A density table will be added that indicates how density is allocated, and the remaining (available) density associated with each lot.
  - C. At the applicants' discretion, the existing building envelope on Lot 3 may be reduced in size.
2. One digital copy (pdf), two paper copies (one 11"x 17" and one full size) and a mylar (18" x 24") of a survey plat as amended by Condition #1 above will be submitted to the Planning Commission for review and signature (of the mylars) within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant will complete the following steps:
  - A. Submit a letter from the surveyor indicating he has set the survey markers in the field as indicated on the plat.
  - B. Execute an Open Space Agreement and record it in the Charlotte Land Records (with the mylar) after review and approval by the Selectboard and Town Attorney.
4. The conveyance deed for Lot 3 will include easements for access, utilities and wastewater disposal essentially as submitted with the application, with the correction of typographical errors.

**Additional Conditions:** All plats, plans, drawings, documents, 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.

**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 4<sup>th</sup> 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 Hearing on June 7, 2012:** Jim Donovan, Ellie Russell, Paul Landler and Gerald Bouchard. Peter Joslin and Linda Radimer read the minutes and listened to the audio tape, so are participating in the decision.

**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:\_\_\_\_\_
- 5. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 6. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 7. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_

**APPENDIX A**

The following items were submitted in association with the application:

- 1. An application form for a Subdivision Amendment and appropriate fee.
- 2. A survey plat entitled “Final Plat, Minor Subdivision Amendment, Properties of Constance S. Lewis and David A. Lewis, Charlotte, Vermont” dated January 2012, no revisions.
- 3. Draft easement language for wastewater disposal, a right of way and laying of utilities.