

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Heather Pierce
1113 Dorset Street**

**Final Plan Review
For A
Two-Lot Subdivision
Application # PC-12-23**

Background

The Planning Commission conducted a Sketch Plan Review on April 7, 2011 (PC-11-01) and classified the project as a Minor Subdivision. (Note: the applicant recently changed her name from Heather Kingston to Heather Pierce. The Sketch Plan Review application was filed under Heather Kingston, while the Final Plan Review application was filed under Heather Pierce). The Planning Commission granted a six month extension for the submission of the Final Plan application on October 20, 2011.

The Planning Commission issued a Findings of Fact and Decision approving the Final Plan Application on January 19, 2012. The applicant failed to record a mylar in the town land records within 180 days of the issuance of the approval; therefore, the approval expired.

The applicant submitted a new Final Plan Application on September 12, 2012, which is the basis of this Findings of Fact and Decision. Sketch Plan Review was waived by the Town Planner as allowed by Section 6.3 of the Charlotte Land Use Regulations (the "Regulations".)

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing for this application was held on November 1, 2012. No one was present representing the applicant, and no adjoining property owners or other parties were present.

Regulations in Effect

Town Plan amended March, 2008

Land Use Regulations amended November, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The applicant's property is an approximately 16.28 acre parcel located the east side of Dorset Street within the Rural District.

2. A single-family dwelling is located on the parcel.
3. This parcel has not previously been subdivided under the Town's subdivision bylaws or Land Use Regulations.
4. The proposed subdivision will create two lots: Lot 1 is an 11.25 acre lot that includes the existing single family dwelling, and Lot 2 is a building lot of 5.03 acres.

Section 7.2—General Standards

5. The following areas of high public value (as listed in Table 7.1 of the Charlotte Land Use Regulation) are located on or in close proximity to the parcel:
 - A. Agricultural soils: Much of the parcel has statewide agricultural soils with the exception of the knoll on which the existing house has been built (from NRCS data).
 - B. Surface waters, wetlands and associated setback and buffer areas: A small wetland is located on the northeast corner of the parcel (from Map 7 of the Town Plan), and a swale is located on the eastern portion of Lot 2 and runs in a northeasterly direction (from the submitted site plan and from the site visit).
6. The Planning Commission finds that the statewide agricultural soils are a priority for protection, although it recognizes that the soils on this parcel are not of an extremely high quality, and the field is not of a size or in a location that is suitable for commercial agricultural use.
7. The survey submitted with the application depicts a building envelope for Lot 2 of approximately .69 acres.

Section 7.3—District Standards

8. The submitted survey includes a building envelope as it was required by the Planning Commission in its decision for the earlier application (PC-11-23).
9. The building envelope for Lot 2 will allow much of the agricultural soils to remain available for agricultural use, and the building envelope will not directly impact the swale or wetland.
10. The proposed wastewater force main for Lot 2 will also avoid the swale by being sited on the westerly portion of Lot 1.

Section 7.4—Compatibility with Agricultural Operations

11. There are no active agricultural operations adjacent to the parcel.
12. The proposed well on Lot 2 is located more than 200 feet from an agricultural operation.
13. The protective isolation distance for the proposed well is located entirely on land owned by the applicant.

Section 7.5—Utilities

14. Due to its small size, the application will not create an unreasonable burden on existing or planned municipal and educational facilities and services.
15. Due to its small size, the project does not trigger a requirement for a fire pond and dry hydrant or designation of a park, playground, trail or other recreation area.

Section 7.6—Water Supply

16. The application proposes that an existing well will serve Lot 1 and a new individual well will serve Lot 2.

17. As stated above, the protective isolation distance for the proposed well is located entirely on land owned by the applicant.

Section 7.7—Wastewater Disposal

18. The proposed wastewater plan for the two lots is consistent with the revision that was required by the Planning Commission in its previous decision (PC-11-23).
19. The applicant has obtained a Wastewater Disposal and Potable Water Supply Permit (WW-138-1128).

Section 7.8—Stormwater Management & Erosion Control

20. Due to the limited nature of this project and the relatively flat topography, a storm-water management plan or system and an erosion control plan are not necessary.

Section 7.9—Landscaping & Screening

21. Due to the limited nature and proposed layout of this project, landscaping and screening are not necessary.

Section 7.10—Access

22. The applicant has obtained a Highway Access Permit (HAP-11-11) from the Selectboard for a new curb-cut to serve Lot 2. The approved access is depicted on the site plan submitted with the application.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed two-lot subdivision with the following conditions:

1. One digital copy (pdf) and a mylar (18" x 24") of both the survey plat and site plan will be submitted to the Planning Commission for review and signature (of the mylars) within 160 days. The applicant will record the signed mylars in the Charlotte Land Records within 180 days.
2. Prior to the submission of the mylars in accordance with Condition #1 above, the applicant will submit a letter from the surveyor indicating he has set the survey markers in the field as indicated on the plat. If the survey pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that he will set the pins when the ground thaws and has been paid to do so.
3. No new pole-mounted light fixture will be taller than 8' off the ground, and no new building-mounted light fixture will be taller than 15' off the ground. Fixtures will be shielded to direct light downward, and will not direct light onto adjacent properties or roads, and will not result in excessive lighting levels that are uncharacteristic of the neighborhood.
4. All new utility lines will be underground.
5. The new driveway will be surfaced with non-white crushed stone.

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 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 Hearing on November 1, 2012: Jeff McDonald, Linda Radimer, Peter Joslin, Eleanor Russell, Gerald Bouchard and Paul Landler

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 with the application:

- 1. An application form and appropriate fee.
- 2. A survey plat by Donald A. Johnston of South Mountain Surveying & Mapping, P.C. entitled "Subdivision Plat of lands belonging to Heather Kingston (Pierce), Dorset Street, Town of Charlotte, Chittenden County, Vermont" dated May 15, 2012, no revisions.
- 3. A plan by Trafton Engineering Associates, LLC entitled "WW Site Plan, Pierce WW, 1113 Dorset Street, Charlotte, VT" dated November 24, 2011, revised on 1/07/12.