

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Jeff & Tammy Hall

**Final Plan Application for a 3-lot Planned Residential Subdivision
at 875 and 993 Hinesburg Road
Application # PC-14-03**

INTRODUCTION AND PROCEDURAL HISTORY

Background

Sketch Plan Review for the proposed subdivision was held on May 16, 2013. The project was classified as a Minor Subdivision and a Planned Residential Development in accordance with Section 6.1(C)(1) and Chapter VIII of the Charlotte Land Use Regulations.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing for this application was held on March 20, 2014. Jeff and Tammy Hall represented the applicants. No other interested parties participated in the Final Plan hearing.

Regulations in Effect

Town Plan, amended March, 2013

Land Use Regulations adopted March, 2010

Recommended Standards for Developments and Homes adopted September, 1997

FINDINGS

Background

1. The applicant owns a 159.74 acre parcel and a 10.12 acre parcel on the north side of Hinesburg Road in the rural zoning district. There is an existing house, barns (2) and outbuildings (2) on the 159.74 acre parcel. There is an existing house and barn on the 10.12 acre parcel.
2. The applicant proposes to create a 2.84 acre parcel with the house, barns and outbuildings (Lot 2), an 11.28 acre parcel with a house and barn (Lot 3) and a 148.46 acre agricultural parcel (Lot 1). There are no new structures proposed with this application.

Applicable standards in Chapter VII of the Charlotte Land Use Regulations are reviewed below in Findings 3-8.

Section 7.2 Areas of High Public Value, General Standards

3. The parcel includes or is adjacent to the following areas of high public value:
 - A. Agricultural use: All involved parcels are associated with agricultural use.
 - B. Agricultural soils: Statewide soils cover most of Lots 1 and 2.
 - C. Surface waters, wetlands, and associated setback and buffer areas: Mud Hollow Brook and associated wetlands run through Lot 1.

- D. Wildlife habitat: There is a wildlife corridor along Mud Hollow Brook on Lot 1.
- E. Water Supply Source Protection Area: All involved parcels are within the Source Protection Area for the Champlain Water District.
- F. Conserved land on adjacent parcels: The Foote Farm to the west and the Lockhart property to the south are both conserved properties.

Section 7.2 (C) Lot Layout

- 4. The applicant is proposing a Planned Residential Development (PRD) in which the zoning district lot size and density requirements have been modified.
- 5. As recommended by the Planning Commission, the applicant adjusted the western boundary of the 10 +/- acre lot (Lot 3) to eliminate the 60' strand from Lot 1.

Sections 7.6 & 7.7 Water Supply & Sewage Disposal

- 6. The applicants have obtained a Wastewater System and Potable Water Supply Permit (WW-138-1403).

Section 7.10 Roads, Driveways & Pedestrian Access

- 7. There is an agricultural access and right-of-way off Hinesburg Road (directly across from Guinea Road) that extends over portions of Lots 2 and 3.
- 8. The applicant has not provided easement language as pertains to this shared right-of-way.

Applicable standards in Chapter VIII of the Charlotte Land Use Regulations are reviewed below in Findings 9 and 10.

Section 8.4 (F) PRDs Involving Two or More Parcels

- 9. The applicant is proposing a Planned Residential Development (PRD) in which the zoning district lot size and density requirements have been modified.
- 10. Density from Lot 1 or Lot 3 has been reduced by 5 acres and transferred to Lot 2. There is no remaining density on Lot 2.

DECISION

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed subdivision subject to the following conditions:

- 1. The applicant will provide draft easement language pertaining to the shared right-of-way benefitting Lots 2 and 3 to the Town Planner / Zoning Administrator for review and approval. The applicant will record the approved easement in the Charlotte Land Records within 180 days.
- 2. The survey plat will be revised to include the following:
 - A. The 11.28 acre lot will be labelled Lot 3.
 - B. A note will be added that states "Lot 1 has not been approved for sewage disposal. Any future development on Lot 1, other than agricultural structures that are determined to be exempt from local land use regulations, will require prior approval by the Planning Commission."

- 3. One digital copy (pdf formatted for printing 11"x 17") and a mylar (18" x 24") of the survey plat, as revised by Condition #1 above, will be submitted to the Planning Commission for review and signature (of the mylar) within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
- 4. Prior to the submission of the mylar in accordance with Condition #2 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.

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 March 20: Peter Joslin, Acting Chair; Gerald Bouchard, Donna Stearns, Paul Landler, Linda Radimer, and Marty Illick.

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

- 1. Signed: Marty Illick For / Against Date Signed: 4-11-14
- 2. Signed: [Signature] For / Against Date Signed: 4/11/14
- 3. Signed: [Signature] For / Against Date Signed: 4/11/14
- 4. Signed: Gerald A Bouchard For / Against Date Signed: 4/11/2014
- 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 Final Subdivision and appropriate fee.
- 2. A survey plat prepared by Christopher A. Haggerty of Button Professional Land Surveyors, PC and dated January 2, 2014.