

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

GARY WULFSON FINAL PLAT HEARING

For a 3-Lot Subdivision Application # PC-00-10

Background:

The applicant received Sketch Plan Review on 7/15/99 and Preliminary Plat Approval on 1/6/00.

Application

The application consists of:

1. A Subdivision Application form submitted on February 21, 2000. The fee was submitted with the Preliminary Plat application (PC-99-28).
2. A survey map entitled "Plat of a Proposed 3 Lot Subdivision, Prepared for Gary E. Wulfson, former Rose Aube Estate, in the Town of Charlotte, Vermont" by Harold Marsh, dated September 1999, most recently revised 2/15/2000.
3. A septic design entitled "Rose Aube Estate (Now) Gary E. Wulfson, Dorset Street Ext., Charlotte, VT, Wastewater Plans" (1 sheet) by JH Stuart Associates dated January 1999, revised (no date) to add Lots #3 and #4.
4. Soil test results (dated 10/26/98) and map of test pits.
5. Open Space Agreement (draft).
6. Declaration of Covenants, Conditions, Easements, Obligations, Liens and Restrictions (draft), including a statement of Right-of-Way and Lot Access.
7. Roadway Agreement and Waiver (draft).
8. Page 1 and 2 of "Recommended Standards For Development Homes" from Charlotte Volunteer Fire and Rescue Services, Inc.

Public Hearing

A Public Hearing was held for this application on March 16, 2000. Present at the hearing representing the applicant was M.B. Brown. Adjoining landowners and interested persons present were Daniel Luce, Mike O'Brien, and Linda Radimer of the Charlotte Conservation Commission.

Regulations in Effect

Town Plan readopted March 1995
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The Preliminary Plat Decision included the following conditions:
 1. The applicant shall submit a draft Open Space Agreement with the Final Plat application for the portion of land designated on the plat submitted on January 6, 2000.
 2. Recent percolation test data shall be submitted with the Final Plat application.
 3. The plat shall be corrected for the following:
 - A. The Open Space Area shall be delineated as shown on the map submitted on January 6, and labeled or noted in the legend.
 - B. The shared driveway shown on the map submitted on January 6 shall be delineated and the appropriate rights-of-way shall be added.
 - C. The shared driveway shall be labeled with a road-name approved by the Selectboard.
 - D. The title shall be "3 Lot Subdivision";
 - E. The adjoining property owners shall be shown on the east side of Dorset Street;
 - F. The building envelopes shall be labeled, and the notations "2 lot subdivision per 11/1/99 date" and "Setbacks" shall be clarified, perhaps as "notes" rather than labels.
 4. There shall be consideration to preserving the views from the property of Daniel Luce and from Dorset Street, however only if the information is supplied by Mr. Luce.
 5. The Final Plat application shall include proposed Covenants which shall include:
 - A. Rights of usage of the private driveway.
 - B. Responsibilities for maintenance of the private driveway.
 - C. A statement that all exterior lighting shall be shielded and downward directed.
 - D. A statement that crushed stone and gravel on the common drive and individual driveways shall not be white limestone.
 6. The Final Plat application shall include a draft Roadway Waiver and Agreement.
 7. The shared driveway shall conform to the "Recommended Standards For Developments and Homes, written by the Charlotte Volunteer Fire and Rescue Services, Inc. and adopted by the Planning Commission on 9/2/97.
2. The applicant has satisfied conditions 1-6 (with the exception noted in Finding #3 below).
3. At the public hearing on March 16, Mike Brown indicated that the correct road name, as approved by the Selectboard, is "Night Run Road", not "Night Run Lane", as is shown on the submitted plat.
4. Section 11.7. of the Charlotte Subdivision Bylaws states that the final subdivision plat shall show: "The location of the improvements referred to in Chapter VII, and in addition thereto the location of all utilities, sewage disposal systems, water supply systems and rough grading and other devices and methods of draining the area within the subdivision."

Decision

Based on these Findings, the Planning Commission approves the Final Plat Application for a 3-

lot subdivision with the following conditions:

1. The applicant shall submit a paper and mylar copy of the survey plat to the Planning Commission within 60 days, and record in the Charlotte Land Records within 90 days, with the following corrections:
 - A. the road name shall be corrected from “Night Run Lane” to “Night Run Road”;
 - B. the approved primary and replacement septic fields for Lots 1, 2 and 3 shall be shown.
2. With the submitted survey, the applicant shall submit a letter from John Stuart indicating that the location of the septic fields shown on the survey is correct.
3. Within 60 days after review and approval by the town’s attorney, the applicant shall record in the Charlotte Land records the following documents: the Open Space Agreement, the Roadway Agreement and Waiver, and the Declaration of Covenants, Conditions, Easements, Obligations, Liens and Restrictions, including a statement of Right-of-Way and Lot Access.
4. The applicant shall obtain a Road/Driveway Cut approval from the Charlotte Road Commissioner for the private roadway before construction of this road.
5. The shared driveway shall conform to the “Recommended Standards For Developments and Homes, written by the Charlotte Volunteer Fire and Rescue Services, Inc. and adopted by the Planning Commission on 9/2/97.
6. All utility lines shall be underground.

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 as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing: Ed Melby, Jim Donovan, David Woolf, Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: March 16, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____