

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Jean Pecor, Applicant**  
**Anthony Perry, Property Owner**  
**Subdivision Amendment**  
**Application # PC-02-15**

### **Background**

The subject parcel was created by a subdivision of property owned by The Shelburne Partnership approved on 4/28/92. The subject parcel, identified as "Section B", has a specified building envelope and is subject to a Grant of Development Rights and Conservation Restrictions to the Town of Charlotte and the Vermont Land Trust. The subject parcel is also subject to Land Use Permit #4C0815.

The current application is to move the building envelope and wastewater disposal area. Sketch Plan Review was held on June 20, 2002.

### **Application**

The application consists of:

1. Application form and appropriate fee.
2. A survey map by Krebs and Lansing Consulting Engineers entitled "Amended Final Plat, Jean Pecor, Greenbush Road, Charlotte, Vermont" dated August 19, 2002, no revisions.
3. Sheet 1 by Krebs and Lansing Consulting Engineers entitled "Overall Plan, Jean Pecor, Greenbush Road, Charlotte, Vermont" dated July 8, 2002, last revised August 19, 2002.
4. Sheet 2 by Krebs and Lansing Consulting Engineers entitled "Wastewater Disposal Plan, Jean Pecor, Greenbush Road, Charlotte, Vermont" dated July 8, 2002, no revisions.
5. Sheet 3 by Krebs and Lansing Consulting Engineers entitled "Wastewater Disposal Details, Jean Pecor, Greenbush Road, Charlotte, Vermont" dated July 8, 2002, no revisions.
6. Sheet 4 by Krebs and Lansing Consulting Engineers entitled "Wastewater Disposal Details, Jean Pecor, Greenbush Road, Charlotte, Vermont" dated July 8, 2002, no revisions.

### **Public Hearing**

A public hearing for this application was held on September 19, 2002. Jean Pecor was present at the hearing representing the applicant.

### **Regulations in Effect**

Town Plan as amended March 2002  
Zoning Bylaws as amended March 2002  
Subdivision Bylaws as amended March 1995

## **Findings**

1. The proposed location of the building envelope will impact agricultural soils, but will allow agricultural use of the parcel more efficiently than the original location. The Town Plan strongly supports agricultural uses.
2. The proposed location of the building envelope will not impact wetlands or wildlife habitat, and may allow for improvement of wildlife habitat along the eastern portion of the parcel.
3. The proposed location of the building envelope will be consistent with existing development to the south of the subject parcel on Greenbush Road, ie: towards the front of parcels. The benefit of such a location is that the hillside will remain undeveloped.
4. The proposed location of the building envelope is at a lower elevation than Greenbush Road, so the structures will be likely to fit into the landscape when viewed from Greenbush Road.
5. The Vermont Land Trust, Inc. and the Town of Charlotte hold a Grant of Developments and Conservation Restriction (conservation easement) on the parcel. By letter of June 18, 2002, the Vermont Land Trust has indicated that it intends to amend the conservation easement to allow the building envelope to be relocated. Other restrictions will remain essentially in place, with some minor modifications. The Charlotte Selectboard has voted to amend the conservation easement as well.
6. The proposed location of the septic system seems to have appropriate characteristics. The applicant will need a State wastewater permit.

## **Decision**

Based on these Findings, the Planning Commission approves the Subdivision Amendment to move the building envelope and wastewater disposal area with the following conditions:

1. All new utility lines resulting from this application will be installed underground.
2. The farm-road, driveway, and parking areas will be surfaced with non-white crushed stone.
3. The Vermont Land Trust and the Town of Charlotte will amend the conservation easement to reflect the revised building envelope and wastewater disposal area.
4. The applicant will obtain a wastewater permit from the State of Vermont for the proposed wastewater disposal system.
5. An 18" by 24" mylar of the survey map by Krebs and Lansing Consulting Engineers entitled "Amended Final Plat, Jean Pecor, Greenbush Road, Charlotte, Vermont" dated August 19, 2002 without revisions will be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte Land Records within 90 days.

**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:** Jeff McDonald, Al Moraska, Dave Brown, Josie Leavitt,  
Gordon Troy and Gene Diou.

**Vote of Members Present after Deliberations:**

AYES: Unanimous

NAYS: 0

ABSTENTION:

Date Approved: October 3, 2002

Signed: \_\_\_\_\_ (Chair/Vice Chair)

Date Signed: \_\_\_\_\_