

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

CLARK HINSDALE III, Property Owner CHARLOTTE LITTLE LEAGUE, Applicant Site Plan Review For the Development of Baseball Fields Application # PC-00-15

Background

The Planning Commission held Sketch Plan Review on March 16th and a site visit on March 23rd. The property owner is concurrently applying for a two-lot subdivision, so the ball fields will be on a 9.99 acre lot which will be owned by Charlotte Little League.

Application

The application consists of:

1. A Site Plan Review application form submitted on April 12, 2000. The fee was waived by the Selectboard on February 14, 2000.
2. A survey map entitled "Final Plat, Minor Subdivision, Property of Clark W. Hinsdale III, Charlotte, Vermont" by Stuart Morrow, dated April 2000, most recently revised 4/14/00.
3. A map entitled "Charlotte Little League Recreation Park, Charlotte, Vermont, Conceptual Site Plan and Planting Plan" by Distinctive Landscaping, dated February 21, 2000, revised on April 13, 2000.
4. A map entitled "Charlotte Little League Recreation Park, Charlotte, Vermont, Site Grading and Drainage Plan" by Distinctive Landscaping, dated April 11, 2000.
5. A letter from Charlie Proutt of Distinctive Landscaping to Dean Bloch dated April 12, 2000.
6. A memo from Clark Hinsdale III to Dean Bloch dated April 11, 2000.
7. A letter from W.G. Livingston of the Vermont Land Trust to the Charlotte Planning Commission dated April 10, 2000.
8. A letter from Todd Ronson of VTRANS to Charlie Proutt dated April 20, 2000.
9. A letter from Christopher Davis of the Charlotte Volunteer Fire Department to Charlotte Little League and Clark Hinsdale III date May 2, 2000.

Public Hearing

A Public Hearing was held for this application on May 4, 2000. Present at the hearing representing the applicant was Charlie Proutt and Bill Michaud. Adjoining landowners and interested persons present were Naomi Randall, Thomas Randall, Frank Lambert, 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. Section 5.12 of the Charlotte Zoning Bylaws indicates that a 50 foot buffer is required around all Class Two wetlands, and that any exemption needs to be consistent with the provisions of the Vermont Wetland Rules.
2. At the public hearing Charlie Proutt submitted a letter from Peter Keibel of the Vermont Water Quality Division to Charlie Proutt dated May 3, 2000. The letter states that the distance from the wetland to the proposed fields varies between 40 and 60 feet. Any activity within 50 feet of a Class Two or associated wetland needs a Conditional Use Determination from the Agency of Natural Resources. At the time the letter was written, Mr. Keibel indicated that he could foresee no red flag with the issuance of the CUD.
3. At the public hearing Charlie Proutt stated that there will be minimal cutting of trees.
4. The letter from Charlie Proutt to Dean Bloch dated April 12, 2000 states "The Charlotte Little League has adopted a policy to manage the field primarily according to the principles of organic agriculture. Pesticides and herbicides shall not be used on a regular basis. Fertilizer shall be used at a rate based on current testing of the absorption capacity of the desired grass."
5. At the public hearing Charlie Proutt and Bill Michaud stated that there will not be any lighting on the property.
6. At the public hearing Bill Michaud stated that they propose a wooden fence between the parking lot and the ball field.
7. The Final Plat Decision requires measures to address traffic safety concerns.

Decision

Based on these Findings, the Planning Commission approves the Site Plan Review application for a the development of baseball fields with the following conditions:

1. No area lighting shall be used on the site.
2. The site shall be managed primarily according to the principles of organic agriculture. Synthetic pesticides and herbicides shall not be used on a regular basis. Fertilizer shall be used at a rate based on current testing of absorption capacity of the desired grass.
3. Prior to beginning construction the applicant shall research previous pesticide use.
4. Prior to beginning construction the applicant shall provide a detail of the proposed wooden fence for administrative approval by the Planning Commission.
5. Prior to beginning construction the applicant shall provide an erosion control plan for administrative approval by the Planning Commission. The applicant shall comply with the erosion control plan as approved. Erosion control measures shall be installed prior to earth disturbance. The applicant shall prevent the transport of any sediment beyond the area approved herein for construction. All soils shall be stabilized within fourteen days of initial disturbance. From October 1 to April 15 of any calendar year, all disturbed areas of the construction site shall be mulched until final grading and vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all disturbed areas. The

Planning Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as they deem necessary. The applicant shall incorporate all erosion controls set forth in the erosion control plans as approved into the contract documents for site work and excavation.

6. An appropriately sized mylar of the map entitled "Charlotte Little League Recreation Park, Charlotte, Vermont, Conceptual Site Plan and Planting Plan" by Distinctive Landscaping, dated February 21, 2000, revised on April 13, 2000, shall be recorded in the town 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: Al Moraska, Ed Melby, Dave Brown, Jim Donovan, and David Woolf

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: May 4, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____