

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

ESTATE OF ROSE AUBE For a 2-LOT SUBDIVISION

Background:

The Estate of Rose Aube (John Aube executor) applied for a 2-lot subdivision of a 127.47 acre parcel on Dorset Street Extension, in the Rural District. Additionally, a portion of the parcel lays in the Conservation District associated with the LaPlatte River, which runs through the west side of the parcel.

Findings:

1. The application consists of: an application form; a map entitled APlat of a Proposed 2 Lot Subdivision for the Rose M. Aube Estate@ by Harold Marsh, dated 11/30/98, revised 2/4/99; and a septic design by J.H. Stuart Associates (1 sheet).
2. The application form indicates that Michael B. Brown is the applicant. John Aube, executor of the Estate, signed the application as the property owner.
3. The subdivision consists of Lot #1 of 37.83 acres and Lot #2 of 89.64 acres. Both lots may be developed for residential purposes.
4. The original parcel of 127.47 acres is greater than 25 acres, so the application will be evaluated under the PRD standards of the Zoning Regulations (Section 5.15).
5. Section 5.15.D.5. of the Zoning Regulations recommends that for parcels over 100 acres, 50% should be protected as open space.
6. Section 5.15.D.7. of the Zoning Regulations allows additional measures, including building envelopes, to be utilized to protect resources on the parcel.

Decision:

The Planning Commission approves the Subdivision with the following conditions:

1. Building envelopes shall be shown for Lots #1 and #2 on the plat. The building envelopes shall comply with the setback requirements for the zoning district.
2. The driveway to the building envelope for Lot #2 shall be shown on the plat.

3. Any further subdivision of either lots shall require open space protection. The calculation of open space acreage will use the original 127.47 acres to determine the required open space.
4. Potential buyers of both lots shall be shown a copy of this Decision by the seller or the seller's representative.
5. A mylar shall be submitted for recording within 90 days of notice of approval.

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 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 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.

Board Members Present For Hearing on March 30, 1999: Al Moraska, Ed Melby, David Allen, Jim Donovan, Dave Brown

Vote of Members Present:

AYES: Ed Melby, David Allen, Jim Donovan, Dave Brown

NAYS:

ABSTENTION: Al Moraska

Date Approved: _____

Signed: _____

(Chair/Vice Chair)

Date Signed: _____