

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

The Conservation Fund Final Plat Application For A 2-Lot Subdivision Application # PC-02-01

Background

Sketch Plan Review (PC-01-40) was held on 12/6/01.

Application

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A survey map entitled “The Conservation Fund, ‘Laberge Farm’, 14 Acres and Buildings, Charlotte, VT.” by Glenn Towne of Waterbury, Vermont, dated April, 2001.
3. A map entitled “Thompsons Point Farm, Robert A. Laberge, Shirley M. Laberge, Charlotte, VT.” by Glenn Towne, Waterbury Center, Vermont, dated May 1981, last revised 4/20/01.
4. A waste-water plan entitled “The Conservation Fund, Replacement Wastewater System, Greenbush Road, Charlotte, Vermont—Wastewater Plan-Replacement Area” by Stephen Vock of Civil Engineering Associates, dated 7/23/2001, no revisions.
5. A document entitled “Historic Preservation Easement Program Baseline Documentation, Narrative Description and Recommendations for Restoration, Laberge House, Charlotte, Vermont” prepared by Liz Pritchett and Pat Pritchett, dated May 7, 2001, pages of 1-5 of 12 (pages 7-12 not submitted).
6. A letter to Town of Charlotte Planning and Zoning from Richard L. Erdmann dated May 8, 2001 stating that Davis Cherington and/or Dana Farley are duly authorized agents of the Conservation Fund for any and all purposes related to this application.
7. Three maps by Stone Environmental Inc. entitled “Agricultural Value Group and Soil Type”, “Important Farmland Rating”, and “Depth to Seasonal High Water Table”; all are also entitled “Laberge Farm, Town of Charlotte, Prepared for the Conservation Fund.”

Public Hearing

A Public Hearing for this application was held on February 28, 2002. Davis Cherington represented the applicant at the public hearing.

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The subject property is an important contributor to the town's agricultural land base, including designated prime agricultural soils. The farm is listed in Section 4.4.5 of the current Town Plan under *Working Farmlands*.
2. The farm also contributes to the scenic qualities of the town. The farm is within the viewshed of Mount Philo State Park and Route 7. The view from the intersection of Greenbush Road and Thompson's Point Road is indicated (V8) on the *Cultural and Recreational Resources Map* in the current Town Plan; this view is also listed under *Views and Vistas* in Section 4.4.5 of the current Town Plan.
3. At the public hearing on 2/28/02 the applicant submitted a document entitled "Grant of Development Rights and Conservation Restrictions" which, when executed, will place restrictions on Lot 7B consistent with the goals of agricultural and scenic preservation described in the Town Plan and in the Subdivision Bylaws.
4. The submitted application includes research indicating that the existing farmhouse on proposed lot 7A has historic significance (see applicant's submission #5 above).
5. At the public hearing on 2/28/02 the applicant submitted a document entitled "Grant of Development Rights and Conservation Restrictions" which, when executed, will place restrictions on Lot 7A consistent with the goals of historic preservation described in the Town Plan and in the Subdivision Bylaws.
6. The applicant's engineer has submitted a memo indicating the septic system for the existing farmhouse is functioning adequately. The septic tank for the farmhouse was in poor condition and has been replaced.
7. The applicant's engineer has provided a wastewater plan showing two septic replacement areas. The Town's septic consultant has indicated the designated septic replacement areas are acceptable.

Decision

Based on these Findings, the Planning Commission approves the Final Plat application for a two-lot subdivision with the following conditions:

1. Revise the survey as follows:
 - A. Label lots on survey: "Lot 7A" and "Lot 7B".
 - B. Show the remainder of Lot 7B in the vicinity map.
 - C. A note stating that Lot 7B has not been approved for sewage disposal shall be clearly stated on the survey.
 - D. Add signature block for Planning Commission and recording block for Town Clerk.
2. Notice stating that Lot 7B has not been approved for sewage disposal shall be clearly set forth in any deed conveying the property.
3. Lot 7B is approved as a 144.8 acre lot and is not approved for any construction or development since no information regarding sewage disposal capability has been presented. Pursuant to Section 13.1 of Chapter VII of the subdivision bylaws, the Planning Commission has waived the requirements to demonstrate sewage disposal capability. No building, construction, or development of any kind, other than specifically exempted agricultural structures, may occur on Lot 7B without further approval from the Charlotte Planning Commission.

4. The applicant shall provide the buyer of Lot 7A with all research already obtained regarding the historic design, use, and potential for restoration of the farmhouse at no cost.
5. Any conservation easements placed on Lot 7B shall allow for agricultural structures on that lot.
6. A mylar of the survey map, with revisions as noted above, shall be submitted to the Planning Commission for review within 60 days, and 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: Jeff McDonald, Al Moraska, Dave Brown, Gordon Troy and Martha Perkins

Vote of Members Present:

AYES: Unanimous

NAYS: 0

ABSTENTION:

Date Approved: February 28, 2002

Signed: _____ (Chair/Vice Chair)

Date Signed: _____