

CHARLOTTE PLANNING COMMISSION

**FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

**GARY AND MARY THIBAUT
FINAL PLAT REVIEW**

**For a
2-LOT SUBDIVISION
Application # PC-99-33**

Background:

The applicants propose to subdivide a fifty-three acre parcel into two lots: a ten acre lot (Lot #1) and a forty-three acre lot (Lot #2). A farmhouse currently exists on what will become Lot #2, and there are three dwelling units in the farmhouse. The applicants plan to build a new house on Lot #1.

The applicants had Sketch Plan Review on August 19, 1999 at which the proposal was classified a Minor Subdivision. The applicants proceeded with test pits for a new house on Lot #2. It was determined that the only possible location for a septic system is 100 feet from the LaPlatte River. The applicants therefore applied for a variance, which was approved in the Findings of Fact and Decision dated December 16, 1999 (In Re: Application of Gary and Mary Thibault).

The applicants also applied for a State Subdivision Permit because the existing farmhouse is used as three residential units. The Department of Environmental Conservation required that the applicants allocate ten acres for the farmhouse (Lot #1).

The applicants bought the property from Jeannette Thibault in November 1999.

Application

The application consists of:

1. A Subdivision Application form submitted on December 22, 1999 with fee.
2. A map entitled "Final Plat, Minor Subdivision, Property of Gary P. and Mary J. Thibault, Charlotte, Vermont" by Stuart J. Morrow, dated November, 1999.
3. A septic plan entitled "Gary and Mary Thibault, Wastewater System, Carpenter Road, Charlotte, Vermont" sheets 1-3, by Otter Creek Engineering, Inc. dated 11/9/99, no revisions.

Public Hearing

A Public Hearing was held for this application on January 6, 1999. Gary Thibault and Mary Thibault were present at the hearing. Linda Hamilton and Linda Radimer from the Conservation Commission were also present.

Regulations in Effect

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

Findings

1. The town's septic consultant performed a site visit to check the existing septic system and found no apparent signs of failure.
2. The town's septic consultant reviewed the plans for the new septic system and found that the design is adequate.
3. The application was reviewed as a Planned Residential Development (Section 5.15 of Zoning Bylaws) since the parcel is over twenty-five acres, and because the farmhouse is used for three dwelling units in a structure (Section 4.2.B.3 of Zoning Bylaws).
4. Section 4.2.D.2 indicates that the required density in the Rural District is five acres for each dwelling unit.
5. Section 5.15.D.5 of the Zoning Bylaws indicates that the Planning Commission shall consider conserving between 5% to 50% of a subject parcel which is less than 100 acres in size.
6. The proposed plat shows that Lot #1, which is where the existing farmhouse is located, is ten acres.

Decision

Based on these Findings, the Planning Commission approves the application for a 2-lot subdivision with the following conditions:

1. For density calculation, Lot #2 shall be considered as containing thirty-eight acres.
2. Lot #1 shall not be further subdivided, unless a new septic system is approved for the existing farmhouse.
3. Any further subdivision of Lot #2 shall require designation of open space, as per Section 5.15. of the Zoning Bylaws. The original acreage of 53.22 shall be used for calculating the amount of open space.
4. The plat shall be submitted to the Planning and Zoning Office within 60 days and recorded with the Town Clerk within 90 days, and shall include the following:
 - a. A note shall be added which states condition #1 above.
 - b. A note shall be added which states condition #2 above.
 - c. A note shall be added which states condition #3 above.
 - d. the plat shall indicate a revision date;
 - e. the plat shall be stamped and signed by a licensed surveyor;
 - f. a signature block shall be added for endorsement by the Planning Commission and the Town Clerk;
5. The applicants shall record a Notice of Conditions in the Charlotte Land Records. All deeds created by this subdivision shall refer to this Notice of Conditions.

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 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, David Brown, Jeff McDonald, Jim Donovan

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: January 6, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____