

CHARLOTTE PLANNING COMMISSION

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

LEWIS CREEK ASSOCIATES, INC.

**Final Plat Application
For A
2-Lot Subdivision
Application # PC-00-43**

Background

The parcel being subdivided was created by a Boundary Adjustment (PC-00-37) between Lewis Creek Associates, Inc. and Charlotte Land Trust (approved on 11/2/00). The Planning Commission held Sketch Plan Review for the proposed subdivision on November 2, 2000.

Application

The application consists of:

1. A Subdivision application form and fee.
2. A survey map entitled "Final Plat, Minor Subdivision, Property of Lewis Creek Associates, Charlotte, Vermont" by Stuart Morrow, dated November 16, 2000, no revisions.
3. Septic plans (2 sheets) by Phelps Engineering entitled "Lewis Creek Associates, Septic System Design, Charlotte, Vermont" dated 11/17/00, no revisions.
4. A proposed access and utility easement for Lot #2 over Lot #1, as follows:

Conveyed herewith is a permanent easement and right of way 40 feet in width over and across the lands of Grantor identified as Lot 1 on the plat of survey entitled "Final Plat Minor Subdivision, Property of Lewis Creek Associates, Charlotte, Vermont, prepared by Stuart J. Morrow," dated ___ and recorded in Map Clip___, page___ of the Town of Charlotte Land Records. Said easement and right of way is along the westerly boundary of Lot 1 and is from Ferry Road to Lot 2, the lot herein conveyed. The costs of improving, maintaining and repairing said right of way shall be borne by Grantee.

Also conveyed herewith is a perpetual easement and right of way for the underground installation of power, cable, telephone and other utility lines leading from Ferry Road, so-called, to Lot 2 in the area of said 40 foot right of way.

5. A proposed wastewater system easement for Lot #1 over Lot #2, as follows:

Reserved from this conveyance is the right and easement to use the parcel of land on Lot 2 in the area depicted as "wastewater disposal replacement area" for Lot 1 on said plat of survey, and the right to locate and build a replacement subsurface sewage disposal system, to serve a single family dwelling or office on Lot 1. The replacement sewage disposal system, if necessary, shall be installed and maintained by the Grantor, its successors and assigns. All construction, maintenance, repair and replacement shall include leveling and re-seeding any disturbed areas, and leaving the lands and premises in good, neat and orderly condition. Further reserved herewith is an easement and right of way 10 feet in width for the purpose of laying, maintaining, repairing and replacing a sewage pipeline leading from said sewage disposal area to Lot 1 in the area depicted on the plat of survey aforesaid. Said sewage disposal easement and pipeline easement shall become final in their as-built location. Grantor and its heirs and assigns shall bury all sewer lines at sufficient depths and shall level off, cover and seed all ditches and leave the lands and premises in good, neat and orderly condition.

Public Hearing

A Public Hearing was held for this application on December 7, 2000. Stuart Morrow was present representing the applicant. Catherine Hughes, an adjoining property owner, was also present.

After the Public Hearing was closed the applicant was notified by the State Wastewater Management Division that a new primary wastewater system was required for Lot 1. The applicant submitted a new septic plan (revision date 12/15/00), and the Final Plat Hearing was reopened, after public warning, on January 4, 2001 to review the new primary wastewater system.

Regulations in Effect

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

Findings

1. The proposed lots conform to the dimensional requirements of the Charlotte Zoning Bylaws and the Planning and Design Standards of the Charlotte Subdivision Bylaws.
2. The Town's septic consultant has indicated that the proposed septic designs for Lot #1 and Lot #2 are adequate. The applicant has applied for State wastewater permits for both lots.
3. The proposed driveway for Lot #2 is not shared with Lot #1, as is usually required. However the proposed location of the driveway is the safest location, and also avoids disturbance of the wet meadow in the front of Lot #1.

Decision

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

1. The applicant shall obtain State subdivision permits for Lot #1 and Lot #2.
2. The applicant shall include the access, utility and septic easement language (amended to include an easement for a primary sewage disposal system for Lot #1 in addition to the replacement system) in the property deeds at the time of conveyance of Lot #2.
3. The final plat survey shall be amended to show the wastewater disposal areas.
4. The final plat plan, as amended, shall be submitted for signing by the Planning Commission Chair within 60 days, and recorded in the Charlotte Land Records no later than 90 days after receiving Final Plan approval by the Planning Commission.
5. As much as possible, trees on either side of the proposed driveway leading to Lot #2 shall not be disturbed.

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. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).

Members Present at the Public Hearing on December 7th: Jeff McDonald, Al Moraska, Dave Brown, Josie Leavitt and Ed Melby

Members Present at the Public Hearing on January 4th: Jeff McDonald, Al Moraska, Dave Brown, Ed Stone, Jim Donovan and Ed Melby

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: January 4th, 2001

Signed: _____ (Chair/Vice Chair) Date

Signed: _____