

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### THE A. JOHNSON COMPANY SUBDIVISION AMENDMENT To Move Location of Septic Fields Application # PC-00-08

#### **Background:**

The applicant received Reaffirmation of Final Plat Approval on September 2, 1999, which was necessary because the mylar of the original Final Plat Approval Decision was not submitted to the Town Clerk within ninety days. Condition #2 of the original Final Plat Approval Decision states "...Should three separate individual approved sewage disposal sites be found, one on each lot, then that proposal need not come before the Planning Commission for further consideration." The applicant is currently proposing an individual disposal site for Lot #3 and a shared disposal site for Lots #1 and #2, so therefore was required to apply for a Subdivision Amendment for approval of these sites.

#### **Application**

The application consists of:

1. A Subdivision Amendment application form submitted on February 15, 2000 with fee.
2. A survey map entitled "A Map of Subdivided Portions of Lands of the A. Johnson Co. 'Lewis Creek Estates', Charlotte, Vermont" (2 sheets) by Kenneth Weston dated October 20, 1999, most recently updated February 11, 2000.
3. A site plan map entitled "A. Johnson Company, Lewis Creek Estates Subdivision" (7 sheets) by Otter Creek Engineering dated 11/3/99, revised 11/15/99.
4. A document entitled "A. Johnson Application, Portion of Association Bylaws", faxed on 2/23/00.

#### **Public Hearing**

A Public Hearing was held for this application on March 16, 2000. Present at the hearing representing the applicant were Steven Libby and Bill Roper.

#### **Regulations in Effect**

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

#### **Findings**

1. The town's septic consultant, Spencer Harris, reviewed the proposed septic designs and indicated in a memo that they are in compliance with the Charlotte Sewage Regulations, however he recommended that a maintenance agreement be implemented for the common (shared) system.

2. In response to discussions with the town attorney, the Town Planner requested that the applicant revise the survey plat to show the following: that there is a one-hundred foot access easement on the applicant's property on the north side of Lewis Creek; that there is a portion of Lot#3 on which hunting may be prohibited; and that reference be made to the Declaration of Restrictive Covenants between the town and the applicant dated 1/7/00.
3. At the public hearing on March 16, 2000, the applicant submitted revised plat maps (same title and surveyor as previous submission, most recently revised March 14, 2000) which provide the information requested in Finding #2 above.

**Decision**

Based on these Findings, the Planning Commission approves the Subdivision Amendment application for relocating the septic fields with the following conditions:

1. The applicant shall submit mylars of the plat map (sheets 1 and 2) with signature blocks for the Planning Commission's endorsement to the Planning Commission within 60 days and shall record the mylars in the Charlotte Land Records within 90 days.
2. Within 60 days after review and approval by the town attorney, and before any lots created by this subdivision may be conveyed, the applicant shall record in the Charlotte Land Records the document entitled "Portion of Association Bylaws".
3. Conditions #1 and #2 of the Reaffirmation of Final Plat Review dated September 2, 1999 are incorporated into this Decision. Therefore the Stipulation to Judgement and Judgement Order for Docket No. 179-10-98 Vtec, and the Charlotte Planning Commission Findings of Fact and Notice of Decision for In Re: Application of The A. Johnson Company, dated September 17, 1998, are also incorporated into this Decision.

**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, David Woolf, Josie Leavitt, David Brown

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: March 16, 2000

Signed: \_\_\_\_\_ (Chair/Vice Chair)

Date Signed: \_\_\_\_\_