

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

ESTATE OF BEBE WICKER

Final Plat Application For A Two-Lot Subdivision Application # PC-01-6

Background

The Planning Commission held Sketch Plan Review on December 7, 2000.

Application

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A survey map entitled "Final Plat-Minor Subdivision, Property of the Estate of Bebe C. Wicker" (2 sheets) by Stuart Morrow, dated January 2001, no revisions.
3. A wastewater plan entitled "Wicker Property, Wastewater Disposal System, Partial Site Plan, Charlotte Vermont" (2 sheets) by Champlain Consulting Engineers, dated 1/17/01, no revisions.

Public Hearing

A Public Hearing was held for this application on February 15, 2001. Maria Wicker and Charles (Choppy) Wicker (co-executors of the estate) were present.

Regulations in Effect

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

Findings

1. Lot #1 has an existing house which includes a three bedroom dwelling and an attached one bedroom apartment. The dwelling and the apartment each have an existing septic system.
2. The town's septic consultant has examined both existing septic systems. The system for the three bedroom dwelling was found to be inadequate. The system for the apartment was found to be functioning.
3. The applicant has submitted a design by a professional engineer for a new septic system that is sized to serve both the dwelling unit and the apartment.
4. The applicant has applied for a Water Supply and Wastewater Disposal Permit from the

Vermont Department of Environmental Conservation (WW-4-1495) for Lot #1.

5. The Charlotte Wetland Map shows three large wet areas on Lot #2. The wooded area on Lot #2 is shown as habitat on the Charlotte Critical Wildlife Map.
6. At Sketch Plan Review, the Planning Commission requested that building envelopes be used to limit the impact on important wildlife areas on Lot #2.

Decision

Based on these Findings, the Planning Commission approves the two-lot subdivision with the following conditions:

1. The survey shall be revised by the addition of the second existing septic area, a note on page 2 referring to the previous survey, and a note on pages 1 and 2 indicating that Lot #2 has not been approved for septic disposal.
2. The western building envelope on Lot #2 shall be revised so that it is 100 feet from the property line along Converse Bay Road, 50 feet from the side property lines, 100 feet from the north boundary of the overgrown pasture/wooded area, and 100 feet from the wetland, which shall be delineated in accordance to Section 5.12. A. and B. of the Zoning Bylaws before submitting a building permit application. The survey map shall be revised accordingly.
3. 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.
4. All new utility lines shall be underground.
5. The proposed septic system for Lot #1 shall be installed by August 1st. The designing engineer (or a comparable professional engineer) and the Town's septic consultant shall inspect the system prior to backfilling, and provide written certification that the system was installed as designed.
6. Future subdivision of either Lot #1 or Lot #2 shall require designation of open space as provided for in Section 5.15.D. of the Charlotte Zoning Bylaws. The original parcel size (84 acres) shall be used for determining the percentage of open space.
7. Only one of the two building envelopes on Lot #2 may be developed without further subdividing Lot #2.

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: Jeff McDonald, David Brown, Al Moraska, Jim Donovan, Ed Stone, and Josie Leavitt.

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: February 15, 2001

Signed: _____(Chair/Vice Chair)

Date Signed: _____