

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

CHARLOTTE LAND TRUST

Subdivision Amendment Application # PC-01-17

Background

The Charlotte Land Trust (CLT) received subdivision approval for a three-lot subdivision on November 30, 2000 (signed 12/7/2000). In the current application, CLT seeks to change the building envelope on Lot #2 as shown on the recorded plat, and the tree-clearing limits on Lot #2 as described in Condition #2 of the Findings of Fact.

Application

The application consists of:

1. A Subdivision Amendment application form; the fee was waived by the Selectboard.
2. A photocopy of Site Plan map sheet C-7 entitled "Charlotte Land Trust, Barber Hill Subdivision, Greenbush Road, Charlotte, Vermont" dated February, 2001, no revisions.
3. A sheet entitled "Amendments to Lot 2."

Public Hearing

A Public Hearing was held for this application on March 15, 2001 and continued on April 5, 2001.

Frances Foster was present representing the applicant on March 15; Frances Foster, Kate Lampton, Laurie Stavrand, and Wade Weathers were present representing the applicant on April 5.

Stephen Kiernan, an adjoining property owner, was present on March 15 and April 5. Jim Dickerson, an adjoining property owner was present on April 5. Linda Hamilton and Larry Hamilton of the Charlotte Conservation Commission were present on March 15. Linda Radimer, Larry Hamilton and Robert Long of the Charlotte Conservation Commission were present on April 5.

A site visit was conducted on March 25, 2001, which was attended by Francis Foster, Wade Weathers, Al Moraska, Betty Moraska, Josie Leavitt, Stephen Kiernan, and Dean Bloch.

Regulations in Effect

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

Findings

1. The Critical Wildlife Map (May 2000) indicates that Lot #2, along with Lot #1 and the Mack/Reid property to the south and adjacent lots to the east and north, contain a significant patch (approximately seventy acres) of forest and wetland habitat.
2. The currently approved building envelope, as well as in the meadow to the south, provide sufficient sites for potential buildings on Lot #2.
3. The integrity of the wildlife habitat on Lot #2 may be maintained through management techniques, while allowing for view enhancement.
4. At the continuation of the public hearing on April 5, the applicant presented "Proposed Conditions, Charlotte Land Trust, April 5, 2001." After discussion, the applicant and the Planning Commission came to agreement on the building envelope and tree-clearing limits.

Decision

Based on these Findings, the Planning Commission approves a Subdivision Amendment with the following conditions:

1. The building envelope on Lot #2 can be relocated south as an administrative approval, as long as the total area within the building envelope doesn't change.
2. Within the Lot #2 building envelope designated on the recorded plat or as revised, tree-clearing shall be limited to within 100 feet of the principal structure.
3. Drives and utilities shall be located within the areas designated on the plan. Clearing for drives and utilities shall be limited to the minimum disturbance necessary for installation and maintenance.
4. Removing vegetation for views beyond the limits specified in Condition #1 above shall be allowed. Prior to any vegetation removal for views, a view plan shall be submitted to the Planning Commission for review and administrative approval, with the consultation of the Charlotte Conservation Commission. The view plan shall be based on the following:
 - A. The view plan shall take into consideration the seasonal variation of forest cover.
 - B. Sufficient forest cover shall be retained in order to screen the view of the structures from public roads.
 - C. Wildlife habitat preservation and enhancement shall be elements of the plan, including features such as vegetation removal or replacement to enhance a diversity of tree species. To achieve a variety of cover, including canopy, mid and under-story cover, to provide for the ease of wildlife movement, to provide areas of forested edge, to retain natural ground cover and to retain den and nesting sites.
5. Dead, damaged or disease trees constituting a safety hazard may be removed without further review or approval.

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, Al Moraska, Ed Stone, Dave Brown, Jim Donovan, Ed Melby and Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: April 5, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____