

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Remo and Donna Pizzagalli Final Plat Application For A 2-Lot Subdivision Application # PC-02-02

Background

Sketch Plan Review (PC-01-42) was held on 1/3/02.

Application

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A survey map entitled "Portion of Property of Remo R. & Donna T. Pizzagalli" by Gordon Harlow, dated January 2002, last revised 2/18/02.
3. A waste-water plan entitled "Peter Pizzagalli, Mutton Hill Road, Charlotte, Wastewater System Plan/Specifications" by JH Stuart Associates, dated January 2002, no revisions.

Public Hearing

A Public Hearing for this application was held on March 7, 2002. Remo Pizzagalli, Donna Pizzagalli and Peter Pizzagalli were present at the public hearing.

Thomas Kessler, an adjoining property owner, was also present.

Regulations in Effect

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

Findings

1. The western portion of the subject property is used for agricultural purposes, and has some soils designated as Prime Agricultural Soils.
2. The eastern portion of the subject property is shown on the Critical Wildlife Map as providing "locally significant habitat associated with a wetland". The division between the portion of the lot used for agricultural purposes and the portion providing wildlife habitat is approximately in the center of the lot, on a north/south axis.
3. The proposed building lot (Lot 2) is located in the center of the remaining land (Lot 1), which is at the edge of both the agricultural and wildlife areas. This location will have

the least impact on both the agricultural and wildlife areas.

4. The *Cultural and Recreational Resources Map* in the Town Plan indicates a scenic vista from Route 7 in all directions. This vista is labeled V3 on the map and on the *Views and Vistas* list on page 36 of the Town Plan.
5. The proposed building lot will not significantly impact the view from Route 7.
6. Lot 2 will be accessed via a 60' wide right-of-way, from Mutton Hill Road running north over Lot 1.
7. The applicants have indicated that they may create additional building lots in the future, which would require extending the right-of-way over Lot 2.
8. The wastewater plan indicates that the leach field is proposed to be within the 60' wide access right-of-way to Lot 2. This proposed location of the leach field could interfere with improvements related to the access road, especially if the road is extended to future lots to the north of Lot 2.
9. Lot 2 will need a State Subdivision Permit, for which the applicant has already applied.
10. No development is proposed for Lot 1 at this time. Chapter VII Section 13.1 of the Subdivision Bylaws allows the Planning Commission to waive the requirement of demonstrating sewage disposal capacity under such circumstances.
11. The proposed subdivision involves a parcel over 25 acres in size, and therefore is subject to the Planned Residential Development provisions in Chapter V Section 5.15 of the Charlotte Zoning Bylaws.

Decision

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

1. Either by moving the proposed septic leach field for Lot 2, or by moving the proposed 60' wide access right-of-way to Lot 2, the septic leach field shall be relocated outside of the 60' wide right-of-way.
2. The survey will be revised as follows:
 - A. If the access right-of-way is moved as result of Condition #1 above, the new location will be indicated.
 - B. Any easements associated with the septic system will be indicated.
 - C. A note stating that Lot 1 has not been approved for sewage disposal shall be clearly stated on the survey.
 - D. A signature block for Planning Commission approval and recording block for Town Clerk recording will be added.
3. If the septic leach field is to be moved as a result of Condition #1 above, the wastewater plan shall be revised and submitted to the Planning Commission prior to submission of the mylar in accordance with Condition #7 below.
4. Lot 1 is approved as a 72.8 acre lot, and is not approved for any construction or development since no information regarding sewage disposal capability has been presented. Pursuant to Section 13.1 of Chapter VII of the Charlotte Subdivision Bylaws, the Planning Commission has waived the requirements to demonstrate sewage disposal capability. No building, construction, or development of any kind, other than specifically exempted agricultural structures, may occur on Lot 1 without further approval from the Charlotte Planning Commission. Notice stating that Lot 1 has not been approved for sewage disposal shall be clearly set forth in any deed conveying the property.
5. All utility lines will be located underground.

6. A Road/Driveway Cut approval will be obtained from the Charlotte Road Commissioner for the access roadway prior to a building permit being issued for Lot 2. The access roadway shall conform to the "Recommended Standards For Developments and Homes" (written by the Charlotte Volunteer Fire and Rescue Services, Inc. and adopted by the Planning Commission on 9/2/97). The access roadway shall be surfaced with non-white crushed stone.
7. 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.
8. Any future subdivision of Lot 1 shall include the acreage of Lot 2 in calculating the open space requirements provided for in Chapter V Section 5.15 of the Charlotte Planning Bylaws, or any amendment thereof.

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: Jeff McDonald, Al Moraska, Dave Brown, Gordon Troy and Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS: 0

ABSTENTION:

Date Approved: March 7, 2002

Signed: _____ (Chair/Vice Chair)

Date Signed: _____