

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Alma T. Clark June 29, 1995 Revocable Trust Final Plat Application For A 2-Lot Subdivision Application # PC-03-05

Background

The applicant received Sketch Plan Review on October 3, 2002.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map entitled "Minor Subdivision Plat, Property of The Alma T. Clark June 1995 Revocable Trust, Charlotte, Vermont" by Stuart J. Morrow dated October 1996, last revised April 3, 2003.
3. Plans entitled "Sanitary Design Plan, Townsend Subdivision, Mt. Philo Road, Charlotte, Vermont, sheet 1 of 2" by Ridge Consulting Engineers dated December 24, 2002, no revisions.
4. Plans entitled "Details, Townsend Subdivision, Mt. Philo Road, Charlotte, Vermont, sheet 2 of 2" by Ridge Consulting Engineers, dated December 24, 2002, no revisions.
5. A plan entitled "Neighborhood Map" with the development plan laid over an orthophoto, by Heindel and Noyes dated January 20, 2003, no revisions.
6. A plan entitled "Location Map" with a USGS quadrangle by Heindel and Noyes dated January 20, 2003, no revisions.
7. An untitled map showing portions of the subject parcel with slopes of 25% and greater.
8. Site photographs.
9. Proposed deed language for each lot providing a right-of-way for ingress to and egress from each lot and an easement for wastewater disposal in favor of Lot 2 over Lot 1.
10. An undated document entitled "Final Plat Application Narrative, Minor 2-Lot Subdivision, Alma T. Clark June 29, 1995 Revocable Trust, Conformance with Planning and Design Standards".

Public Hearing

A public hearing was held for this application on May 1, 2003. Anthony Stout and Jean Townsend were present at the meeting representing the applicant. Adjoining property owner Carol Smith was present; other adjoining property owners were present but did not sign in.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. The subject parcel of 10.89 acres is located in the Rural District. The application is for a two-lot conventional subdivision, which is allowed by Section 5.15 of the Zoning Bylaws since the parcel is less than 25 acres in size.
2. The applicant has proposed a shared curb-cut to access the two proposed lots.
3. The shared right-of-way does not require a frontyard setback because it only serves the two proposed lots, and therefore is not a "road right-of-way".
4. The applicant has proposed building envelopes that conform with standard setback requirements, with the exception of the wastewater disposal area.
5. Substantial portions of both proposed lots have slopes of 25% or greater, as indicated on the map submitted with the application depicting slopes.
6. Development on slopes of 25% or greater is likely to cause erosion.
7. Chapter VII Section 9.G. of the Subdivision Bylaws states "steep slopes of 25% grade or greater may be unsuitable for development of structures, roads, and public utilities."
8. The Planning Commission finds that creating building envelopes restricting all development to areas with slopes of less than 25% will reduce the potential of the project creating erosion.
9. The subject parcel is located at an important scenic view identified in the town plan; this view is indicated in Section 4.4.6 and Map 12 as V6, and is also depicted on Map 13.
10. Chapter VI Section 2.A. of the Subdivision Bylaws states that the proposal shall give due regard to the preservation of existing significant natural features, including view sheds.
11. The Planning Commission finds that development of Lot 2 with structure(s) of thirty-five would have an undue adverse impact on the viewshed from V6. Restricting the height of structures on Lot 2 to thirty feet will reduce the impact on the viewshed.
12. The impact of the development on the viewshed and the surrounding area will be reduced by controlling exterior lighting, utility lines, and road surfaces.
13. The configuration of the driveways as depicted on the submitted plans allows for safe ingress and egress from Mount Philo Road.

Decision

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

1. The survey will be amended to provide building envelopes restricting all development from areas with slopes of 25% or greater. On Lot 2, the area west of the 25% will be depicted as the building envelope.
2. A mylar (18" x 24") of the survey (as revised by Condition 1) will be submitted to the Planning Commission for review within sixty days, and recorded in the Town Land Records within ninety days.
3. Survey markers will be installed in the field as depicted on the survey within ninety days and prior to the sale of either Lot 1 or Lot 2. Wooden stakes will be set at building envelope corners prior to the conveyance of either Lot 1 or Lot 2.

4. The curb-cut on Mount Philo Road will be shared by Lot 1 and Lot 2. The centerline of the shared curb-cut will be approximately thirty feet south of the survey pin on the northwest corner of the access right-of-way. The centerlines of the driveways for each lot will diverge from the shared portion of the driveway not less than forty (40) feet from the edge of the road surface.
5. Prior to construction of either driveway, the curb-cut will be staked for review by the Charlotte Road Commissioner. The applicant will obtain an Access Permit from the Selectboard prior to the issuance of a zoning permit.
6. Deeds to Lot 1 and Lot 2 will include the submitted language providing access rights-of-way for both lots and a wastewater disposal easement in favor of Lot 2 over Lot 1.
7. Roof ridgelines of all structures on Lots 2 will not exceed thirty feet in height, as measured from the average grade surrounding the structure.
8. No pole-mounted light fixture will be taller than 8' off the ground, and no building-mounted light fixture will be taller than 20' off the ground. Fixtures will be shielded to direct light downward.
9. All new utility lines will be underground.
10. Driveways shall be surfaced with non-white crushed stone.

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 of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on May 1: Jeff McDonald, Al Moraska, Gordon Troy, Linda Radimer and Robin Pierce.

Vote of Members after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

1. Signed: _____ For / Against Date Signed: _____
2. Signed: _____ For / Against Date Signed: _____
3. Signed: _____ For / Against Date Signed: _____
4. Signed: _____ For / Against Date Signed: _____
5. Signed: _____ For / Against Date Signed: _____
6. Signed: _____ For / Against Date Signed: _____
7. Signed: _____ For / Against Date Signed: _____