

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

LEWIS CREEK ASSOCIATES, INC. Subdivision Amendment Application # PC-03-14

Background

The original subdivision (PC-00-43) was approved in a decision dated January 4, 2001. The current application is to move the location of the access right-of-way serving Lot 2 which was approved by the Planning Commission at that time.

Application

The application consists of:

1. Application form and appropriate fee.
2. A survey map by Stuart J. Morrow entitled "Final Plat, Subdivision Modification, Property of Lewis Creek Associates, Charlotte, Vermont" dated November 16, 2000, last revised 5/7/03.

Public Hearing

A public hearing for this application was held on May 29, 2003. Richard Bernstein and Carol Hanley were present at the hearing representing the applicant.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. This is a subdivision amendment to move the right-of-way for Lot 2 because the location of the highway access associated with this right-of-way is hazardous, as drivers entering the access from the westbound lane of Ferry Road would have a blind spot for on-coming traffic.
2. The Charlotte Road Commissioner has recommended that the highway access associated with the current right-of-way not be approved.
3. The Charlotte Road Commissioner has indicated that the sight distances for the proposed right-of-way near the eastern parcel boundary are satisfactory.
4. A Class II Wetland is located on the adjacent parcel to the east. Personnel from the State Wetlands Office has indicated that the proposed right-of-way, as depicted on the submitted survey, will not encroach on the required 50 foot buffer of the wetland.
5. The proposed right-of-way does not impact the existing pedestrian trail easement running

- along the eastern edge of Lots 1 and 2.
- 6. The proposed right-of-way will minimally impact the historic village character.
- 7. The proposed driveway for Lot #2 is not shared with Lot #1, as is usually required. However the proposed location of the driveway is the safest location.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Amendment to move the access right-of-way serving Lot 2 with the following conditions:

- 1. All new utility lines will be installed underground.
- 2. The driveway will be surfaced with non-white crushed stone or pavement.
- 3. An 18” by 24” mylar of the survey map will be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte Land Records within 90 days.

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 on May 29: Jeff McDonald, Al Moraska, Jim Donovan, Gene Diou, 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: _____