

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Trey and Dominique Pecor
598 Black Willow Lane**

**Subdivision Amendment
To Expand the Building Envelope
Application # PC-12-14**

Background

The parcel was created by a subdivision in 1989 by Graham Goldsmith. The Sketch Plan Review for the current project was held on May 3, 2012, at which the Planning Commission classified the project as a Minor Subdivision Amendment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on July 19, 2012. Dominique Pecor was present representing the applicant. Whitman Smith and Meg Smith, adjoining property owners, were also present and participated in the hearing.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The subject parcel is Lot 1 of the development called Black Willow III West.
2. The application proposes to change the building envelope on Lot 1 for two purposes: (a) to allow the development of a new building (i.e. a “family game room”), and (b) to encompass existing buildings, which were built outside of the original building envelope.
3. The proposed envelope for the family game room is at the bottom of a bank that appears to be a very steep slope (i.e. with a slope of 25% or greater).
4. The application was revised from Sketch Plan Review so that the building envelope for the family game room does not include the very steep slope.
5. The proposed envelope for the family game room does not appear to impact any areas of high public value.
6. The existing buildings are located very close to the top of a bank that appears to be a very steep slope (i.e. with a slope of 25% or greater).
7. The proposed enlarged building envelope in the vicinity of the existing buildings appears to include the steep slope. The top of bank is not depicted on the submitted site plan.

Decision

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

1. The site plan will be revised as follows:
 - A. The title block will be changed to “Proposed Family Game Room and Building Envelope Modification...”
 - B. The label on the new structure will be changed from “Proposed Barn” to “Proposed Family Game Room”.
 - C. The label to the west of the building envelope for the proposed family game room will be changed from “Proposed Building Envelope Runs Along Existing Top Of Bank” to “Proposed Building Envelope Runs Along Existing Bottom of Bank.”
 - D. The top of bank adjacent to the existing buildings will be depicted.
 - E. The proposed building envelope adjacent to the existing buildings will be revised so that it is on level ground and at least five feet from the top of bank. Boundaries of the building envelope will be as straight as possible. Distance and bearings will be included, and the distances to the two nearest property lines will also be included.
2. One digital copy (pdf), two paper copies (one 11”x 17” and one full size) and a mylar (18” x 24”) of the site plan as amended by Condition #1 will be submitted to the Planning Commission for review and signature (of the mylar) within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant will obtain all required permits, including an amendment to the Act 250 and wastewater permits if required.

Additional Conditions: All plats, plans, drawings, documents, 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.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on July 19, 2012: Jeff McDonald, Linda Radimer, Peter Joslin, Gerald Bouchard and Paul Landler

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: _____

APPENDIX A

The following items were submitted in association with the application:

- 1. An application form and the appropriate fee.
- 2. A site plan by Civil Engineering Associates, Inc. entitled “Proposed Barn and Building Envelope Modification, 598 Black Willow Lane, Charlotte, Vermont, Existing Conditions Site Plan” dated February 28, 2012, revised July, 2012.