

**CHARLOTTE PLANNING COMMISSION
SUBDIVISION REVIEW
FINDINGS OF FACT AND DECISION**

**In re: Steve Dickens and Myra Handy request for a Subdivision Amendment
Permit Application No. PC-17-06-SA**

Introduction and Procedural History

This proceeding involves review of an application for a Minor Subdivision Amendment submitted by Steve Dickens for approval under the Town of Charlotte Land Use Regulations. The application was received on January 13, 2017. A notice of public hearing was published in The Citizen on January 19, 2017 and was posted at the following three locations: town offices, The Brick Store, and Spear's Corner Store. A copy of the notice was also mailed to all adjoining landowners on January 19, 2017.

The application was considered by the Planning Commission at a public hearing on February 2, 2017. Present at the public hearing were the following members of the Planning Commission; Jeff McDonald (Chair), Peter Joslin (Vice Chair), Gerald Bouchard, David Kenyon, and Charlie Pughe. Property owners Steve Dickens and Myra Handy, as well as neighbor John Butnor participated in the hearing.

Exhibits

1. Application form for Minor Subdivision Amendment.
2. Copy of a Water/Wastewater plan (dated March 31, 2014) by High Knob Design Associates, LLC
3. Minor Subdivision and Boundary Adjustment; Planning Commission Decision ([PC-14-07 Beatrice M. Dike Trust et al.](#)), 2014
4. Map Slide 187, Page 3; Survey for "3-Lot Subdivision & Boundary Line Adjustment Plat Showing Lands of Beatrice M. Dike Trust and John & Kelly Butnor" (dated June 4, 2014 / received for record June 19, 2014).

Regulations in Effect

Town Plan, 2016

Land Use Regulations, 2016

Findings

Background

1. Steve Dickens and Myra Handy own a 10.1 acre lot at 3117 Guinea Road (M10B01L25-2) within the Rural zoning district, hereafter referred to as the "Dickens-Handy" parcel.
2. The "Dickens-Handy" parcel was created as part of the "Beatrice M. Dike Trust" 3-Lot Subdivision and the "John and Kelly Butnor" Boundary Line Adjustment that was approved by the Planning Commission on May 29, 2014; indicated as "Lot 2" on Map Slide 187, Page 3).
3. The building envelope for "Lot 2" was sited to reduce impacts to the identified Areas of High Public Value.
4. The purpose of the current application is move the location of the existing building envelope 30 ft. to the west more into the open field for the purpose of greater sun exposure for the

implementation of a passive solar system. The move will also allow for the house and garage to be built upon more level ground and will accommodate a walk-out basement.

5. The updated Water/Wastewater plan submitted with the application did not indicate the correct location of the proposed building envelope.
6. Restrictions on the "Dickens-Handy" parcel include; the burden of a an easement of a shared wastewater system with the parcel to the north (indicated as "Lot 1" on *Map Slide 187, Page 3*) existing upon the "Dickens-Handy" parcel (see Charlotte Land Records *Volume 221, Page 612*), and a shared driveway with the adjacent parcel to the south (indicated as "Lot 3" on *Map Slide 187, Page 3*) that is not to exceed a 7% grade.
7. A Highway Access Permit (HAP-14-02) was issued for the property on April 28, 2014.
8. Construction of the driveway has not yet been completed.

7.2 General Standards

1. Prime agricultural soils are located on the open areas of the parcel that abut Guinea Road.
2. There are slopes in excess of 15% along western and southern areas of the parcel.
3. Flood hazard areas are located along the Lewis Creek flood plains about 800 ft. to the south of the parcel.
4. The Town of Charlotte's Significant Wildlife Habitat Map (SWHM) indicates that both the approved and proposed building envelope locations are partially within identified *Forest Habitat*, and abut *Linkage Habitat* along the southern portion of the parcel.
5. Conserved land exists on adjacent parcels to the north and west.

Decision

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the application for a Minor Subdivision Amendment subject to the following conditions:

1. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) of the plat with the updated building envelope, will be submitted to the Planning Commission for review within 160 days. The applicant will record the mylar of the plat in the Charlotte Land Records within 180 days, after being signed by the Chair or Vice-chair of the Planning Commission.
2. The Water/Wastewater Plan shall be updated with the correct building envelope location, indicating its shift of 30 ft. to the west from its approved location in Planning Commission decision PC-14-07 Beatrice M. Dike Trust, et al. (2014).

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. Approved plats not filed and recorded within the aforementioned 180 day period shall expire.

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 latest date of 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 February 2, 2017: Jeff McDonald (Chair), Peter Joslin (Vice Chair), Gerald Bouchard, David Kenyon, and Charlie Pughe.

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

- | | | | | |
|------------|---|--|--------------|------------------|
| 1. Signed: |  | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>3/9/17</u> |
| 2. Signed: | <u>Gerald A. Bouchard</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>3/10/2017</u> |
| 3. Signed: |  | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>3/10/17</u> |
| 4. Signed: |  | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>3/10/17</u> |
| 5. Signed: | _____ | For / Against | Date Signed: | _____ |
| 6. Signed: | _____ | For / Against | Date Signed: | _____ |
| 7. Signed: | _____ | For / Against | Date Signed: | _____ |

