

This 2<sup>nd</sup> day of June A.D. 20 17  
 at 8 o'clock 0 minutes A m and  
 recorded in vol. 278 on page 191-694  
 Attest: [Signature]

## CHARLOTTE PLANNING COMMISSION

## SUBDIVISION REVIEW

## FINDINGS OF FACT AND DECISION

In re: Andrew Zins request for a Minor Subdivision Amendment for 1654 Prindle Road  
 Permit Application No. PC-17-35-SA

**Introduction and Procedural History**

This proceeding involves review of an application for a Minor Subdivision Amendment submitted by Andrew Zins for approval under the Town of Charlotte Land Use Regulations. The application was received on March 27, 2017. A notice of public hearing was published in The Citizen on April 6, 2017 and was posted at the following three locations: The Town Office Building, The Brick Store, and Spear's Corner Store. A copy of the notice was also mailed to all adjoining landowners on March 30, 2017.

A site visit was conducted at 1654 Prindle Road on January 18, 2017 at 4:00 PM (prior to a Sketch Plan Review held at the Planning Commission meeting on January 19, 2017). Present at the site visit were the following members of the Planning Commission; Jeff McDonald (Chair), Peter Joslin (Vice-Chair), Gerald Bouchard, Marty Illick, and Charlie Pughe. Andrew Zins was also present during the visit.

The Final Application was considered by the Planning Commission at a public hearing on April 20, 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, Charlie Pughe, and Richard Eastman. Daryl Benoit (Town Planner), Andrew Zins (property owner), and Cydney Spohn also participated in the hearing.

**Exhibits**

1. Application form for Minor Subdivision Amendment
2. Survey (submitted with the application): "Amended Building Envelope for Andrew David Zins Property, 1654 Prindle Road, Charlotte, VT." (dated March 22, 2017) by G.E. Bedard, Inc., Hinesburg, VT.
3. Sketch Plan Review; Planning Commission Letter (PC-16-165-SK Zins), signed on February 21, 2017.
4. Charlotte Land Records – Volume 222, Pages 470-473 (February 29, 2016); Volume 221, Pages 100-103 (November 18, 2015); Volume 204, Pages 493-495 (December 21, 2012); and Volume 111, Pages 7-9 (May 22, 2000).
5. Map Slide 120, Clip 4, Page 23; Survey for "Subdivision of Marjorie M. Major Property - South Farm" (dated December 21, 1999) by G.E. Bedard, Inc., Hinesburg, VT.
6. Map Slide 191, Page 4; "Amended Building Envelope For Residents Trust Property, 1654 Prindle Road, Charlotte, VT." (dated October 28, 2015) by G.E. Bedard, Inc., Hinesburg, VT.
7. 2016 Lister File for 1654 Prindle Road.
8. Planning Commission Minutes from meetings held on January 19, and April 20, 2017.

**Regulations in Effect**

Town Plan, 2016

Land Use Regulations, 2016

## Findings

### Background

1. Andrew Zins owns a 96.45 acre lot located at 1654 Prindle Road (M10B02L53) within the Rural zoning district.
2. The current application proposes to expand the current building envelope for the residence located at 1654 Prindle Road to accommodate the future construction of an accessory dwelling and a barn.
3. The current parcel was created from a previous 177-acre parcel as part of the "Marjorie Majors-Geraldine Cohen 2-Lot Subdivision" (application number: PC-00-06) that was approved by the Planning Commission on April 6, 2000.
4. A ~2.28-acre building envelope for "Lot 2" was designated as part of the subdivision.
5. A 3,588 square foot three-bedroom house with a 576 square foot garage, and a 720 square foot storage barn were constructed within the building envelope between 2000 and 2001.
6. The Trustee deed of May 22, 2000 (*Volume 111, Pages 7-9*) established the following:
  - a. A covenant precluding further subdivision of the property for a period of ten years from the date of the deed. Upon the expiration date, further subdivision of the property has been limited to the creation of one additional single-family building lot. The covenant stipulates that the creation of any separate ownership or common interest community in the property is considered a subdivision.
  - b. A covenant restricting all development of the first home site on the property to be constructed entirely within the building envelope shown on the Bedard plat (*Map Slide 120, Clip 4, Page 23*), except for the driveway serving the first home site and landscaping.
  - c. A perpetual "No Clear Cut Easement" on the property located north of the building envelope that is intended to screen the buildings and other improvements from the abutting northern property.
7. On November 18, 2015, the covenant for the building envelope was amended with an expanded area that is indicated in *Map Slide 191, Page 4* and referenced in the Charlotte Land Records *Volume 221, Pages 100-103*.
8. On January 19, 2017, a Sketch Plan Review was undertaken by the Planning Commission that classified the project as a "Minor Subdivision Amendment" in accordance with Section 6.1(C)(4)(a) of the Charlotte Land Use Regulations. The applicant had requested to expand the building envelope to be 8-acres in size. The Planning Commission subsequently issued a Sketch Plan letter to the applicant requiring the following of the proposed project;
  - a. That the new building envelope would be no greater than 3.75-acres in size.
  - b. The building envelope shall be modified into the shape of a rectangle (versus the current "L-shaped" envelope) that will encapsulate the primary house and outbuildings.
  - c. The northern boundary of the current building envelope that currently traverses close to the primary house should be moved further away northward into the tree line and existing hedgerow.

### 7.2 General Standards - Areas of High Public Value

1. Land in active agricultural use: The parcel is currently used for a single family dwelling and in the future may be used for agricultural purposes by the applicant.
2. Primary agricultural soils: Prime agricultural soils are located parallel along Prindle Road covering between about 230' to 430' distance from the road ROW boundary. Statewide agricultural soils exist on a majority of the remaining non-forested open area of the parcel, including where the current house had been built.
3. Steep slopes (equal to or greater than 15%): There are steep slopes of 15-25% along the southern half of the parcel, which are particularly concentrated in the southwest corner. A smaller area with slopes greater than 25% exists along the south central parcel boundary.
4. Surface Waters, Wetlands, and associated buffer areas: There are two small tributaries of Lewis Creek, which originate on the property. There is an area of Class 2 wetland along the northwestern corner. A sliver area of Class 2 wetland exists along the north central parcel boundary.
5. Wildlife Habitat: Forested land covers the majority of the parcel area. All of the forest land has been identified as Significant Forest Habitat.
6. Water Supply Source Protection Areas (SPAs): There are no Groundwater Source nor Surface Water Protection Areas on the property, or on adjoining parcels.
7. Scenic Views and Vistas: The property abuts Prindle Road, a "*Most Scenic Public Road*".
8. Conserved Land on Adjacent Parcels: There are 198 acres of land in an Open Space Agreement with the Town on the adjoining property to the south, and an additional 122 acres on the western adjoining property that is managed by The Nature Conservancy.

### **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:

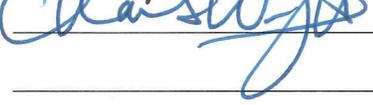
1. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) of the plat with the updated building envelope, will be submitted 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. Prior to the submission of the mylar to the Planning Commission, the applicant shall update the proposed survey plat with the entire boundary of the parcel (including all known survey pins and legs) and the footprint of the existing driveway.

**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 April 20, 2017: Jeff McDonald (Chair), Peter Joslin (Vice Chair), Gerald Bouchard, David Kenyon, Charlie Pughe, and Richard Eastman.

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