



This 8th day of October A.D. 2020
at 3 o'clock 00 minutes P m and
recorded in vol. 245 on page 327-332
Attest Mary A Mead Town Clerk

CHARLOTTE PLANNING COMMISSION
Town of Charlotte, Vermont

FINDINGS OF FACT AND DECISION:

**Final Plan Application for a 2-lot Minor Subdivision for
1706 Carpenter Rd., Charlotte
Application # PC-20-95-SD**

Introduction and Procedural History:

This proceeding involves the review of a Final Plan application for a 2-Lot Minor Subdivision submitted by Peter & Patricia Post (applicants & owners) for approval under the Town of Charlotte Land Use Regulations (hereafter referred to as "LURs") for their property located at 1706 Carpenter Road, Charlotte. This application is a modified re-submission of Sketch Plan Review Application PC-19-174-SK, dated September 17, 2019, which was itself modified from the expired Sketch Plan application PC-18-50-SK, originally heard on 18 June 2018.

A review of the sketch plan application PC-19-174-SK was held at the Planning Commission meeting on December 5, 2019. In attendance were Commissioners Charlie Pughe (Vice Chair), Gerald Bouchard, Marty Illick, and David Kenyon; the Town Planner; and the applicant Peter Post. The site visit to the property took place prior to the public meeting for the expired Sketch Plan Review hearing held on May 17, 2018. At the Sketch Plan Review hearing on 5 December 2019, the Planning Commission classified the project as a 2-Lot Minor Subdivision.

For the public hearing on Final Plat application, notifications were posted on the Charlotte Town website calendar, and at the following locations: the Town Offices at 159 Ferry Road, the US Post office in West Charlotte Village, and Spear's Corner Store in the East Charlotte Village. A notice of the Final Plat public hearing was published in *The Citizen* newspaper on July 23, 2020. Hardcopy notifications for the public hearing were mailed to all adjoining landowners, with additional info about the meeting posted to the Charlotte Front Porch Forum community email platform.

The public hearing for the Final Plat Subdivision application was held by the Planning Commission at its 6 August 2020 meeting at the Town Offices & via the online platform Zoom. Planning Commissioners present were: Charlie Pughe (Vice Chair), Gerald Bouchard, Marty Illick, and Bill Stuono. Additional participants and attendees included the Town Planner, the Recording Secretary, and the applicant Peter Post.

Exhibits received in support of this application:

1. Completed, signed application forms received on September 17, 2019 and July 27, 2020
2. Draft site plan & survey: "*Post Property Sketch Plan, Proposed 2-lot Subdivision*" (original: January 2020; building envelopes added July 2020) by Lincoln Environmental Consultants
3. Sketch Plan Review; Planning Commission Letter (PC-19-174-SK), dated 16 January 2020;

4. Wastewater System and Potable Water Supply Permit (Applic. # WW-138-2030), design by Lincoln Environmental Consultants (dated February 23, 2020). (Permit still pending)
5. "Post Property 2 lot Subdivision Supplemental Information" narrative, describing site and soil conditions, and proposed water and wastewater disposal systems (dated February 4, 2020)
6. Wastewater System and Potable Water Supply / Subdivision Site Plan – Post Property (Figures 1 thru 5) (submitted 4 February 2020 by Lincoln Environmental Consultants);
7. Planning Commission Minutes from meetings held on *December 5, 2019* and *August 6, 2020*

Regulations in Effect:

Charlotte Town Plan, 2019
Charlotte Land Use Regulations, 2016
Recommended Standards for Developments and Homes, 1997

Findings: Subdivision Review Standards

Background

1. Peter & Patricia Post own a 26.4 acre property located at 1706 Carpenter Road within the Rural Zoning district (RUR), according to their most recent survey (see **Exhibit 2** above).
2. This application proposes to subdivide the subject property into two parcels, creating: **Lot #1** (existing dwelling, access, accessory structures and approved water/wastewater systems) as a 13.93 acre property, and new **Lot #2** as a 12.27 acre property.

7.2 General Standards - Areas of High Public Value

The following Areas of High Public Value (AHPV) have been identified on the property:

- Agricultural use: The subject parcel was once part of a farm. But it hasn't been tilled in some time. Property is not enrolled in the Current Use program at this time.
- Agricultural soils: About half of the subject lot is considered statewide agricultural soils, most of which is within the meadows (according to the USDA Natural Resources Conservation Service (NRCS) GIS database).
- Steep slopes (>=15%): Both lots are perched above a ravine sloping down to a tributary stream of the LaPlatte river. About 0.7 acres are above 15% grade, primarily on Lot 1.
- Flood hazard areas: (from Sketch Plan letter): A large portion of the southern area of the property has been identified by the Vermont Agency of Natural Resources (ANR) as River Corridor, and within "Area of Minimal Flood Hazard" of the FEMA National Flood Hazard Layer (NFHL). ~7 acres of Fluvial Erosion Hazard (FEH) area exist along the LaPlatte River that runs along the property's southern boundary (identified within ANR's 2015 River Corridor data).
- Surface waters, wetlands and associated setback and buffer areas: The property is traversed by two small tributaries leading south to the LaPlatte River along the southern boundary, which is impaired. ~2 acres of estimated Class II wetlands adjoin these tributaries along the eastern and western sides of the parcel (*according to the Vermont Dept. of Environmental*

Conservation's Vermont Significant Wetlands Inventory (VSWI) "Wetlands Class Inventory Layer").

- Wildlife habitat: Identified within the GIS layers of the "Charlotte Significant Wildlife Habitat Map and Database" there are: a. 16.3 acres of Significant Aquatic Habitat has been identified on the property. b. 1.5 acres of Significant Shrubland Habitat exist along the tributary through the northeastern area of the parcel. c. 6.1 acres of Significant Forest Habitat exists on the southern portion of the property.
- Water supply source protection areas (SPAs): There are no Groundwater Source Protection Areas. However, the parcel is entirely within the Surface Water Source Protection Area for the Champlain Water District.
- Scenic views and vistas: this portion of Carpenter Road is designated as a 'most scenic road.' However, no special zoning restriction applies to building additional houses along this stretch.
- Conserved land on adjacent parcels: The Donegan farm to the west of subject parcel is conserved as Open Space land. The Donegan farm is enrolled in the Current Use program for conserving agricultural use. The Kiley property (to the south of subject property) is enrolled in Current Use for conserving both agricultural and forest uses.

Development of this project as proposed would not have any known or likely adverse impacts on these resources.

7.2 (B) Charlotte Town Plan & Regulations

- The project as proposed conforms with the purposes of the Rural District, including "... to allow for low density or clustered residential development in accordance with the capacity of the land to support such development, that does not adversely affect the town's natural or scenic resources, or properties and uses in the vicinity, and is compatible with the rural character of the town, as expressed in the *Charlotte Town Plan*."

7.2 (C) Lot Layout

- This 2-lot layout, modified from the original 3-lot layout proposed earlier, meets minimum lot area, frontage, setbacks, dimensional and density standards for the Rural district, as described in Table 2.5 of the LURs.

7.2 (E) General Standards – Building Envelopes

- The submitted site plan (see *Exhibit #2*) demarcates building envelopes for both **Lot #1** (~1.1 acres = 7.4 % lot coverage) and **Lot #2** (~.7 acres = 5.6% lot coverage); each is well within the 30% *Maximum Lot Coverage* for the Rural (RUR) zoning district, per Table 2.5.

7.3 (D) District Standards – Rural, Shoreland & Conservation Districts

- The house site for the proposed Lot 2 dwelling is consistent with settlement patterns in this area, as it's set back ~800 ft. from the road, and partially screened by trees and vegetation.
- The proposed building envelopes for Lots 1 and 2 will minimize encroachment on the identified *Areas of High Public Value*, as detailed in **Finding 7.2**, above.
- The proposed Lot 2 driveway and other infrastructure follows existing topographic features on the land, and avoids encroaching upon important natural resources, except for a force main crossing of the tributary brook flowing to the southwest through Lot 2.

7.4 Compatibility with Agricultural Operations

- The Donegan pasture to the west of proposed Lot 2 appears to be used for haying only. There is an existing treeline along that boundary, providing limited visual screening and a buffer for the proposed Lot 2 driveway and house site from that pasture.
- Proposed Lot 2 well and septic treatment system are at least 200 ft. from the pasture's edge. Lot 2 house site is ~100 ft. from the western boundary adjoining that pasture.

7.5 Facilities, Services and Utilities

- Ability-to-serve review and letter from CVFR chief has not yet been provided.
- The subject property is located 6.2 miles from the Charlotte Fire Station.
- Electric and telecom connections are available at Carpenter Rd.

7.6 Water Supply & 7.7 - Sewage Disposal

- According to the pending water supply and wastewater permit application WW-138-2030, new Lot 2 dwelling will be served by individual lot septic and drilled wells. (Lot 1 dwelling has existing water & septic systems in place.) Water lines and septic force main routes are delineated on Exhibit 2 site plan, along with well shields and septic shields.

7.8 Stormwater Management and Erosion Control

- Application plans to install driveway culverts for Lot 2 driveway, and a perimeter drain around the new home. No other stormwater management or erosion control techniques are specified in the application.

7.9 Landscaping & Screening

- Site plan does not include any additional plantings or screening for proposed new Lot 2 dwelling. Existing treelines provide ample screening to existing Lot 1 dwelling.

7.10 Roads, Driveways and Pedestrian Access

- The Lot dwelling is proposed to be served by its own separate driveway, which is the only possible routing, given site constraints. Access approval for the required curb cut on Carpenter Rd. has not yet been secured from the Selectboard (this requires a separate application and \$100 fee.) There are no pedestrian paths proposed.
- With the proposed addition of a single family dwelling, no substantial impact on traffic volumes on Carpenter Road is anticipated as a result of this development.

7.11 Common Facilities, Common Land & Land to be Conserved

- Applicant has not proposed any dedicated open space or common land to be formally preserved. (As this is not a PRD application, there is no requirement to do so.)

Decision and Order:

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the Final Plat for **PC-20-95-SD**, a "2-Lot Minor Subdivision", subject to the following conditions:

- 1) Prior to the submission of the final plat mylar for recording, the applicant shall revise the site plan plat to include the following additional details:

- a) A note indicating that the subdivision lots, infrastructure and building envelopes are in accordance with Planning Commission decision **PC-20-95-SD**, as recorded in the Charlotte Land Records including its *Volume* and *Page* number.
 - b) General indication of existing land cover (e.g. forested areas, tree lines, and land in agricultural production within the last five years) on subject parcel and adjoining lands
 - c) Existing and proposed driveways and parking areas, with dimensions and distances. Driveway is to be constructed to LURs Sec. 3.2 standards, and comply with the Town of Charlotte's "Road and Driveway Standards," as most recently amended.
 - d) Existing and proposed utility, water and wastewater system locations, with associated rights-of-way or easements delineated
 - e) Existing and proposed property boundary pins and monument locations, with surveyed metes and bounds
- 2) 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 the permit shall be binding on the applicant, and his/her/its successors, heirs and assigns.
 - 3) Project shall be completed in accordance with approved plans and conditions as stated in this decision. Any deviation from the approved plans shall constitute a violation of this approval, and would be subject to enforcement action by the Town.
 - 4) The applicant or their successor must obtain a curb cut/highway access permit from the Selectboard for the Lot 2 driveway prior to commencing construction of this driveway. Applicant is advised to consult with the Town Road Commissioner on this design prior to submitting this application. Applicant is also advised to solicit and submit an 'ability to serve' letter from the CVFR chief, to review the driveway design to ensure access for emergency vehicles on a year-round basis. A copy of the highway access permit must be provided to the Planning Office, and recorded prior to commencing construction of the driveway.
 - 5) The applicant or their successor must obtain an approved septic and wastewater permit from the Town Zoning Administrator prior to commencing construction of those elements.
 - 6) The applicant or their successor must provide the Planning Office with a statement of compliance with LURs Sec. 7.8 requirements to manage erosion and sediment control during construction of Lot 2 buildings, driveway and infrastructure.
 - 7) Following construction of Lot 2 septic, a minimum 25 ft. no-cut buffer shall be maintained along the banks of the west tributary of the LaPlatte River. Existing vegetation along this no-cut buffer shall be left undisturbed, and (where none exists) a line of shrubs, hedges or fencing shall be installed along their western edge to mark and protect these Class II wetlands from further disturbance.
 - 8) The applicant or their successor must obtain a separate zoning permit before commencing construction of any dwellings or accessory structures on Lot 2, as proposed.

