

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Anne Roland

**Final Plan Hearing
For A
Two-Lot Subdivision
Application # PC-07-09**

Background

Sketch Plan Review was held on September 21, 2006. The Planning Commission granted an extension for submission of the Final Plan Application on March 15, 2007.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing for this application was held on June 7, 2007. Anne Roland (also known as Molly Roland) and Thomas Roland were present representing the applicant. No other interested parties were present.

Regulations in Effect

Land Use Regulations adopted March, 2006.

Sewage Ordinance as amended December, 2004.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The subject parcel is 18.78 acres, and is located on the east side of Dorset Street in the Rural District. The applicant resides in the single family dwelling located on the parcel.
2. The application proposes to create two lots: Lot 1 is 12.7 acres and includes the existing dwelling, and Lot 2 is 6.0 acres.
3. The LaPlatte River winds through the area to the east of the parcel. Land cover in this area is a combination of woods and open farmed fields.
4. Most development in the vicinity of the parcel is relatively close to Dorset Street.
5. Areas of High Public Value on the parcel include:
 - A. Prime and statewide agricultural soils located primarily in the southern and central portion of the parcel.
 - B. Steep slopes in the northeast corner of the parcel, and in the northwestern portion along Dorset Street.
 - C. Forest and support habitat in the northern and southeastern portion of the parcel.
 - D. Wildlife Value Areas along Dorset Street .

6. Although there are prime agricultural soils on the parcel, the parcel is not in active agricultural use, and it is probably too small for most commercial agriculture uses.
7. Considering the location and size of the parcel, the Planning Commission finds that the wildlife habitat in the northern and eastern portions of the parcel is the highest priority for avoiding impacts of development.
8. The existing dwelling is located in the central portion of the subject property, which is the southern portion of what is proposed as Lot 1.
9. The proposed building envelope (as depicted on the Civil Engineering Associates Overall Site Plan dated April, 2007) is in the southwestern portion of the subject property, which is the northwestern portion of what is proposed as Lot 2.
10. The proposed building envelope, while impacting prime agricultural soils, avoids the area deemed by the Planning Commission to be the highest priority for protection.
11. Lot 2 (the proposed building lot) is proposed to have a shared curb-cut with Lot 1; the driveway to Lot 1 is within a 50 foot wide right-of-way over Lot 2.
12. New utility lines are proposed to be underground from an existing pole on Dorset Street, as depicted on the Civil Engineering Associates Overall Site Plan dated April, 2007.
13. The Town's wastewater consultant has reviewed the plans; in a memo dated 3/19/07, the Town's consultant indicated that the plans are acceptable, although he recommends that the easement for the systems serving Lot 1 be enlarged to 25 feet around the mounds. The State permit (which was issued on April 4th) did not require this enlargement. The Town's consultant indicated that the enlargement is a recommendation but not a requirement.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed two-lot subdivision with the following conditions:

1. The survey plat will be revised as follows:
 - A. A building envelope will be depicted on the plat as is shown on the Civil Engineering Plan entitled "Thomas & Anne Roland, Proposed Subdivision, 2015 Dorset Street, Charlotte Vermont, Overall Site Plan" (drawing number C1.0) dated April, 2007, no revisions.
 - B. The building envelope will be labeled "Building Envelope".
 - C. Dimensions (in feet) of the building envelope will be indicated.
 - D. Distances from the building envelope to the nearest lot boundaries will be indicated.
2. Two paper copies (one full size and one 11"x 17") and a mylar (18" x 24") of the plat, as amended in accordance with Conditions #1 above, 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.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant shall submit a letter from the surveyor indicating that he has set the survey pins in the field as indicated on the survey.
4. The warranty deeds will include appropriate references to access and wastewater easements.

5. Prior to the submission of a Zoning Permit application for Lot A, wooden stakes will be set at the corners of the building envelope on that lot.
6. No pole-mounted light fixture will be taller than 8’ off the ground, and no building-mounted light fixture will be taller than 20’ off the ground. Fixtures will be shielded to direct light downward, and will not direct light onto adjacent properties or roads, and will not result in excessive lighting levels that are uncharacteristic of the neighborhood.
7. All new utility lines will be underground.
8. All new driveways shall be surfaced with non-white crushed stone.

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 June 7: Jeff McDonald, Jim Donovan, Robin Pierce, John Owen, Peter Joslin and Andrew Thurber

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 appropriate fee.

2. A survey by Harris Surveying & Land Dispute Resolution entitled “Plat of Subdivision of Lands of Anne Mary & Thomas A. Roland, 2015 Dorset Street Extension, Charlotte, Vermont” dated 9 April 2007, no revisions.
3. A wastewater plan by Civil Engineering Associates entitled “Thomas & Anne Roland, Proposed Subdivision, 2015 Dorset Street, Charlotte, Vermont” with the following sheets:
 - A. Overall Site Plan drawing number C1.0 dated November, 2006, no revisions.
 - B. Site and Grading Plan drawing number C1.1 dated November, 2006, no revisions.
 - C. Wastewater Details Plan drawing number C2.0 dated November, 2006, no revisions.
4. A wastewater plan by Civil Engineering including all sheets as described above except all are dated April, 2007.
5. A letter dated April 11, 2007 from Jeffrey Olesky of Civil Engineering Associates to Tom Mansfield.
6. A Wastewater System & Potable Water Supply Permit-WW-4-2792-dated April 4, 2007.
7. A draft Warranty Deed for Lot #2 which includes an Access Easement in favor of Lot 1, and a Wastewater Disposal Easement for the existing mound and for a replacement disposal field, both serving Lot #1. Additionally, the draft deed indicates that both Lot #1 and Lot #2 are to be subject to a restrictive covenant prohibiting further subdivision of either lot and restricting each lot to one single-family residence.