

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

George R. Aube
1450 Dorset Street

Final Plan Review
For A
Two-Lot Subdivision
Application # PC-13-19

Background

The Planning Commission conducted a Sketch Plan Review for a proposed two-lot subdivision on May 2, 2013, and held a site visit prior to the meeting. The Planning Commission classified the project as a Minor Subdivision.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

The Planning Commission held a public hearing for this application on August 15, 2013. The applicant was represented by George Aube. No other parties participated in the hearing or submitted written comments.

Regulations in Effect

Town Plan amended March, 2013

Land Use Regulations amended November, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

Background

1. The existing parcel of 110.71 acres is located on the west side of Dorset Street and includes some frontage on Carpenter Road. It lies in the Rural and Conservation zoning districts. The parcel currently hosts one dwelling and some agricultural structures.
2. The application proposes the creation of one building lot of 5.71 acres (Lot 2). The remainder of the parcel is Lot 1 (approximately 105 acres).

Applicable standards in Chapter VII of the Charlotte Land Use Regulations (“Regulations”) are reviewed below in Findings 3-23.

Sections 7.2 and 7.3—Areas of High Public Value

3. The parcel includes or is adjacent to the following areas of high public value:
 - a. Land in active agricultural use: the parcel is an active working farm.
 - b. Primary agricultural soils: There is a patch of prime agricultural soil in the

- southwest corner of the parcel. Most of the rest of the parcel has statewide agricultural soils (from NRCS data).
- c. Steep slopes: There appear to be steep slopes (greater than 15% slope) and some very steep slopes (greater than 25% slope) adjacent to the LaPlatte River (from CCRPC data).
 - d. Surface waters, wetlands, setbacks and buffers: The LaPlatte River runs through the parcel in an east/west orientation. There is also an unnamed stream that flows from the south into the LaPlatte River. The LaPlatte River has a 100 foot setback, and the tributary has 150 foot setback, as indicated in Section 3.15(A) of the Regulations. There may also be a small wetland adjacent to the unnamed stream (from VCGI and Town Plan Map 7).
 - e. Wildlife habitat: Map 6 in the Town Plan indicates there is forest habitat on the westerly portion of the parcel, and a wildlife corridor adjacent to the LaPlatte.
 - f. Scenic views: Carpenter Road is depicted as a “most scenic road” on Map 13 of the Town Plan.
4. Considering the resources on and adjacent to the parcel, the Planning Commission finds the LaPlatte River corridor, the agricultural use, and the primary agricultural soils to be the most important areas of high public value associated with the parcel. These are the resources that strongly characterize the property, and which the Planning Commission feels are the most important to protect during the subdivision process.
 5. Lot 2 includes land adjacent to the LaPlatte River; however, the building envelope is approximately 180 feet from the top of bank (i.e. almost twice the minimum setback), and is outside of the wooded, sloped land adjacent to the river.
 6. Lot 2 also includes some statewide agricultural soils, but it is sited in a corner of the parcel, in an area that will be the least disruptive to the agricultural activity on the rest of the parcel.
 7. Lot 2 is nearly the smallest size allowed by the Regulations for a standard subdivision, and it avoids other areas of high public value.
 8. The applicant indicated that his daughter, who is the prospective owner and inhabitant of Lot 2, plans to use portions of Lot 2 for agriculture and gardening.

Conclusion 1: The siting of the proposed building lot, building envelope and driveway sufficiently minimizes impacts on the prioritized areas of high public value.

Conclusion 2: The siting of small outbuildings to be used in support of agriculture and/or gardening purposes outside of the building envelope will not result in undue adverse impacts on prioritized areas of high public value.

Section 7.4—Compatibility with Agricultural Operations

9. Though the proposed building envelope on Lot 2 is slightly less than 200 feet from land on Lot 1 that may be used for agriculture, Lot 2 is located as far as possible from the agricultural activities on the parcel.
10. The protective distance for the proposed drilled well is farther than 200 feet from areas of the parcel that are used for agriculture; and will it not impact any adjoining parcels.

Conclusion 3: The siting of the proposed building envelope and well sufficiently minimizes potential conflict between agricultural and non-agricultural land uses.

Section 7.5—Facilities, Services & Utilities

11. The project proposes to create one residential lot with a single family dwelling.

Conclusion 4: The project will not create an unreasonable burden on existing or planned municipal or educational facilities or services and does not trigger the requirement for providing a fire pond and dry hydrant.

Section 7.6—Water Supply

12. There is no known shortage of suitable groundwater in the vicinity of the project.

13. As discussed above in Finding 10, the protective distance for the proposed well on Lot 2 does not encroach on any adjacent parcels.

Conclusion 5: It appears likely that a water supply can be developed without adversely impacting existing water supplies in the vicinity.

Section 7.7—Sewage Disposal

14. The Town’s wastewater consultant has viewed the soils and draft wastewater disposal plans, and indicated in a memo dated August 5, 2013 that there is sufficient capacity for a new residence in the proposed location.

15. The project will need a Wastewater System and Potable Water Supply Permit.

Conclusion 6: The parcel has sufficient wastewater disposal capacity for the proposed subdivision. A Wastewater System and Potable Water Supply Permit will be needed.

Section 7.8—Stormwater Management & Erosion Control

16. The project will create one additional single family dwelling on 110 acres; i.e. it is a low density development.

17. The project will not affect steep or very steep slopes.

Conclusion 7: The size and density of the project does not warrant stormwater or erosion control infrastructure.

Section 7.9—Landscaping and Screening

18. The application does not propose removing important specimen trees, or tree lines or wooded areas of particularly natural or aesthetic value.

19. Lot 2 includes land that is adjacent to the LaPlatte River.

20. Section 3.15(D) states “a buffer management plan and/or other mitigation or enhancement measures to protect water quality and riparian habitat.”

Conclusion 8: The project will not have a significant impact on existing vegetation, and will not have impacts that necessitate vegetative screening. The project is not of a density or intensity that warrants buffering from adjoining uses.

Conclusion 9: Tree-cutting restrictions in the woods on Lot 2 adjacent to the LaPlatte River are appropriate to protect water quality and riparian habitat, as well as the wildlife corridor.

Section 7.10—Roads, Driveways & Pedestrian Access

21. Due to its low density, the proposed subdivision will not create a significant increase in traffic on public roads in the vicinity of the project over what currently exists.
22. One new access is proposed, and was approved by the Selectboard (HAP-13-05).

Conclusion 10: The project is unlikely to create unreasonable traffic congestion or unsafe traffic conditions.

Section 7.11—Common Facilities, Common Land, & Land to be Conserved; and Section 7.12—Legal Requirements

23. No common or public land or facility or designated open space is proposed.

Conclusion 11: Given the proposed number of lots, the designation of open space is not required by the Regulations.

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. The linear dimensions of the building envelope will be added.
 - B. The distances between the building envelope and the two nearest lot boundaries will be added.
2. One digital copy (pdf), two paper copies (one 11”x 17” and one full size) and a mylar (18” x 24”) of the survey plat, 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 complete the following steps:
 - A. Submit a letter from the surveyor indicating he has set the survey markers in the field as indicated on the plat
 - B. Obtain a Wastewater System and Potable Water Supply Permit.
4. A 50 foot “no-cut” buffer will be maintained on Lot 2 along the edge of the LaPlatte River, within which only invasive plants can be removed.
5. Outside of the 50 foot no-cut riparian buffer, tree-cutting in the woods on Lot 2 shall be limited to what can be used by the inhabitants of Lot 2, e.g. for firewood.
6. No new pole-mounted light fixture will be taller than 8’ off the ground, and no new building-mounted light fixture will be higher than 15’ 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 will be surfaced with non-white crushed stone.
9. Structures that are used for agricultural/gardening purposes may be located outside of the building envelope, in the meadow.

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 August 15, 2013: Jeff McDonald, Peter Joslin, Linda Radimer, Donna Stearns, Gerald Bouchard and Jim Donovan

Vote of Members after Deliberations:

The following is the vote for or against this Findings of Fact and Decision as written:

- 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. A Final Plan application form and appropriate fee.
- 2. A survey plat by Northern Land Surveying, LLC. entitled “Lands of George R. & Claire C. Aube, Dorset Street, Charlotte, Vermont, 2-Lot Subdivision Plat” dated July 19, 2013, no revisions.
- 3. A set of plans by Jason Barnard Consulting, LLC entitled “George R. and Claire C. Aube, Two-Lot Subdivision, Dorset Street and Carpenter Road, Charlotte, Vermont” with the following sheets:
 - A. Overall Site Plan, Drawing #1 dated July 25, 2013, no revisions
 - B. Lot No. 2 Site Plan and Drilled Well Detail, Drawing #2 not dated, no revisions
 - C. Lot No. 2 Wastewater System Details and Notes, Drawing #3 dated July 25, 2013,

no revisions