

CHARLOTTE PLANNING COMMISSION

**FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

George Burrill

**Subdivision Modification
Application # PC-01-4**

Background

The Planning Commission held Sketch Plan Review on January 18, 2001.

Application

The application consists of:

1. A Subdivision Modification application form and appropriate fee.
2. A survey map entitled "Boundary Line Adjustment, George C. Burrill, Lucy's Lane Off of the Higbee Road, Charlotte, Vermont" by Vermont Land Surveyors dated December 4, 2000, no revisions

Public Hearing

A Public Hearing was held for this application on February 15, 2001. Liam Murphy represented the applicant at the Hearing.

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The applicant owns two adjoining parcels: a 30.7 acre parcel accessed off of Higbee Road, and an 11.15 acre parcel accessed off of Lucy's Lane.
2. The 11.15 acre parcel was created by a subdivision which was approved by the Planning Commission on March 14, 1978, as shown on a plat map entitled "4 Lot Subdivision Plan For Roy G. Thorpe" by Palmer Company, dated May 25, 1978, recorded in map volume 3, page 24.
3. The proposed modification, to adjust 5.97 acres (shown as "Lot 3B") from the 11.15 acre parcel to the 30.7 acre parcel, will not create any new lots, will not create a non-conforming lot, will not impact access to any parcel, and will not adversely impact any significant natural resource.
4. The applicant has received a Subdivision Permit from the Vermont Department of Environmental Conservation (EC-4-2361) for the resulting 5.19 acre lot.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Modification with the following conditions:

1. The survey map shall be revised as follows:
 - A. The title shall indicate "Subdivision Modification."
 - B. A signature block (for Planning Commission endorsement) shall be added.
2. A mylar of the survey map, with revisions as noted above, shall be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
3. All new utility lines shall be underground.

Additional Conditions: All plats, plans, drawings, 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.

You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).

Members Present at the Public Hearing: Jeff McDonald, David Brown, Al Moraska, Jim Donovan, Ed Stone, and Josie Leavitt.

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: February 15, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____