

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Clarence and Carol Hutchins and J. & A. Enterprises, Inc. Subdivision Modification Application # PC-03-33

Background

The applicants own adjoining properties, and propose to transfer 21.73 acres from the Hutchins' parcel to the parcel owned by J. & A. Enterprises, Inc. Sketch Plan Review was held on June 5, 2003.

Application

The application consists of:

1. An application form and appropriate fee.
2. A map by G.E. Bedard, Inc. entitled "Clarence & Carol Hutchins Property and J. & A. Enterprises, Inc. Property, 3529, 3563 & 3573 Hinesburg Road, Charlotte, Vermont" dated September 16, 2003, no revisions.

Public Hearing

A public hearing for the Subdivision Amendment application was warned for November 6, 2003, however a quorum of the Planning Commission was not in attendance. The hearing was rewarned and held on December 4, 2003. Clarence Hutchins, Carol Hutchins, Michael Richmond and George Bedard were present representing the applicants.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. At the public hearing the applicant submitted a revised survey with a revision date of November 30, 2003.
2. The application will not create any new lots.
3. The application will not impact access to any parcel.
4. The application will not adversely impact any significant natural resources.
5. The application will not create a non-complying lot.
6. The existing salvage yard is a non-conforming use.

Decision

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

1. An 18” by 24” mylar of the survey submitted at the public hearing will be submitted to the Planning Commission for review within 60 days of this decision, and recorded in the Charlotte Land Records within 90 days.
2. The property that is the subject of this application will be conveyed within 180 days of the issuance of this decision. The conveyance deed will include an easement for the wastewater disposal system for the owner of the parcel labeled “Formerly B & T. Hartigan”.
3. Prior to the conveyance of the property related to this application, survey pins will be set in the field as indicated on the survey.
4. Once the 21.73 acres that is the subject of this application is conveyed to J. & A. Enterprises, Inc., it will merge with the existing parcel owned by J. & A. Enterprises, Inc. and cannot be conveyed separately, nor can the existing parcel be conveyed separately, unless approved by the Planning Commission.
5. There will be no expansion of the salvage yard unless such a use is allowed by the Zoning Bylaws and a permit application is submitted and approved by the appropriate authority.

Additional Conditions: All plats, plans, drawings, documents, evidence and testimony submitted with the application or at the hearing and used as the basis for the Decision to grant permit, as well as all conditions listed above 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 of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearings on December 4, 2003: Jeff McDonald, Al Moraska, Gordon Troy, Linda Radimer, Robin Pierce

Vote of Members after Deliberations:

The following is the vote for or against the applications, 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: _____