

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

David and Carolyn Vadeboncoeur, Landowners

And

Howard and Wendy Pierce, Applicants

Subdivision Modification

Application # PC-01-41

Background

The Planning Commission held Sketch Plan Review for the Subdivision Modification on October 4, 2001. The proposed modification will change lot-lines of a subdivision approved on 11/18/97 and recorded in Map Book 3 Page 6.

Application

The application consists of:

1. A Subdivision Modification application form and appropriate fee.
2. A survey map entitled "Final Plat, Subdivision Modification-Lots 2 and 3, Property of David and Carolyn Vadeboncoeur, Charlotte, Vermont" by Stuart Morrow dated September 1997, most recently revised 10/19/01.
3. A Wastewater Plan and Details entitled "Parcel 2 Pump Station Design for Howard Pierce, Charlotte, Vermont" by Civil Engineering Associates, dated 11/1/2001, no revisions.

Public Hearing

A Public Hearing was held for this application on December 20, 2001. David and Carolyn Vadeboncoeur, the landowners, and Howard and Wendy Pierce, the prospective buyers, were present 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 town's septic consultant reviewed the revised septic plans for Lot 2 and found them to be complying with the Charlotte Septic Ordinance.
2. The proposed modification includes changing access to Lot 2 by extending the existing 60' wide right-of-way from where it crosses the Ladeau/MacDonough property (Parcel 1), so that it runs in a northerly direction along the western boundary of Parcel 3.

3. The Open Space Area which was designated during the subdivision approve on 11/18/97 shall remain. The building envelope for Parcel 2 provides a buffer for the Open Space Area and the adjoining wet area.
4. The proposed modification 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.

Decision

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

1. A mylar of the survey map shall be submitted to the Planning Commission for review within 60 days, and recorded in the Land Records within 90 days.
2. All conditions of the 11/18/97 subdivision approval which are not specifically modified by this approval remain in full force and effect.

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.

Members Present at the Public Hearing: Jeff McDonald, Al Moraska, Martha Perkins and Gordon Troy.

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: December 20, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____