

CHARLOTTE PLANNING COMMISSION

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

TEN STONES, INC.

**Final Plat Application
For A**

**Major Subdivision Creating Three Additional Building Lots
Application # PC-01-10**

Background

The applicant received Preliminary Plat Approval on May 18, 2000.

Application

The application consists of:

1. A Subdivision Application form. The appropriate fee was paid with the Preliminary Plat application.
2. A survey map entitled "Final Plat, Lands of Ten Stones, Lots 14-16, Greenbush Road and Orchard Road, Charlotte, Vermont" by Krebs and Lansing, dated October 1991, most recently revised 2/22/01.
3. A map entitled "Utility Plan, Lands of Ten Stones, Section 'A', Greenbush Road and Orchard Road, Charlotte, Vermont" by Krebs and Lansing, dated October 21, 1991, most recently revised 2/22/01.
4. A map entitled "Fire Pond Details, Lands of Ten Stones, Section 'A', Greenbush Road and Orchard Road, Charlotte, Vermont" by Krebs and Lansing, dated February 21, 2001, no revisions.
5. A letter from Christopher Davis, Charlotte Fire Department Chief, to Dean Bloch, Charlotte Planning and Zoning Office dated March 14, 2001.
6. A letter from Ed LeClair to Tracy Beaudin dated March 13, 2001.
7. A memo from Ten Stones, Inc. to the Planning Commission dated February 14, 2001.

Public Hearing

A Public Hearing was held for this application on March 15, 2001. Ed LeClair was present representing the applicant.

Regulations in Effect

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

Findings

1. The applicant has met the conditions of the Preliminary Plat Approval, with the exception of condition #3, which the Planning Commission rescinded on July 20, 2000.
2. The applicant has submitted plans for a fire pond which comply with Charlotte Standards for Developments and Homes.
3. The applicant has submitted planting plans which will mitigate dust and noise over the long term. Additionally, the applicant has indicated that the road will be watered during construction of the new dwellings.
4. The applicant has applied for an amendment to its Act 250 permit, which is in under review.

Decision

Based on these Findings, the Planning Commission approves the subdivision creating three additional building lots, with the following conditions:

1. All conditions of previous Final Plat Approvals for the Ten Stones subdivision shall remain in effect.
2. Prior to the submission of applications for Certificates of Occupancy for any of the three new building lots, the fire pond shall be constructed, and a letter from the designing engineer shall be submitted to the Planning and Zoning Office to certify that the fire pond was constructed as designed.
3. The fire pond and dry hydrant shall be maintained so to remain in operating condition at all times.
4. Dust control shall be implemented during the construction period.
5. Prior to the submission of applications for Certificates of Occupancy for any of the three new building lots, landscaping shall be installed as shown on the landscape plan, specifically, the cedar hedge to the west of the Beaudin property.
6. All utility lines shall be underground.
7. A mylar of the survey map shall be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.

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: Josie Leavitt, David Brown, Al Moraska, Jim Donovan, and Ed Stone.

Vote of Members Present:

AYES: Unanimous

NAYS:
ABSTENTION:

Date Approved: March 15, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____