

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

A. JOHNSON COMPANY

REAFFIRMATION OF FINAL PLAT REVIEW For a 3-LOT SUBDIVISION

Background:

The A. Johnson Company received final plat approval in the Findings of Fact and Notice of Decision dated September 17, 1998. By State statute (Title 24 Section 4416 V.S.A.) the mylar must be recorded with the Town Clerk within ninety days of receiving notice of approval. The applicant failed to do this. Therefore this application was to reaffirm the original decision.

Application

The application consists of:

1. A subdivision application form; the applicant is Steven Libby and the property owner is the A. Johnson Company.
2. The application fee.

Public Hearing

A public hearing was held for this application on September 2, 1999. Steven Libby and Karl Neuse were present at the hearing. Also present were Marty Illick and Linda Radimer.

Regulations in Effect

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

Findings

1. The original decision was appealed to the Environmental Court (Docket No. 179-10-98 Vtec). The Environmental Court issued a Stipulation to Judgement and Judgement Order dated 1/28/99 which incorporated the original Findings of Fact and Notice of Decision, with two changes.
2. There were no changes to the plat for this application.
3. The map presented at the public hearing on 9/2/99 was not approvable because it did not show a survey for the entire boundaries of the subdivision and it did not show easements for the common septic system, which is the approved septic system for the subdivision.

4. The applicant stated in testimony at the hearing on 9/2/99 that he would like to amend the subdivision for the provision of on-lot septic systems if it is found that such systems are feasible. The applicant has not provided any data to the Town with regard to the suitability for on-lot septic systems.

Decision

Based on these Findings, the Planning Commission approves the application for a 3-lot subdivision with the following conditions:

1. All testimony and evidence presented in the original Final Plat application is incorporated into this application.
2. The Stipulation to Judgement and Judgement Order for Docket No. 179-10-98 Vtec is incorporated into this Decision.
3. The applicant shall submit for review to the Planning Commission within sixty days the final plat which shall consist of one or more sheets of drawings, and one or more mylar sheets suitable for recording, with a signature block for the Planning Commission's approval.

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 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: Al Moraska, Dave Brown, David Woolf, Jeff McDonald, Ed Melby

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: September 2, 1999

Signed: _____ (Chair/Vice Chair)

Date Signed: _____