

This 4th day of October A.D. 2019
 at 12 o'clock 00 minutes P. m. and
 recorded in vol. 239 on page 392-393
 Attest Marya Mead Town Clerk

CHARLOTTE PLANNING COMMISSION
 SUBDIVISION REVIEW
 FINDINGS OF FACT AND DECISION

Rodney and Donna Stearns
 Final Plan Application for a 2-lot Major Subdivision at 7427 Spear Street Extension
 Application # PC-19-128-SD

Introduction and Procedural History

This proceeding involves the second and final review of an application for a 2-Lot Major Subdivision submitted by Donna and Rodney Stearns for approval under the Town of Charlotte Land Use Regulations (hereafter referred to as "the Regulations").

The Preliminary Plan application proposed to subdivide the 57.90 acre property located at 7427 Spear Street Extension in the Rural (RUR) zoning district. A preliminary decision by the Planning Commission was rendered on July 18, 2019 after one public hearing, which occurred on June 6, 2019 (further details on the project are covered in decision **PC-19-65-SD**, which has been recorded within the Charlotte Land Records, Volume 238, Pages 289-294).

The Final Plan application was initiated by the Planning & Zoning Office on July 26, 2019. A notice for the public hearing was published in The Citizen newspaper on August 1, 2019. Hardcopy notices were posted at the following three locations: the Town Offices at 159 Ferry Road, the Old Brick Store in the West Charlotte Village, and Spear's Corner Store in the East Charlotte Village on August 1, 2019. Hardcopy notices were also mailed out to all adjoining landowners to the property on August 7, 2019. Electronic notice was posted on the Charlotte Town website calendar.

This Final subdivision application was considered by the Planning Commission at the public hearing on August 22, 2019 at approximately 7:05 PM. Present at the public hearing were the following members of the Planning Commission: Peter Joslin (Chair), Charlie Pughe (Vice Chair), Gerald Bouchard, Marty Illick, Jim Faulkner, and David Kenyon. Additional participants and attendees included the Town Planner and the applicants Donna and Rodney Stearns, et al.

The following Findings of Fact and Decision are based on the Final Plan proceedings, and that of the Preliminary decision for **PC-19-65-SD**. Most of the details related to this subdivision proposal are covered within the Preliminary decision document, which has been recorded in the Charlotte Land Records (see above) and filed with the Planning and Zoning Office. This Final decision document primarily covers the items related to the fulfillment of conditions listed within the preliminary decision.

Exhibits

The following exhibits were submitted for the Final Plan application (in addition to those listed in the Preliminary Plan decision **PC-19-65-SD**):

1. Proposed draft survey map: "Stearns Meadow – Final Subdivision Plat – Lands of Rodney G. Stearns & Donna M. Stearns – 7541 Spear Street - Charlotte, Vermont" (dated: 13 Aug 2002 / Revised: 17 July 2019) by Michael R. Magoon, L.S. (No. 611), Ferrisburgh, Vermont;
2. Planning Commission Decision (**PC-19-65-SD Stearns**); "Preliminary Plan Application for a 2-lot Major Subdivision at 7427 Spear Street Extension", approved on July 18, 2019;
3. Highway Access Permit (HAP-19-02) – Decision and conditions; Donna Stearns, for a proposed building lot for a single family dwelling located at 7427 Spear Street, approved by the Charlotte Selectboard on September 4, 2019;
4. Wastewater System and Potable Water Supply Permit (Case Number: WW-138-1910) – Rodney and Donna Stearns, 7247 Spear Street, Charlotte, VT 05445 (approved September 11, 2019);
5. Planning Commission Minutes from the meeting held on *August 22, 2019*.

Regulations in Effect

Charlotte Town Plan, 2018

Charlotte Land Use Regulations, 2016

Recommended Standards for Developments and Homes, 1997

Vermont Agency of Natural Resources, Wastewater System and Potable Water Supply Rules, 2019

Findings

Outlined below are the two (2) conditions of the Preliminary decision (**PC-19-65-SD**) with the applicant's response to the condition and the subsequent findings of the Planning Commission:

1. Update the building envelopes for **Lot #9** and **Lot #12** in the survey plat as per Findings 2.3(2); and 7.2(E)(1)(a) and (b) of decision **PC-19-65-SD**.

Commission Findings: **The applicant has met this condition.** The applicant submitted an updated subdivision plat (see Exhibit 1 above), where the building envelope on **Lot #12** complies with the Rural (RUR) zoning district dimensional standard for the western fifty-foot (50') sideyard setback. The proposed building envelope for **Lot #9** was adjusted to exclude the barn.

2. Obtain an approved Water Supply and Wastewater Plan permit for the proposed development pursuant to Findings 7.6 and 7.7 of decision **PC-19-65-SD**.

Commission Findings: **The applicant has met this condition.** The applicant was approved for a Wastewater System and Potable Water Supply Permit (WW-138-1910) on September 11, 2019 (see Exhibit 4 above), consisting of the replacement of a failed wastewater disposal system only, and upgrade from a three bedroom to a four-bedroom single family residence located at 7427 (Spear Street).

3. Obtain a Highway Access Permit approved by the Selectboard as per Finding 3.2 of decision **PC-19-65-SD**.

Commission Findings: The applicant has met this condition. The applicant was approved for a Highway Access Permit (HAP-19-02) by the Charlotte Selectboard on September 4, 2019 (see Exhibit 3 above), where the centerline shall be located 190 feet easterly of the northeast corner of Lot 1 of the Stearns Meadow subdivision.

Decision

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the application for a 2-Lot Major Subdivision subject to the following conditions.

1. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) of the plat will be submitted to the Planning Commission for review within 160 days. The applicant will record the mylar of the plat in the Charlotte Land Records within 180 days, after being signed by the Chair or Vice-Chair of the Planning Commission. **Approved plats not filed and recorded within this 180 day period shall expire.**
2. Prior to the submission of the mylar to the Planning Commission, the applicant shall submit a letter from the surveyor verifying that the survey pins pertaining to the subdivision have been set in the field as indicated on the survey.

Additional Conditions: All plats, plans, drawings, documents, testimony, evidence, and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant the 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 the permit and would be subject to enforcement action by the Town. **This approval shall expire if the mylar is not filed and recorded in the Charlotte land records within 180 days.**

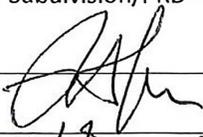
This decision may be appealed to the Environmental Division of the Vermont Superior Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the latest date of signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on August 22, 2019: Peter Joslin (Chair), Charlie Pughe (Vice Chair), Gerald Bouchard, Marty Illick, Jim Faulkner, and David Kenyon.

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

1. Signed: Gerald Bouchard (For) Against Date Signed: 9/27/2019

2. Signed:



For / Against

Date Signed:

9/30/19

3. Signed:



For / Against

Date Signed:

10/03/2019

4. Signed:



For / Against

Date Signed:

3 OCT 2019

5. Signed:

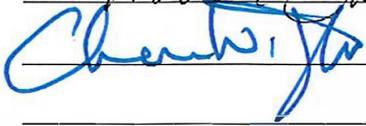


For / Against

Date Signed:

10.3.19

6. Signed:



For / Against

Date Signed:

10.3.2019

7. Signed:

For / Against

Date Signed:
