

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Joseph and Cindy Capobianco

And

Thomas and Zoe Williams

Subdivision Amendment

To Change Boundaries of Two Adjacent Parcels

208 Colonel Williams Way and 3795/3825 Ethan Allen Highway

Application # PC-10-35

Background

The applicants own adjoining parcels, and propose to change the boundary between them. The subject parcels were created by a subdivision by Joanne Bruska approved on May 23, 1989, as depicted on a plat recorded in map slide 69, and were subsequently modified on May 25, 1993 as depicted in map slide 89; December 19, 1995 as depicted in map slide 101; June 3, 1997 as depicted in map slide 108; and December 16, 1999 as depicted in map slide 1999. Sketch Plan Review for the current proposal was held on July 15, 2010, at which the Planning Commission classified the proposal as a Minor Subdivision Amendment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing was held for this application on October 21, 2010. Joseph and Cindy Capobianco were present representing the applicants.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2009.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The application is to allow the conveyance of .58 acres from Capobianco to Williams.
2. The Capobianco parcel is 16.88 acres, and will become 16.30 acres as a result of the amendment and conveyance; so the parcel's size will remain conforming.
3. The application will result in the both parcels becoming somewhat more regular in shape, in that the road right of way will become the dividing line.
4. The area to be conveyed will continue to include an access right-of-way serving Capobianco, Green and Moulton.
5. The application will not adversely impact any areas of high public value or result in any substantive change with regard to other subdivision standards.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Subdivision Amendment with the following conditions:

1. A mylar (18" x 24") of the proposed plat will be submitted to the Planning Commission for review within 160 days; the applicant will record the mylar of the survey in the Charlotte Land Records within 180 days.
2. Prior to the submission of the mylar in accordance with Condition #1 above, the applicant shall submit a letter from the surveyor indicating that he has set the survey markers or pins in the field as indicated on the survey. If the survey markers or pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that he will set the markers or pins when the ground thaws and has been paid to do so.
3. The property associated with this application (i.e.: .58 acres) will be conveyed within 365 days.
4. The property (.58 acres) that is conveyed from Capobianco to Williams will merge with the remainder of the Williams' parcel and cannot be conveyed separately unless allowed by an amendment to the Zoning Bylaws or an action of the Planning Commission.

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.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th 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 October 21, 2010: Jim Donovan, Peter Joslin, Eleanor Russell, Paul Landler and Gerald Bouchard

Vote of Members after Deliberations:

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

APPENDIX A

The following items were submitted in association with the application:

1. An application form for a Subdivision Amendment and appropriate fee.
2. A plat by Stuart J. Morrow entitled "Final Plat, Subdivision Modification Between Properties of Joseph and Cindy Capobianco and Thomas W. Jr. and Zoe Williams, Charlotte Vermont" dated September, 2010, no revisions.
3. A memo dated September 15, 2010 from Tom and Zoe Williams.