

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Rodney and Donna Stearns

**Final Plan Application
For a Subdivision Amendment
Application # PC-08-19**

Background

The parcels were created by a subdivision in 2003 (by Stearns). Sketch Plan Review for the current proposal was held on May 15, 2008.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on July 17, 2008. Rodney and Donna Stearns were present representing the applicant. There were no other interested parties present.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2006.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The proposed Subdivision Amendment will change the boundaries between Lot 2 and Lot 9 (both owned by the Stearns) so that Lot 2 will increase by 1.02 acres and Lot 9 will decrease by the same amount.
2. The main impact of the boundary change will be that the existing pond and surrounding area will be added to Lot 2.
3. The pond and surrounding area are not included in the Open Space Area on Lot 9.
4. The proposed boundary change will not have any undue adverse impacts on *areas of high public value* on or adjacent to either lot.
5. The applicant has obtained an amendment to the Wastewater System and Potable Water Supply Permit governing both lots (WW-4-1872-1).

Decision

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

1. Two paper copies (one full size and one 11”x 17”) and a mylar (18” x 24”) 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.
2. The 1.02 acres added to Lot 2 hereby merges with the remainder of Lot 2 and cannot be conveyed separately unless an application for subdivision or subdivision amendment is submitted and approved.

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 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.

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 July 17: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen and Eleanor Russell

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 survey by Michael Magoon entitled “Stearns Meadow Subdivision Plat, Lands of Rodney G. Stearns & Donna M. Stearns, 7541 Spear Street, Charlotte, Vermont” dated May 1, 2001, last revised 5/21/08.