

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Boutilier Family Trust

Final Plan Hearing For A Two-Lot Subdivision and Application # PC-09-22

Background

A Sketch Plan Review was held on July 16, 2009, at which time the project was re-classified as a Minor Subdivision.

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing for this application was held on December 17, 2009. Charles Paolantonio represented the applicant at the hearing. No other interested parties were present or made written submissions.

Regulations in Effect

Town Plan amended March, 2008

Land Use Regulations amended March, 2009.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The applicant's property consists of 39.58 acres in Charlotte and additional land in Monkton.
2. The portion of the property in Charlotte is not currently developed.
3. The applicant proposes to divide the parcel in Charlotte into two lots, both of which would be part of larger lots that include land in Monkton.
4. The portion of the property in Monkton is not currently developed, but is adjacent to a parcel owned by Deborah and Charles Paolantonio (labeled "Lot 2"), which has a single family dwelling on it.
5. As indicated on the most recently submitted plat, Lot 3 will be 63.62 acres and is to consist of 28.08 acres in Charlotte and 35.54 acres in Monkton, which will include Lot 2. Lot 4 will be 25.26 acres and is to consist of 11.5 acres in Charlotte and 25.26 acres in Monkton, neither of which are developed.

6. The plat indicates that Lot 2 currently has access from Morgan Road (TH 7) in Monkton. Therefore, if Lot 3 will include Lot 2, then Lot 3 will also have access from Morgan Road.
7. The plat also indicates that Lot 4 will be accessed by a proposed right-of-way from Morgan Road.
8. The application includes test pit information for proposed Lot 4. A memo from Spencer Harris, the Town's wastewater consultant, dated 12/28/09 states "It is my opinion the information provided in the submittal is sufficient to show there is wastewater capacity on the parcels in Charlotte."
9. The proposed boundary between Lots 3 and 4 in Charlotte follows the existing edge between the woods and the meadow on the Charlotte portion of the property. This boundary maintains both agricultural and wildlife resources intact; although any future development will need to be carefully sited in order to avoid undue adverse impacts to these resources.
10. The applicant has indicated that neither Lot 3 or Lot 4 in Charlotte is proposed to be developed, and has also indicated that a condition requiring further review by the Planning Commission prior to any development is acceptable.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed two-lot subdivision with the following conditions:

1. The survey plat will be revised to:
 - A. indicate that Lot 3 and Lot 4 in Charlotte are not approved for development; and
 - B. provide a signature box for the Charlotte Planning Commission Chair or Vice Chair.
2. One paper copy (11"x 17") and one mylar (18" x 24") of the revised plat will be submitted to the Planning Commission for review and signature within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
3. Prior to any development on either Lot 3 or Lot 4 in Charlotte, the applicant shall apply to the Charlotte Planning Commission and receive approval for a Subdivision Amendment to allow development of the lots which will address, at a minimum, impacts to areas of high public value, designation of a building envelope and/or open space, wastewater disposal and access.
4. This approval is contingent on approval of a correlating subdivision application by the Monkton Development Review Board. Said approval shall be confirmed by submission of an executed and recorded decision or certified minutes prior to the submission of the mylar as required by Condition 2.

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 December 17, 2009: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Peter Joslin, Ellie Russell and Paul Landler

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 with the application:

- 1. An application form and appropriate fee
- 2. A survey by Timothy Short entitled “Lands of Harold G. Boutilier and Leonie F. Boutilier. Trustors and/or Trustees of the Boutilier Family Trust Dated August 11, 1999 and Lands to be Reconfigured with Charles Paolantonio and Deborah Paolantonio” dated August 11, 1999, most recently revised on September 9, 2009
- 3. A letter from Dean Grover, P.E. to Charles and Deborah Paolantonio dated December 14, 2009 regarding “Wastewater Capacity Evaluation, Charlotte Portion of Boutilier Family Land Trust Parcel”
- 4. A plan by Grover Engineering entitled “Boutilier Family Trust, Charlotte Vermont, Wastewater Capacity Evaluation” dated December 14, 2009, no revisions.
- 5. Portions of a draft deed to Lot 5 and a draft deed to Lot 4 describing easements.