

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Justin and Maura Wygmans
93 Big Oak Lane**

**Final Plan Application
For A
Subdivision Amendment
Application # PC-12-06**

Background

The applicant owns Lot H1 of a subdivision developed by Clark Hinsdale, III and Suzanne Hinsdale (PC-06-36), which the Planning Commission approved on March 1, 2007. Sketch Plan Review for the current proposal was waived by the Town Planner

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

The Planning Commission held a public hearing for this application on April 5, 2012. The applicant was represented by Justin Wygmans. No other parties were present or submitted written comments regarding the application.

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 purpose of the application is to make relatively minor changes to the location and size of the building envelope on Lot H1, which was established by PC-06-36.
2. The application proposes to move the northerly boundary of the building envelope 10 feet to the south, and to move the southerly boundary of the building envelope 24 feet to the south. No changes are proposed to the easterly and westerly boundaries of the building envelope.
3. The reasons for changing the building envelope are that an intermittent stream or drainage runs through the existing building envelope, and also that the existing building envelope is fairly constrained, both of which make the site difficult to develop.
4. Moving the building envelope as proposed will not affect any findings made by the Planning Commission in the Findings of Fact and Decision for PC-06-36.

Decision

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

One digital copy (pdf), two paper copies (one 11”x 17” and one full size) and a mylar (18” x 24”) of a survey plat depicting the revised building envelope will be submitted to the Planning Commission for review and signature (of the mylars) within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.

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 April 5, 2012: Jeff McDonald, Jim Donovan, Ellie Russell, 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 site plan entitled “93 Big Oak Lane” dated 3/8/12