

CHARLOTTE PLANNING COMMISSION

**FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

**CLARK HINSDALE III
For a
SUBDIVISION MODIFICATION**

Background:

Clark Hinsdale III applied for Subdivision Modification to sell a portion of Lot #24 of the Claflin Farms Subdivision to the Steven Arnold, the owner of Lot #23. Additionally, the applicant requested that the terms of the Conservation Agreement which was placed on Lot #24 be amended.

Findings:

1. The Charlotte Planning Commission granted Final Plat Approval to J. Graham and Katharine Goldsmith on 3/15/88 for a nineteen lot subdivision (Lots #1-18, & #23) and preliminary approval for a second phase (Lots #19-22, & #24).
2. The Planning Commission approved a modification to the plat on 7/12/88 to change Lot #24 from land-held-in-common by the Homeowner's Association to a lot able to be owned by an individual.
3. The Planning Commission granted Final Plat Approval for Lots #19-22 & #24 on 5/28/91, which was reaffirmed on 6/23/92 (because the mylar was not submitted within 90 days from approval).
4. Lot #23 (22.1 acres) included an existing house and barn, and was to be joined with Lot #24 (169.26 acres). However the two lots remained in separate ownership, with Lot #23 currently owned by Steven Arnold and Lot #24 owned by Clark Hinsdale III.
5. Lot #24 is subject to a Conservation Agreement made 7/15/88 between J. Graham and Katharine Goldsmith (Grantors) and the Town of Charlotte.
6. The Conservation Agreement stipulates that "the Grantors, their successors and assigns shall have the right to use the Restricted Property for agricultural and farming purposes, including cultivation of crops and animal husbandry, consistent with the preservation and use of the Restricted Property as part of a single integrated agricultural unit; but there shall be no subdivision or allocation of any part of the Restricted Property to separate uses which are not part of an integrated agricultural use of the entire Restricted Property, even though each separate use may be agricultural in nature, without the written approval of the Planning Commission.@"
7. Mr. Hinsdale submitted a Sketch Plan application which was reviewed by the Planning

Commission on 12/1/98 and was determined to be a Subdivision Modification.

8. Mr. Hinsdale submitted an application for a Subdivision Modification which was heard by the Planning Commission at a warned Public Hearing on 3/3/99. The purpose of the application was to transfer 22 acres from Lot #24 to Lot #23, as shown on a map entitled "Subdivision Plan, Claflin Farm, U.S. Route 7, Charlotte, VT" by Pinkham Engineering Associates, Inc., dated 11/5/98, no revisions, sheet 1 of 1.

9. Mr. Hinsdale attended a meeting of the Planning Commission on 4/6/99 to discuss amending the Conservation Agreement.

Decision:

The Planning Commission approves the Subdivision Modification with the following conditions:

1. That the twenty two acres to be adjusted shall merge with Lot #23, and a deed shall be recorded indicating this within 60 days of Planning Commission approval.
2. That all terms and provisions of the Conservation Agreement dated 7/15/88 between J. Graham and Katharine Goldsmith and the Town of Charlotte shall apply to the portion of land transferred to Lot #23 and shall be binding on the owner, his heirs, successors and assigns.
3. A mylar shall be submitted for recording within 90 days of notice of approval.

Additional Conditions: All plats, plans, drawings, 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 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.

You are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Board Members Present For Hearing on March 3, 1999: Al Moraska, Ed Melby, David Allen, Jim Donovan, David Woolf

Board Members Present For Hearing on April 6, 1999: Al Moraska, Ed Melby, Jim Donovan, Jeff McDonald

Vote of Members Present:

AYES: unanimous

NAYS:

Date Approved: _____

Signed: _____

(Chair/Vice Chair)

Date Signed: _____