

**CHARLOTTE PLANNING COMMISSION
SUBDIVISION REVIEW
FINDINGS OF FACT AND DECISION**

**In re: Jed & Kelly Dousevicz and Ben & Nan Mason for a Minor Subdivision Amendment
Permit Application No. 16-32-SA**

Introduction and Procedural History

This proceeding involves review of an application for Minor Subdivision Amendment submitted by Jed & Kelly Dousevicz and Ben & Nan Mason for approval under the Town of Charlotte Land Use Regulations.

The application was received on March 2, 2016. A notice of public hearing was published in The Citizen on March 24, 2016 and was posted at the following three locations: town offices, The Brick Store and Spear's Corner Store. A copy of the notice was also mailed to all adjoining landowners on March 25, 2016.

The application was considered by the Planning Commission at a public hearing on April 7, 2016. There was a site visit to the properties prior to the hearing. Present at the hearing(s) were the following members of the Planning Commission: Peter Joslin, Gerald Bouchard, Charlie Pughe, and David Kenyon. Property owners Jed & Kelly Dousevicz participated in the hearing. Nan Mason was present at the site visit and stated her agreement with the proposal. She asked if she needed to attend the hearing and the Commission indicated her presence was not necessary unless she had concerns with the project.

Exhibits

1. Application form, Wastewater & Potable Water Supply Boundary Line Adjustment Exemption Form, sketch plan from tax map and sketch plan from portion of wastewater plan showing revised boundaries for Dousevicz and Mason, and required fee
2. Copy of portion of Marion Williams subdivision plat (1985) showing former Williams now Mason lots (Lots A and B) and former Coleman now Dousevicz lot.

Regulations in Effect

Town Plan, 2016

Land Use Regulations, 2016

Recommended Standards for Developments and Homes adopted September, 1997

Findings

Background

1. Jed & Kelly Dousevicz own 0.398 acre lot (M05B01L41) and Ben & Nan Mason own a 5.05 acre and a 37.7 acre lot (M05B01L42 and M05B01L42-1). These lots are adjacent to one another and are located on the east side of Greenbush Road in the Rural zoning district.
2. The Mason lots were created via a Subdivision that was approved in 1985.
3. The purpose of the current application is to adjust boundaries among the three lots to allow the Dousevicz lot to gain 0.2 acres (0.598 acres total) and the Mason's Lot A to remain conforming

with at least 5 acres. The latter will be accomplished via a second boundary adjustment between the Mason Lots A and B.

4. Sketch Plan Review was deemed unnecessary by the Town Planner. The project was classified as a Minor Subdivision Amendment in accordance with Section 6.1(C)(4)(a) of the Charlotte Land Use Regulations ("Regulations").

Relevant standards in Chapter VII of the Charlotte Land Use Regulations are reviewed below in Findings 5-9.

7.2 General Standards

5. The following Areas of High Public Value (AHPV) were identified on the parcel:
 - a. Primary agricultural soils (NRCS data)
 - b. Historic site and district – the Mason residence is an historic structure and is located in an historic district (Town Plan Map 12).
 - c. Surface waters, wetlands, buffer areas
6. All AHPV are considered important by the Commission and a future project (new garage on the Dousevicz lot) will have minimal impact on agricultural soils.
7. Approximate locations of the new boundary lines were provided by the applicants. The Dousevicz lot will gain 0.2 acres to the east. The northeastern property line separating the Mason Lots A and B and measuring 500.54' on the current tax map will be adjusted to insure that Lot A remains 5.0+/- acres in size.
8. Surveying monuments and lot corner markers will be required on the subdivision plat and will be set in the field.

7.6 Water Supply and 7.7 Sewage Disposal

9. The boundary line adjustment will not require a Wastewater and Potable Water Supply permit. The adjustment has been deemed exempt per the *State of Vermont Wastewater System and Potable Water Supply Rules Exemption 1-304(a)(11)* because the developed lots involved in the adjustments share a mound wastewater disposal system located on the west side of Greenbush Road and a well located on the Weed property to the north (M05B01L40).

Conclusions

Based on the foregoing Findings of Fact, it is the conclusion of the Commission that the project described in the application and supporting materials, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the development standards of the Charlotte Land Use Regulations.

Decision

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the application for a Minor Subdivision Amendment subject to the following conditions:

1. The survey plat will be completed as described in the application and at the hearing.

- Two paper copies (one full size and one 11"x 17"), an electronic copy 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.
- Prior to the submission of the mylar in accordance with Condition #2 above, the applicant shall submit a letter from the surveyor indicating that s/he has set the survey pins in the field as indicated on the survey.

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 latest date of 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 7, 2016: Peter Joslin, Charlie Pughe, Gerald Bouchard and David Kenyon.

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

- | | | | | |
|------------|------------------------|--|--------------|------------------|
| 1. Signed: | <u>Gerald Bouchard</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>4/21/2016</u> |
| 2. Signed: | <u>[Signature]</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>4/21/2016</u> |
| 3. Signed: | <u>[Signature]</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>4/25/2016</u> |
| 4. Signed: | <u>[Signature]</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>4/28/2016</u> |
| 5. Signed: | _____ | For / Against | Date Signed: | _____ |
| 6. Signed: | _____ | For / Against | Date Signed: | _____ |
| 7. Signed: | _____ | For / Against | Date Signed: | _____ |