

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

**In re: Christine Souliere request for a Boundary Adjustment
Permit Application No. 16-93-BA**

Introduction and Procedural History

This proceeding involves review of an application for Boundary Adjustment submitted by Christine Souliere for approval under the Town of Charlotte Land Use Regulations. The application was received on July 14, 2016. A notice of public hearing was published in The Citizen on July 21, 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 July 15, 2016.

The application was considered by the Planning Commission at a public hearing on August 4, 2016. There was a site visit to the adjoining properties during a Sketch Plan review, which took place on July 7, 2016. Present at the hearing were the following members of the Planning Commission; Peter Joslin, Charlie Pughe, Puspa Luitel, and Jeff McDonald. Property owners Christine Souliere and Caryn Waxman participated in the hearing.

Exhibits

1. Application form for Boundary Adjustment.
2. Copy of a survey (dated April 16, 2016) by Civil Engineering Associates, Inc. depicting the current boundary in tandem with a proposed boundary adjustment between the C. Souliere and C.E. Waxman property (237 Lucy's Lane), and that of L. Lipton (236 Lucy's Lane).

Regulations in Effect

Town Plan, 2016

Land Use Regulations, 2016

Findings

Background

1. Christine Souliere and Caryn Waxman own a 5.19 acre lot at 237 Lucy's Lane (M090205-1) and Laura Lipton owns a 12.08 acre lot at 236 Lucy's Lane (M090206). These lots are adjacent to one another and are located on the northern end of Lucy's Lane (off of Higbee Rd.) within the Rural zoning district.
2. Both lots were created as part of a prior Subdivision ([PC-01-04](#) submitted by George Burrill) that was approved on January 18, 2001.
3. The purpose of the current application is to allow the conveyance of 1-acre of land from 236 Lucy's Lane to 237 Lucy's Lane.
4. A Sketch Plan Review was undertaken by the Planning Commission on July 7, 2016. The project was classified as a Boundary Adjustment in accordance with Section 6.1(C)(3) of the Charlotte Land Use Regulations.

5. A previous Subdivision Modification approval involving 237 Lane's Lane (see [PC-01-04](#)) adjusted 5.97 acres from an 11.15 acre parcel to a 30.7 acre parcel, which created the current 5.19 acre parcel. The approval did not create any new lots, non-conforming lots, nor impact access to any parcel, or adversely impact any significant natural resource.

7.2 General Standards

1. The proposed boundary adjustment would shift the shared property line to a ravine that runs between the two properties and would therefore follow the natural features, topography, and drainage of the landscape.
2. The proposal does not result in any foreseeable undue adverse impact on Areas of High Public Value (AHPV).
3. With respect to lot layout, the proposed boundary adjustment does not create any irregular shaped lots via the proposed boundary adjustment.
4. A survey undertaken by Civil Engineering Associates, Inc. of South Burlington, VT was submitted by the applicant. It depicts the installation of two survey pins to demark the proposed boundary.

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 Boundary Adjustment subject to the following conditions:

1. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) 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, after being signed by the Chair or Vice-chair of the Planning Commission.
2. Prior to the submission of the mylar to the Planning Commission, the applicant shall submit a letter from the surveyor indicating that he or she has set the survey pins in the field as indicated on the survey.

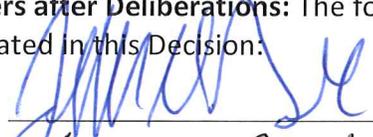
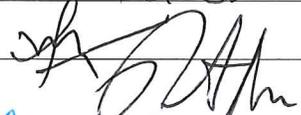
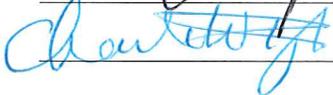
Additional Conditions: All plats, plans, drawings, documents, testimony, evidence and conditions listed above or submitted at the hearing and used as the basis for the Decision to grant permit shall be binding on the applicant, and his/her/its successors, heirs and assigns. Projects shall be completed 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. Approved plats not filed and recorded within the aforementioned 180 day period shall expire.

3. The property associated with the Boundary Adjustment (1.0 acres) will be conveyed from Lipton to Souliere and Waxman within 365 days.
4. The warranty deed for the conveyance from Lipton to Souliere and Waxman will include appropriate references any easements of record (e.g. PC-01-04 Burrill).
5. Once the 1.0 acres of land is conveyed from Lipton to Souliere and Waxman, it will merge with the remainder of the Souliere and Waxman parcel and cannot be conveyed separately unless a new application for a subdivision amendment is submitted and approved by the Planning Commission.

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 August 4, 2016: Peter Joslin, Charlie Pughe, Puspa Luitel, and Jeff McDonald.

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></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>8/1/16</u> |
| 2. Signed: | <u>Alexis A. Bouchard</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>9/1/2016</u> |
| 3. Signed: | <u></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>9/1/2016</u> |
| 4. Signed: | <u></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>9/1/2016</u> |
| 5. Signed: | <u></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>9/1/2016</u> |
| 6. Signed: | _____ | For / Against | Date Signed: | _____ |
| 7. Signed: | _____ | For / Against | Date Signed: | _____ |

