

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Carl and Dorothy Partelow
And
John and Lisa Hauenstein**

**Final Plan Application
For A
Subdivision Amendment
Application # PC-09-04**

Background

The two parcels associated with this application were created by a subdivision by David and Audrey Fredenburg in 2005 (PC-05-46). Sketch Plan Review for the current proposal was held on February 19, 2009.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on March 19, 2009. Carl and Dorothy Partelow were present representing the applicants. There were no other interested parties present.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2006.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The Partelows own Lot 1 and the Hauensteins own Lot 2 (of PC-05-46).
2. The Partelows and Hauensteins are proposing to swap small portions (.043 acres) of their properties.
3. The swapping of their properties will not result in any substantive change to the previous subdivision (PC-05-46) or the conditions of approval.
4. The survey plat by William Robenstein requires some additional information in order to clearly depict the application.

Decision

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

1. The survey plat by William Robenstein will be revised as follows:
 - A. A north arrow will be added to the Location Map.
 - B. The access right-of-way and utility easement to Lot #2 will be labeled.
 - C. The two portions being “adjusted” will be labeled as “to Hauenstein” and “to Partelow.”
2. Two paper copies (one full size and one 11”x 17”) and a mylar (18” x 24”) of the plat, as amended in accordance with Conditions #1 above, 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.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant shall submit a letter from the surveyor indicating that he has set the survey pins in the field as indicated on the survey.
4. The properties associated with the Subdivision Amendment (two areas of .043 acres each) will be conveyed between the parties to this application within 365 days.
5. Once the properties are conveyed, they will merge with the remainder of each parcel and cannot be conveyed separately unless an application for subdivision is submitted and approved.

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 March 19: Jeff McDonald, Peter Joslin, Eleanor Russell, Jim Donovan, John Owen, Linda Radimer 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 in association with the application:

1. An application form for a Subdivision Amendment and appropriate fee.
2. A survey by William A. Robenstein entitled "Carl & Dee Partelow, Charlotte, Vermont, 1578 Ferry Road" dated 2/27/09, no revisions.