

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

MARIETTA PALMER AND MERRY LYNN PALMER

Subdivision Modification Application # PC-00-46

Background

The Planning Commission held Sketch Plan Review on November 16, 2000.

Application

The application consists of:

1. A Subdivision Modification application form and a check for \$100.00.
2. A survey map entitled "Subdivision Modification and Boundary Line Adjustment Between Marietta Jane C. Palmer and Merry Lynn Palmer, East Thompson Point Road, Charlotte, Vermont" by Vermont Land Surveyors dated September 5, 2000, most recently revised 11/20/00.
3. A copy of a witnessed "General Power of Attorney" designating Sylvia Sprigg as Attorney-In-Fact for Marietta Palmer.

Public Hearing

A Public Hearing was held for this application on December 21, 2000. Sylvia Sprigg, Merry Lynn Palmer and Mike Russell were present at the hearing representing the applicant. Peter Demick, the prospective buyer of Parcel E, and his realtor, Linda Sparks, were also present.

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The submitted map depicts boundary-line adjustments for Parcel E and for Parcel I.
2. Parcel E and Parcel I (and the associated right-of-way) were created by a subdivision of the property of Avery and Marietta Palmer in 1975. Therefore, changing boundary lines is a "Subdivision Modification" rather than a "Boundary Adjustment."
3. There will not be any new lots created by the proposal.
4. The resulting parcels, Parcel E, Parcel I, and Marietta Palmer's parcel of remaining land, will all meet the dimensional requirements for the Rural District, so will be conforming lots.
5. A letter from Larry Young of Summit Engineering dated October 3, 2000 to Peter

Demick, was submitted by the prospective buyer of Parcel E (Peter Demick). This letter indicates the existing wastewater system on Parcel E is of questionable functionality, and would at most support a two bedroom house.

6. The town's septic consultant, in a memo dated 11/20/00, stated that requiring a new, adequately sized wastewater system prior to the issuing of a building permit would be a reasonable solution, considering the questions about the existing system.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Modification in which Parcel E and Parcel I are reconfigured through boundary adjustments with Marietta Palmer's parcel, with the following conditions:

1. A mylar of the survey map shall be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
2. Before a building permit for a residence on Parcel E can be issued, an approved wastewater system must be constructed
3. All new utility lines shall be underground.

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/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.

You and any interested parties 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. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).

Members Present at the Public Hearing: Jeff McDonald, Al Moraska, Ed Melby, and Ed Stone.

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: December 21, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____