

**CHARLOTTE PLANNING COMMISSION**

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

**SYLVIA SPRIGG AND MARIETTA PALMER**

**Subdivision Modification  
Application # PC-00-24**

**Background**

The Planning Commission held Sketch Plan Review on June 1, 2000 and held a site visit on June 15, 2000.

**Application**

The application consists of:

1. A Subdivision application form and a check for \$900.00.
2. A survey map entitled "Final Plat Two Lot Subdivision, Sylvia Sprigg, Thompson Point Road, Charlotte, Vermont" by Vermont Land Surveyors dated July 18, 2000.
3. A plan with two sheets entitled "Wastewater Disposal Plan, Sylvia Sprigg, (Parcel D), Off Thompson Point Road, Charlotte, Vermont" by Summit Engineering dated 7/18/00.
4. A plan entitled "Commercial Subdivision, Avery and Marietta Palmer, Route 7, Charlotte, Vermont" by Frank O'Brien, dated 6/16/92, obtained from the file in the Charlotte Planning and Zoning Office entitled "Marietta Palmer, Modification, 1993."
5. A document entitled "Septic, Water and Utility Easement."
6. 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 August 17, 2000. Sylvia Sprigg was present at the hearing. Adjoining landowners and other persons present were Lynn Palmer, George Reynolds, and David Miskell.

**Regulations in Effect**

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

**Findings**

1. At the public hearing, Sylvia Sprigg stated that instead of a subdivision, she is proposing to do "boundary adjustment" with her mother, Marietta Palmer.
2. The applicant submitted a survey map at the public hearing entitled "Boundary Line Adjustment Between Sylvia J. Sprigg and Marietta Jane C. Palmer, Thompson Point

Road, Charlotte, Vermont” by Vermont Land Surveyors, dated July 18, 2000 and revised August 16, 2000. The map was similar to the one submitted with the application, and had the following differences: the new map depicted a “subdivision modification” rather than a subdivision, a location map was added, old and new property lines were more clearly labeled, and the title reflected the application for a subdivision modification. The map depicts two boundary-line adjustments: 1. deeding western portion of Sylvia Sprigg’s parcel (5.02 acres) to Marietta Palmer, and 2. changing the northern boundary line of the so-called “Parcel D1” to include an undetermined portion of Marietta Palmer’s parcel.

3. The applicant’s 10-acre parcel and associated right-of-way was 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.”
4. The proposed Subdivision Modification is a less intense use than the originally proposed subdivision. The warning for the public hearing sufficiently notified the public and interested persons since the proposed modification is a less intense use than the originally proposed subdivision.
5. There will not be any new lots created by the proposal.
6. The resulting parcels, Sylvia Sprigg’s parcel (D1) and Marietta Palmer’s parcel, will meet the dimensional requirements for the Rural District, so will be conforming lots.
7. The applicant submitted to the Charlotte Planning and Zoning Office on August 7, 2000 a copy of a letter dated August 4, 2000 from Summit Engineering to William Zabiloski of the ANR Wastewater Management Division, indicating an application for a State subdivision permit was submitted.

## **Decision**

Based on these Findings, the Planning Commission approves the Subdivision Modification in which 5.55 acres will be deeded from Sylvia Sprigg to Marietta Palmer and .52 acres will be deeded from Marietta Palmer to Sylvia Sprigg, resulting in a parcel of 5.02 acres with an existing house owned by Sylvia Sprigg (shown as “D1” on the survey), and a parcel of approximately 136 acres owned by Marietta Palmer, with the following conditions:

1. The survey map shall be revised as follows:
  - A. The title shall indicate Subdivision Modification
  - B. The boundaries and label for “Lot 8” shall be shown (for the lot where the replacement septic system is proposed).
  - C. The amount of land to be “adjusted” shall be indicated.
  - D. The limits of the septic and utility easements for Parcel D1 shall be clearly delineated and shall be corrected to match the septic, water, and utility easements in the document (or the easement document shall be corrected to match the survey).
  - E. A note shall be added to indicate that the 60’ right-of-way may provide access to other lots.
  - F. The boundary measurement of 130’ for Parcel E owned by Lynn Palmer shall be corrected to match the deed, or removed.
  - G. A note shall be added referring to the easement document.
2. The wastewater plan shall be revised to delete references to “Parcel D2”, and submitted to the Planning Commission within 90 days.
3. The easement document shall be executed and recorded in the Charlotte Land Records within 90 days, after being corrected as follows:

- A. The septic easement shall correct the map title reference.
- B. The water easement shall delete reference to "Parcel D-2" and shall correct the map title reference.
- 4. The applicant shall obtain a State subdivision permit for Parcel D1. Any changes to the proposed lot-lines, easements, or septic system which are required for the State subdivision permit shall be submitted to the Planning Commission as a Subdivision Amendment.
- 5. A mylar of the survey map, with revisions as noted above, shall be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
- 6. 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:** Al Moraska, Ed Melby, Jim Donovan, and David Woolf. Josie Leavitt read the minutes, listened to the tape of the hearing, and participated in the Decision.

**Vote of Members Present:**

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: August 3, 2000

Signed: \_\_\_\_\_ (Chair/Vice Chair)

Date Signed: \_\_\_\_\_