

**CHARLOTTE PLANNING COMMISSION
FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

**FARAJ NAKHLEH
And
ARCHIE AND PHYLLIS MCCARTY
For A
SUBDIVISION MODIFICATION**

Background

The Subdivision Modification is required if the applicants want to adjust lots lines of lots that were created after the Town adopted Subdivision Regulations in 1969. The Nakhleh lot was created by two subdivisions, first by Lavalette (1985), then by Bove (1987). The McCarty's lot was created by a subdivision of Whalley (1985). The applicants had Sketch Plan Review on August 19, 1999.

Application

The application consists of:

1. A Subdivision Modification application form submitted on November 3, 1999 (with the fee);
2. A map entitled "Plat of Survey Showing Proposed Sub-Div. Archie L & Phyllis McCarty" by Warren Robenstein dated April 1999, revised 9/13/99.

Public Hearing

A Public Hearing was held for this application on December 2, 1999. Faraj Nakhleh was present at the hearing.

Regulations in Effect

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

Findings

1. There are no conditions of the previous subdivisions creating these lots which would effect this Subdivision Modification.
2. After the modification, the McCarty's lot will remain larger than the minimum lot size, which is five acres.
3. It was discussed at the Public Hearing that the McCarty's will need a Subdivision Permit from the State of Vermont because the resulting lot will be less than ten acres.

Decision

Based on these Findings, the Planning Commission approves the application for a Subdivision Modification with the following conditions:

1. The McCarty's obtain a State Subdivision Permits if the State determines that one is needed.
2. The map shall be have the following changes:
 - A. The title shall be "Subdivision Modification of Land Owned by Archie and Phyllis McCarty, and Faraj Nakhleh.
 - B. "Parcel No. 2" shall be replaced by "Land owned by Faraj Nakhleh", and shall show the total acreage (44.75 acres).
 - C. The old property line shall be shown with a different line-type, which shall be shown in the legend, and the old and new property lines shall be labeled.
 - D. There shall be a note added indicating the adjusted acreage.

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 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.

Members Present at the Public Hearing: Al Moraska, Ed Melby, Dave Brown, David Woolf, Jeff McDonald, Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: December 2, 1999

Signed: _____ (Chair/Vice Chair)

Date Signed: _____