

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Charles and Mary Brush
and
Hilary Maslow Naud
For A
Boundary Adjustment
Application # PC-06-16**

Background

The applicants own adjoining parcels, and propose to change the boundaries between them.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey by Stuart Morrow entitled "Boundary Line Adjustment Plat, Between Properties of Charles N. and Mary S. Brush and Hilary M. Naud, Charlotte, Vermont" dated June, 2006, no revisions.

Public Hearing

A public hearing was held for this application on June 15, 2006. Charles Brush was present representing the applicants.

Regulations in Effect

Town Plan as amended March, 2002.

Land Use Regulations adopted March, 2006.

Sewage Ordinance as amended December, 2004.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The Naud property consists of two separately deeded parcels, one which is 5.45 acres, and one which is 7.75 acres.
2. The application is to allow Brush and Naud to swap .25 acres (one quarter of an acre), so that there will be no net change of acreage to either parcel.
3. The purpose of the application is to allow the Brushes to build an addition to their existing residence.
4. The application will not create any new lots or impact access to any parcel.
5. The following "areas of high public value" are located in the vicinity of the proposed boundary adjustment:
 - A. statewide agricultural soils are located throughout both parcels;

- B. wetlands are located to the northwest of the Brush residence;
 - C. a pond is located to the north of the Brush residence;
 - D. the Naud dwelling is an historic structure, and is identified as such on Map 12 in the Town Plan; and
 - E. Lake Road is a “most scenic road” on Map 13 in the Town Plan.
6. The application will impact statewide soils, however this impact is in the immediate vicinity of the existing Brush dwelling, and therefore would not be likely to be used for agricultural purposes.
 7. The application will not adversely impact any other areas of high public value.
 8. The application will result in both parcels complying with the dimensional requirements of Table 2.5 (Rural District).
 9. The application will result in the both parcel becoming slightly irregular in shape, but not extraordinarily so.

Decision

Based on these Findings, the Planning Commission approves the Boundary Adjustment with the following conditions:

1. A mylar of the survey will be submitted to the Planning Commission for review within 160 days, and recorded (after endorsement by Planning Commission Chair or Vice Chair) in the Charlotte Land Records within 180 days.
2. Survey markers will be installed prior to the conveyance of the property associated with this application (ie: swapping of .25 acres).
3. The property associated with this application (ie: swapping of .25 acres) will be conveyed within 365 days.
4. Once the property that is the subject of this application is conveyed to each party, it will merge with the remainder of their existing parcels and cannot be conveyed separately unless allowed by an action of the Planning Commission.

Additional Conditions: All plats, plans, drawings, documents, evidence and testimony submitted with the application or at the hearing and used as the basis for the Decision to grant permit, as well as all conditions listed above 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 Hearings on June 15, 2006: Linda Radimer, Robin Pierce, John Owen, and Peter Joslin

Vote of Members after Deliberations:

The following is the vote for or against the applications, 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: _____