

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Nancy C. Hinsdale, Trustee
Boundary Adjustment
Application # PC-08-26**

Background

Sketch Plan Review was held on February 1 and March 1, 2007, and amended Sketch Plan was reviewed on August 16, 2007.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on October 2, 2008. Stuart Morrow and David Miskell were present representing the applicant. 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 applicant owns two adjoining parcels that were acquired separately. Both parcels were created prior to the Town's adoption of Subdivision Bylaws. Both parcels have always been larger than the minimum lot size required by the Town's zoning regulations. Neither parcel is developed.
2. The application proposes to revise the common boundary line between the two parcels.
3. At the public hearing, David Miskell submitted a revised plat by Stuart Morrow entitled "Final Plat Boundary Adjustment, Property Nancy Hinsdale, Charlotte, Vermont" dated September, 2008, no revisions. Mr. Miskell also submitted a revised map with the existing and proposed lot lines shown with an ortho-photo.
4. As depicted on the revised plat, the parcel labeled "Lot 1" will be reduced from 166 acres to 135 acres, and the parcel labeled "Lot 2" will be increased from 10 acres to 41.01 acres.
5. Both parcels will retain more than the minimum acreage that is required in the Rural District (Table 2.5 of the Land Use Regulations).
6. The proposed boundary change will not have any undue adverse impacts on *areas of high public value* on or adjacent to either parcel.
7. The proposed plat has an inconsistency, in that the acreage by which Lot 1 is being reduced differs from the acreage by which Lot 2 is being increased.

- 8. The narrative submitted with the application states “the Jeanette Andrew lot has rights to a spring on Nancy Hinsdale’s land.” These rights are not depicted on the plat.
- 9. The narrative submitted with the application states the existing 50 foot ROW from Bingham Brook Road to the 10 acre lot “is proposed to be eliminated.”
- 10. At the hearing, David Miskell and Stuart Morrow stated that no new easements are proposed for either parcel.

Decision

Based on these Findings, the Planning Commission approves the Boundary Adjustment as depicted on the revised plat with the following conditions:

- 1. The survey plat submitted at the hearing will be revised as follows:
 - A. To make the adjusting acreage consistent between the two parcels; and
 - B. To indicate the spring rights to the Jeanette Andrew parcel.
- 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 Condition #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 will submit to the Planning and Zoning Office a letter from the surveyor indicating that he has set the survey pins in the field as indicated on the survey.
- 4. The right-of-way to Lot 2 from Bingham Brook Road is hereby extinguished.

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 October 2: Jeff McDonald, Linda Radimer, John Owen, Peter Joslin and Eleanor Russell

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 Boundary Adjustment
- 2. A sheet entitled “Nancy Hinsdale Boundary Adjustment Narrative, Final Application, September 5, 2008”
- 3. A survey by Stuart J. Morrow entitled “Boundary Adjustment Plat, Property of Nancy Hinsdale, Charlotte, Vermont” dated September, 2008, no revisions.
- 4. A letter dated September 3, 2008 from Nancy Hinsdale to Dean Bloch authorizing Clark Hinsdale, III, David Miskell and Stuart Morrow to represent Nancy Hinsdale for the boundary adjustment.
- 5. A map depicting the existing and proposed lot lines shown with an ortho-photo.