

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Deborah Davis

Subdivision Amendment To Change Boundaries of Two Adjoining Lots Application # PC-12-03

Background

The applicant received approval from the Planning Commission for a two-lot subdivision on March 4, 2010 (PC-10-03), which created Lot 1 (7.8 acres) and Lot 2 (66.6 acres). The applicant also owns an adjoining parcel of 30.7 acres, which is involved with the current application for a Subdivision Amendment which has the purpose of making Lot 1 10.0 acres in size. The Sketch Plan Review for the current project was held on January 19, 2012, at which the Planning Commission classified the project as a Minor Subdivision Amendment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on February 16, 2012. Deborah Davis and Ruah Swennerfelt, the prospective buyer of Lot 1, were present. No other interested parties participated in the hearing or made written submissions.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The application proposes to change the boundaries of Lot 1 and the adjoining parcel labeled "other lands of Everts & Davis" on the subdivision plat recorded in map slide 166 page 5, so that Lot 1 will be increased in size by 2.1 acres and the parcel labeled "other lands of Everts & Davis" will be reduced by 2.1 acres. No new lots will be created.
2. The application does not change substantive issues that were reviewed during the subdivision.
3. The Planning Commission notes that the 60 foot wide right-of-way easement to be provided by Everts & Davis to Lot 1 from Roscoe Road should include a utility easement.
4. The Planning Commission notes that the surveyor of the previous subdivision indicated in a letter dated March 17, 2010 to The Nature Conservancy that all property corners were set or were existing at the time of the survey.

Decision

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

1. The survey will be revised as follows:
 - A. The title block will be changed to “plat showing a proposed subdivision amendment survey of lands of...”
 - B. The current acreage will be added to each lot (in addition to the proposed acreage) with an appropriate label.
 - C. The proposed lot boundary line will be labeled.
 - D. The label for the 60’ wide right-of-way from Roscoe Road to Lot 1 will indicate “and utility easement.”
 - E. Corner pins that had previously been set will be indicated with a symbol indicating “found.”
 - F. The revised date should be confirmed as to whether it should be 2011 or 2012.
2. One digital copy (pdf), two paper copies (one 11”x 17” and one full size) and a mylar (18” x 24”) of the survey as amended by Condition #1 will be submitted to the Planning Commission for review and signature (of the mylar) within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant shall submit a letter from the surveyor indicating that he has set the survey markers or pins in the field as indicated on the survey. If the survey pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that he will set the pins when the ground thaws and has been paid to do so.

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 February 16, 2012: Jim Donovan, Jeff McDonald, Linda Radimer, Peter Joslin, Ellie Russell, Gerald Bouchard and Paul Landler

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 and the appropriate fee.
- 2. A survey by Ronald L. LaRose entitled “plat showing a proposed subdivision survey of lands of Edward A. Everts & Deborah C. Davis, Toad Road, Charlotte & Hinesburg, Chittenden County, Vermont” dated January 19, 2010, revised 1/24/2011.