

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Gregg and Elizabeth Beldock
900 Plouffe Farm Road
and
Todd and Julie Holmes
283 Spear Street**

**Boundary Adjustment
Application # PC-13-09**

Background

The Planning Commission conducted Sketch Plan Review (PC-12-31) on January 3, 2013, and classified the project as a Boundary Adjustment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing was held for this application on May 2, 2013. Patrick O'Brien represented both applicants at the hearing. No other parties were present or submitted written comments regarding the application.

Regulations in Effect

Town Plan amended March, 2013

Land Use Regulations adopted November, 2010

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The purpose for the application is to allow the Beldocks to convey 7.17 acres to the Holmes.
2. The Beldock parcel is currently 29.76 acres, and will become 22.59 acres.
3. The Holmes parcel is currently 19.97 acres, and will become 27.14 acres.
4. Section 6.1(C)(3) of the Charlotte Land Use Regulations ("Regulations") states (in part): "applications for Boundary Adjustments will be reviewed under the standards of Chapter VII."
5. Both parcels currently comply with the minimum lot size for the Rural District, and both will comply after the proposed conveyance.
6. Portions of the acreage to be conveyed from the Beldocks to the Holmes have prime and statewide agricultural soils. These soils are on the list of areas of high public value in Table 7.2 in the Regulations.

7. The proposed conveyance will result in combining pockets of prime and statewide soils on the Beldock's parcel with similar soils on the Holmes' parcel. Patrick O'Brien stated at the hearing that it is the Holmes' intention to create a blueberry plantation, which would make use of the prime soils.
8. Since no development is proposed with this application, and the project will facilitate the agricultural use of prime agricultural soils, it will not adversely impact any areas of high public value.

Decision

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

1. The survey plat shall be revised as follows:
 - A. The labels for the sewage disposal easement and the 40' wide access right-of-way will be edited to indicate that they will be retained by the Beldocks, rather than conveyed from the Holmes to the Beldocks (if this is accurate).
 - B. The distances from the easterly and westerly boundaries of the sewage disposal easement to the correlating portion of the Beldock/Holmes boundary-line will be added.
 - C. The 40' wide access right-of-way will be dimensioned at the easterly and westerly ends where it crosses the Holmes parcel.
 - D. In the Location Map insert, the Holmes' parcel will be shaded.
2. One digital copy (pdf) and a mylar (18" x 24"), revised in accordance with Condition #1 above, 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 s/he has set the survey pins in the field as indicated on the survey.
4. The property associated with this application (7.17 acres) will be conveyed within 365 days.
5. Once the land that is the subject of this application is conveyed from Beldock to Holmes, it will merge with the remainder of the Holmes' parcel 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 May 2, 2013: Jeff McDonald, Jim Donovan, Peter Joslin, Linda Radimer, Gerald Bouchard and Donna Stearns

Vote of Members after Deliberations:

The following is the vote for or against this Findings of Fact and Decision as written:

- 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 appropriate fee.
- 2. A survey plat entitled "Lands of G.& E. Beldock and T. & J. Holmes, Spear Street Extension, Charlotte, Vermont, Boundary Line Adjustment Plat" by Lamoureux & Dickinson dated 3/4/13, revised 4/17/13.