

This 20th day of October A.D. 2017
 at 11 o'clock 0 minutes A m and
 recorded in vol. 230 on page 579-581
 Attest Ch M B Town Clerk

In re: Suzanne R. Parker Revocable Trust request for a Minor Subdivision Amendment for 311 Whalley Road
Permit Application No. PC-17-98-SA

Introduction and Procedural History

This proceeding involves review of an application for a Minor Subdivision Amendment submitted by Suzanne R. Parker (representing the Suzanne R. Parker Revocable Trust) for approval under the Town of Charlotte Land Use Regulations. The application was received on July 20, 2017. On the week of September 4, 2017, a notice of public hearing was posted at the following three locations: The Town Office Building, The Brick Store, and Spear's Corner Store. During that week, a copy of the notice was also mailed to all adjoining landowners, and an electronic copy was posted on the Town website meeting calendar.

A site visit was conducted at 311 Whalley Road on September 21, 2017 at 6:00 PM. Present at the site visit were the following members of the Planning Commission; Peter Joslin (Vice-Chair), Gerald Bouchard, and Dick Eastman. The applicant Suzanne Parker, her consultant Mark Day of Trudell Consulting Engineers, and the Town Planner were also present during the visit.

The Final Application was considered by the Planning Commission at the public hearing at 7:00 PM that evening. Present at the public hearing were the following members of the Planning Commission; Peter Joslin, (Acting Chair), Gerald Bouchard, Richard Eastman, and Marty Illick. The applicant and her consultant also participated in the hearing.

Exhibits

1. Application form for Minor Subdivision Amendment
2. Survey (submitted with the application): "Boundary Line Adjustment Plat, Suzanne R. Parker Revocable Trust – Tax Lot M04B01L028 – 309 & 311 Whalley Road, Charlotte, Vermont" (dated June 19, 2017) by Trudell Consulting Engineers, Williston, Vermont
3. Charlotte Land Records – Volume 218, Pages 386-87 (May 22, 2016) Current Use Appraisal; Volume 173, Pages 666-67 (June 9, 2008) Conveyance to Trust; Volume 172, Page 659 (March 28, 2008) Conveyance; Volume 42, Pages 408-10 (January 27, 1984) Conveyance; Volume 32, Page 96-97 (September 28, 1972) Conveyance; Volume 25, Page 313 (December 29, 1941) Conveyance.
4. Map Slide 3, Volume 2, Page 15; Survey for "Property Plan - Cloyes R. White, Charlotte, Vermont" (dated December 1971) by Warren Robenstein, Land Surveyor, VT. Reg. #48.
5. Map Slide 72, Book 9, Page 36; Survey for "Peter Pollak – Susan Parker Pollak – Charlotte, Vermont – Boundary Survey" (dated December 4, 1989) by Trudell Consulting Engineers, Inc., Williston, VT.
6. Planning Commission Minutes from meetings held on September 21, 2017.

Regulations in Effect

Town Plan, 2016

Land Use Regulations, 2016
Recommended Standards for Developments and Homes, 1997

Findings

Background

1. The Suzanne R. Parker Revocable Trust owns 68.97 acre property located at 311 Whalley Road (M04B01L28), comprising of Lot 1 (a 10.14 acre parcel) within the Rural zoning district, and Lot 2 (a 58.5 acre parcel), which traverses the Rural and Shoreland zoning districts.
2. The access road to the property runs in a westward direction from Whalley Road across Lot 1 to Lot 2.
3. The current application proposes to adjust the driveway from Lot 1 to Lot 2.
4. The right-of-way footprint for the driveway across Lot 1 retains a separate identity within the Town's 2016 parcel database. However, no historical land records have been found, which reflect the demarcation of this right-of-way or provision of an easement. Therefore, a formal shared access and utility easement will be required for Lot 1 from Whalley Road.

7.2 General Standards - Areas of High Public Value

1. The proposal does not result in any foreseeable undue adverse impact on Areas of High Public Value (AHPV).
2. With respect to lot layout, the proposed boundary adjustment creates a minor irregular shaped lot via the proposed boundary adjustment.

Decision

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the application for a Minor Subdivision Amendment subject to the following conditions:

1. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) of the plat with the updated building envelope, 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, after being signed by the Chair or Vice-chair of the Planning Commission.
2. Prior to the submission of the mylar to the Planning Commission, the applicant shall;
 - a. Update the proposed survey plat with the entire boundary of the parcel (including all known survey pins and legs), the footprint of the existing driveway, and the demarcation of the access and utility right-of-way for Lot 1.
 - b. Submit a letter from the surveyor indicating that he or she has set the survey pins in the field as indicated on the survey.
 - c. Submit a shared access and utility rights-of-way easement agreement for Lots 1 and 2 to the Town in the form of draft deed language that will be included in any future transfer deed.

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. Approved plans not filed and recorded within the aforementioned 180 day period shall expire.

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 latest date of 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 September 21, 2017: Peter Joslin, (Acting Chair), Gerald Bouchard, Richard Eastman, and Marty Illick.

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

- | | | | | |
|------------|---------------------------------|--|--------------|-----------------|
| 1. Signed: | <u><i>Peter Joslin</i></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>10/19/17</u> |
| 2. Signed: | <u><i>Allyn</i></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>10/19/17</u> |
| 3. Signed: | <u><i>Gerald A Bouchard</i></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>10/19/17</u> |
| 4. Signed: | <u><i>Marty Illick</i></u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>10.19.17</u> |
| 5. Signed: | _____ | For / Against | Date Signed: | _____ |
| 6. Signed: | _____ | For / Against | Date Signed: | _____ |
| 7. Signed: | _____ | For / Against | Date Signed: | _____ |