

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Julie Ann Polk  
and  
Henry J. Ernst, III and Nancy E. Damore  
Subdivision Modification/Amendment  
To Change Boundaries of Two Adjacent Parcels  
Application # PC-05-42**

### Background

The applicants own adjoining parcels, and propose to change the boundaries between them. The subject parcels were created by a subdivision of the Pease Estate on January 5, 1987 depicted on map slide 62. Sketch Plan Review for the current proposal occurred on October 20, 2005.

### Application

The application consists of:

1. An application form and appropriate fee.
2. A survey by Jason Dattilio of Lamoureux & Dickinson Consulting Engineers, Inc. entitled "Lands of Julie Ann Polk, 37 Turtle Moon Road Charlotte, Vermont and Henry J. Ernst, III & Nancy E. Damore, 556 Cedar Beach Road, Charlotte, Vermont" dated 12/27/04, no revisions.
3. A memo dated March 2, 2006 from Julie Ann Polk to the Charlotte Planning Commission.

### Public Hearing

A public hearing was held for this application on April 6, 2006. Julie Polk 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 application is to allow the applicants to swap .52 acres, so that there is no net change of acreage to either parcel.
2. The purpose of swapping the land is to allow the applicants (particularly Polk) to have control of the land near the dwellings to provide privacy.
3. The application will not create any new lots, impact access to any parcel, or affect the wastewater disposal capacity of either subject parcel.
4. The application will not adversely impact any areas of high public value.
5. The application will result in both parcels complying with the dimensional requirements of Table 2.6 (Shoreland District).
6. The application will result in the Polk parcel becoming more regular in shape; the Ernst/Damore parcel will change shape but will not become irregular.

- 7. Section 6.1 of the Charlotte Land Use Regulations state that Minor Subdivision Amendments require Final Plat Approval.
- 8. The requested waivers (under Section 6.2) of Section 6.5 (Table 6.2) are granted because the proposal will not have any substantive impacts.

**Decision**

Based on these Findings, the Planning Commission approves the Subdivision Modification/Amendment 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) 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 .52 acres).
- 3. The property associated with this application (ie: swapping of .52 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 amendment to the Zoning Bylaws or 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 4<sup>th</sup> 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 April 6, 2006:** Jeff McDonald, Jim Donovan, 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: \_\_\_\_\_