

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Gregg and Beth Beldock

And

Randall and Page Frantz

**Subdivision Modification and Amendment
Application # PC-01-15**

Background

The Planning Commission held Sketch Plan Review on February 1, 2001.

Application

The application consists of:

1. A Subdivision Modification application form and appropriate fee.
2. A survey map entitled "Plouffe Farm Subdivision, Gregg & Elizabeth Beldock, Plouffe Lane, Charlotte, Vermont" by William Robenstein dated 4/22/97, most recently revised 3/29/01.

Public Hearing

A Public Hearing was held for this application on May 3, 2001. Randall Frantz represented the applicants at the Hearing.

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The original subdivision creating seven lots was approved by the Planning Commission on April 22, 1997, as shown on a plat map entitled Plouffe Farm Subdivision, Gregg & Elizabeth Beldock, Plouffe Lane, Charlotte, Vermont" by William Robenstein dated 4/22/97 and recorded in the Land Records in (hanging) map book 2 pages 18-20.
2. The proposed modification will add 6.5 acres (so called "Lot 3B") from Lot #6 to Lot #4, and add 7 acres (so called "Lot 3A") from Lot #6 to Lot #2. The resulting Lots #2, 4, and 6 will be 17.4 acres, 18.5 acres, and 117.3 acres, respectively.
3. The proposed modification will not create any new lots, will not create a non-conforming lot, will not impact access to any parcel, and will not adversely impact any significant natural resource.
4. The original subdivision (approved 4/22/97) provided a 60 foot wide right-of-way to

Lots# 3, 4, and 5 (over Lot 6) from Plouffe Lane. The proposed amendment to move the right-of-way to be centered on the existing farm road will not impact access to any parcel.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Modification and Amendment with the following conditions:

1. Lots 3A and 3B (so-called) shall be transferred to the owners of Lots 2 and 4, respectively, within 90 days. The deeds shall describe the merged lots.
2. The right-of-way serving Lots 3, 4 (and 3B), and 5 will be centered on the existing farm road.
3. A mylar of the survey map shall be submitted to the Planning Commission for review within 60 days, and recorded in the Land Records within 90 days.
4. All conditions of the 4/22/97 subdivision approval remain in full force and effect.

Additional Conditions: All plats, plans, drawings, 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.

You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).

Members Present at the Public Hearing: Jeff McDonald, Al Moraska, Josie Leavitt and Gordon Troy.

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: May 3, 2001

Signed: _____ (Chair/Vice Chair)

Date Signed: _____