

CHARLOTTE PLANNING COMMISSION

**FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

**CHARLOTTE LAND TRUST
AND
LEWIS CREEK ASSOCIATES**

**For A
Boundary Adjustment
Application # PC-00-37**

Background

The parcel was purchased by the Charlotte Land Trust from Earl Burns as recorded in Volume 12 pages 116-120 of the Charlotte Land Records. A different portion of the property is proposed to be subdivided into three lots, and is also part of a boundary adjustment with Bradley Miller.

Application

The application consists of:

1. A Boundary Adjustment application form; the fee was waived by the Selectboard.
2. A survey map entitled "Preliminary Plat, Major Subdivision, Boundary Adjustments, Property of the Charlotte Land Trust, Charlotte, Vermont" by Stuart Morrow, dated October 2000, last revised 10/26/00.

Hearing

A hearing was held for this application on November 2, 2000. David Marshall of Civil Engineering Associates was present representing the Charlotte Land Trust, and Richard Bernstein and Lee Weisman were present representing Lewis Creek Associates. Catherine Hughes and Stephen Kiernan who are adjoining property owners were also present.

Regulations in Effect

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

Findings

1. The Lewis Creek Associates parcel was created prior to 1972, and was not involved in a subdivision since 1972, allowing this action to be considered a Boundary Adjustment.
2. The proposed Boundary Adjustment conforms to the Subdivision Bylaws.
3. The submitted survey map shows a 20' wide path easement running in a north/south orientation over the Lewis Creek Associates parcel.

Decision

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

1. A Recreation Path Easement Deed and Irrevocable Offer of Dedication for the trail over the Lewis Creek Associates parcel shall be executed and recorded in the Charlotte Land Records within 90 days and before the lot is subdivided.
2. A mylar of the map entitled "Preliminary Plat, Major Subdivision, Boundary Adjustments, Property of the Charlotte Land Trust, Charlotte, Vermont" by Stuart Morrow, dated October 2000, last revised 10/26/00 shall be submitted to the Planning Commission within 60 days and recorded in the Charlotte Land Records within 90 days. A single mylar may be used for the Subdivision and the Boundary Adjustments provided that all applications are approved. If any of the applications are not approved, the map shall be appropriately revised. The map may be revised for the associated subdivision as long as the depiction of the Boundary Adjustment and trail easement associated with this application are not altered.
3. Lewis Creek Associates shall purchase the 3.35 acre portion of the Charlotte Land Trust parcel within 90 days. If this condition is not met, the 3.35 acre portion shall revert to the Charlotte Land Trust parcel, or if subdivided, to Lot #2.

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, Ed Stone, Dave Brown, and Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: November 2, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____