

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### Cornie Dykema Subdivision Reaffirmation Application # PC-02-20

#### **Background**

The applicant received the Planning Commission's approval for a two-lot subdivision in 1994 but did not file record a mylar of the survey. One of the parcel's created by the subdivision has since been conveyed, so "voiding" the subdivision is not feasible.

#### **Application**

The application consists of:

1. An application form and appropriate fee.
2. A survey by Harold Marsh entitled "Plat of Survey Showing a Portion of Lands of Cornie & Wilma Dykema, Town of Charlotte, Vermont" dated December 5, 1994, no revisions.

#### **Public Hearing**

A public hearing for this application was held on November 7, 2002. Cornie Dykema was present at the hearing representing the applicant. Anthony Stout was present representing Iris Muggenthaller, an adjoining property-owner.

#### **Regulations in Effect**

Town Plan as amended March 2002  
Zoning Bylaws as amended March 2002  
Subdivision Bylaws as amended March 1995

#### **Findings**

1. The minutes of the Planning Commission of December 13, 1994 indicate that the subdivision was approved, as shown on the survey by Harold Marsh.
2. One of the parcels created by the subdivision was conveyed to Ben A. and Kristine L. Dykema on 12/14/94, as recorded in Volume 83 Page 602 of the Charlotte Land Records and Book 81 page 366 of the Ferrisburgh Land Records.
3. The metes and bounds description of the property in the deed described in Finding 2 above does not match the survey by Harold Marsh.

#### **Decision**

Based on these Findings, the Planning Commission reaffirms the subdivision originally approved on 12/13/94 with the following conditions:

1. An 18” by 24” mylar of the survey shall be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte Land Records within 90 days.
2. It is recommended that the applicant record corrective deeds in Charlotte and Ferrisburg for the parcel now owned by Ben and Kristina Dykema.

**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 of the signing of this Decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.**

**Members Present at the Public Hearing:** Jeff McDonald, Al Moraska, Jim Donovan, and Gene Diou.

**Vote of Members Present after Deliberations:**

The following is the vote for or against the application, with conditions as stated in this Decision:

Signed: \_\_\_\_\_ For / Against Date Signed: \_\_\_\_\_

Date Mailed: