

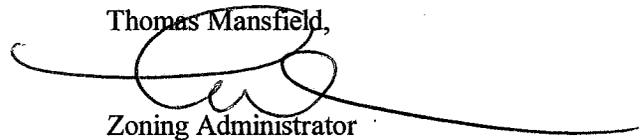
# Town of Charlotte Certificate of Compliance

Date Issued: 3/3/2005

**Permit #:** 05-008-COC  
**Parcel ID #:** 00100-5692  
**Property Location:** 5692 Ethan Allen Highway  
 Charlotte, VT  
**Property Owner:** John H. Crabbe, Jr.

This Certificate of Compliance certifies that the building or use at the above location conforms with the approved plans and zoning permits on file for the property with the Town of Charlotte Zoning Administrator.

This Certificate of Compliance is with respect to the Town of Charlotte's Zoning Regulations only. The applicant is responsible for obtaining all other applicable state or federal approvals.

Thomas Mansfield,  
  
 Zoning Administrator  
 Town of Charlotte

APPLICATION AND REVIEW PROCESS				
	ACTION	DATE	EFFECTIVE	EXPIRES
<input type="checkbox"/> Zoning Permit				
<input type="checkbox"/> Conditional Use Approval				
<input type="checkbox"/> Variance				
	REQUESTED	ACTION	DATE	
<input type="checkbox"/> Cert. of Occupancy				
<input checked="" type="checkbox"/> Cert. of Compliance	25-Feb-05	Issued	03-Mar-05	
	TYPE	ACTION	DATE	PLAT FILED
<input type="checkbox"/> Subdivision Permit				

CHARLOTTE TOWN CLERK'S OFFICE  
 RECEIVED FOR RECORD  
 This 3 day of March A.D. 2005  
 at 10 o'clock 45 minutes 14 (p.m.)  
 recorded in vol. 155 on page 59  
 Attest Melanie C. Mansfield Town Clerk  
Assst

CONFIRMATORY AGREEMENT

This Confirmatory Agreement is made this 3<sup>rd</sup> day of March, 2005, by and between CLARK W. HINSDALE, III, of Charlotte, Vermont ("Hinsdale"), and JOHN H. CRABBE, JR., of Charlotte, Vermont ("Crabbe").

1. On February 18, 2005, February \_\_, 2005, and March \_\_, 2005, Hinsdale, the Town of Charlotte, a municipal corporation in Chittenden County, Vermont, and Crabbe, respectively, executed an Amendment to Open Space Agreement to be recorded prior hereto and herewith in the Charlotte Land Records respecting certain property referenced therein subject to an Open Space Agreement executed October 6, 1987, and October 16, 1987, by Hinsdale and the Town of Charlotte, and recorded at Book 54 Pages 182-184 Charlotte Land Records (the "Property").

2. Hinsdale and Crabbe hereby confirm to each other that the rights and interests of Hinsdale, and his heirs and assigns, in the Property have been and are as excepted and reserved and retained by him in the Warranty Deed from Clark W. Hinsdale, III, to Jeffrey J. Hutchins and Christine J. B. Hutchins dated November 17, 1989, and recorded at Book 61 Pages 154-160 Charlotte Land Records, and reference is also made to a Quit Claim Deed from Jeffrey J. Hutchins and Christine J. B. Hutchins to Daniel C. Palmer dated February 15, 1995, and recorded at Book 85 Page 140 Charlotte Land Records, and to an Administrator's Deed from James D. Foley, Administrator, d.b.n., c.t.a. of the Estate of Daniel C. Palmer to Clark W. Hinsdale, III, dated January 6, 2004, and recorded at Book 146 Pages 396-397 Charlotte Land Records, and nothing contained in said Amendment to Open Space Agreement shall be construed to expand the rights and interests of Hinsdale, his heirs and assigns, in the Property beyond those excepted and reserved and retained by him in said Warranty Deed and referenced in said Quit Claim Deed.

3. This Confirmatory Agreement is intended to be binding upon and inure to the benefit of the parties hereto and their heirs and assigns.

Dated at Charlotte, Vermont, this 30 day of March, 2005.

OUIMETTE & RUNCIE  
ATTORNEYS AT LAW  
257 MAIN STREET  
VERGENNES, VERMONT  
(802) 877-3372  
FAX (802) 877-3723

Confirmatory Agreement  
Page 2

IN PRESENCE OF

[Signature]  
Witness

Clark W. Hinsdale, III L.S.  
CLARK W. HINSDALE, III

STATE OF VERMONT  
Chittenden COUNTY, SS

At Charlotte, Vermont, this 30 day of March, 2005, Clark W. Hinsdale, III, personally appeared, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed.

Before me, David Mistell  
Notary Public

Dated at Charlotte, Vermont, this 30 day of March, 2005.

IN PRESENCE OF

[Signature]  
Witness

[Signature] L.S.  
JOHN H. CRABBE, JR.

STATE OF VERMONT

At Charlotte, Vermont, this 30 day of March, 2005, Clark W. Hinsdale, III, personally appeared, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed.

Before me, David Miskell  
Notary Public

Dated at Charlotte, Vermont, this 30 day of March, 2005.

IN PRESENCE OF

[Signature]  
Witness

[Signature] L.S.  
JOHN H. CRABBE, JR.

STATE OF VERMONT  
Chittenden COUNTY, SS

At Charlotte, Vermont, this 30 day of March, 2005, John H. Crabbe, Jr., personally appeared, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed.

Before me, David Miskell  
Notary Public

CHARLOTTE TOWN CLERK'S OFFICE

This 3rd day of March, 2005  
at 3 o'clock 30 minutes P m and  
recorded in vol. 155 on page 60-61.  
Attest: Mary A Mead Town Clerk

AMENDMENT TO OPEN SPACE AGREEMENT

This Amendment to Open Space Agreement is made this 18th day of February, 2005, by and between CLARK W. HINSDALE, III, of Charlotte, Vermont ("Hinsdale"), JOHN H. CRABBE, JR., of Charlotte, Vermont, ("Crabbe"), and the TOWN OF CHARLOTTE, a municipal corporation in Chittenden County, Vermont ("Town").

RECITALS

1. On June 23, 1987, the Town of Charlotte Planning Commission ("Planning Commission") approved a four lot Planned Residential Development request by Hinsdale ("the Hinsdale Subdivision"), which approval included a "no build zone" on Lot 4 of the Hinsdale Subdivision but allowed for the construction of sewage and wastewater disposal systems within the "no build zone". The approved Subdivision Plat entitled "Subdivision Plan, Clark Hinsdale III, Charlotte, Vermont" prepared by Pinkham Engineering Association, Inc., dated June 4, 1987, is recorded at Map Book 8 Page 19 Charlotte Land Records ("the Hinsdale Plat"). The Hinsdale Plat depicts the "no build zone." (The Hinsdale Subdivision was reaffirmed by the Planning Commission on November 9, 1993.)

2. On October 6, 1987, and October 16, 1987, Hinsdale and the Town, by the Chairman of the Planning Commission, executed an Open Space Agreement ("the Open Space Agreement"), which Open Space Agreement is recorded at Book 54 Pages 182-184 Charlotte Land Records. The Open Space Agreement states restrictions on the uses allowed within the "no build zone", but allows construction of sewage and wastewater disposal systems within the "no build zone" to serve Lot 1 and Lot 4 of the Hinsdale Subdivision.

3. On June 27, 1989, the Planning Commission approved a ten lot Planned Residential Subdivision request by ASW Development ("the ASW Subdivision"). The Planning Commission approval for the ASW Subdivision provides that the sewage and wastewater disposal for Lots 3 through 11 of the ASW Subdivision shall be from a single system located on Lot 4 of the Hinsdale Subdivision (See minutes of the Planning Commission hearing held on May 2, 1989). The ASW Subdivision was

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reaffirmed by the Planning Commission on February 13, 1990. The approved Subdivision Plat entitled "Overall Site Plan, A.S.W. Development, Former Aube Farm, Rt. 7 & Greenbush Road, Charlotte, Vermont" prepared by Pinkham Engineering Associates, Inc., dated September 1, 1988, last revised May 3, 1990, is recorded at Map Book 9 Page 50 Charlotte Land Records ("the A.S.W. Plat"). The A.S.W. Plat depicts the sewage and wastewater disposal system area on Lot 4 of the Hinsdale Subdivision which benefits Lots 3 through 11 of the A.S.W. Subdivision as lying within the "septic easement" and "sewer 20' easement" shown on the A.S.W. Plat, a portion of which lies within the "no build zone" on Lot 4 of the Hinsdale Subdivision.

4. On February 28, 1990, and May 24, 1989, Michael A. Abate, Wilbur L. Shriner, III, and Dennis Wilmott (A.S.W.) and the Town, by the Chairman of the Planning Commission, executed a Sewage Service Agreement, Waiver and Easement, which is recorded at Book 63 Pages 4-7 Charlotte Land Records, which reflects the approved use of the sewage and wastewater disposal system area on Lot 4 of the Hinsdale Subdivision to provide a sewage and wastewater disposal system for Lots 3 through 11 of the ASW Subdivision.

5. The A.S.W. Subdivision was reaffirmed by the Planning Commission on November 14, 1995.

6. On December 31, 2003, the Planning Commission issued a decision amending the A.S.W. Subdivision entitled "Findings of Fact and Decision In Re Application of Clark W. Hinsdale, III (Applicant), George and Lynne Reynolds (Property Owners), Application for a Subdivision Amendment, Application # PC-03-32, which is recorded at Book 146 Pages 221-226 Charlotte Land Records ("the Kingsland Farm Subdivision"). The A.S.W. Subdivision as amended is now known as the Kingsland Farm Subdivision. The approved Subdivision Plat entitled "5 Lot Subdivision Plat, George & Lynn Reynolds, Kingsland Farm Subdivision, Route 7, Charlotte, Vermont" prepared by Summit Engineering, Inc., dated September 11, 2003, last revised January 8, 2004, is recorded at Map Slide 137 Charlotte Land Records ("the Kingsland Farm Plat"). The approved sewage and wastewater disposal system which

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benefits Lots 5, 6 and 7 of the Kingsland Farm Subdivision is on Lot 4 of the Hinsdale Subdivision, and a portion lies within the "no build zone" on Lot 4 of the Hinsdale Subdivision and within the area shown as "septic easement" and "sewer 20' easement" on the A.S.W. Plat.

7. On March 17, 2004, March 18, 2004, and March 19, 2004, George W. Reynolds, Merry Lynn V. Reynolds and the Town executed a Sewage Service Agreement, Waiver and Easement, which is recorded at Book 148 Pages 97-100 Charlotte Land Records, which reflects the approved use of the sewage and wastewater disposal system area on Lot 4 of the Hinsdale Subdivision to provide a sewage and wastewater disposal system for Lots 5, 6 and 7 of the Kingsland Farm Subdivision.

8. On January 6, 2005, the Planning Commission issued a decision entitled "Reconsidered and Restated Findings of Fact and Decision, In Re Application of Estate of Marietta J. Palmer, For A Final Plat Hearing for A Five Lot Subdivision, Application # PC-04-20", which is recorded at Book 153 Pages 88-94 Charlotte Land Records ("the Palmer Subdivision"). The approved Subdivision Plat entitled "Property of the Estate of Marietta J. C. Palmer, Route 7 & Thompson's Point Road, Charlotte,

Lynn V. Reynolds and the Town executed a Sewage Service Agreement, Waiver and Easement, which is recorded at Book 148 Pages 97-100 Charlotte Land Records, which reflects the approved use of the sewage and wastewater disposal system area on Lot 4 of the Hinsdale Subdivision to provide a sewage and wastewater disposal system for Lots 5, 6 and 7 of the Kingsland Farm Subdivision.

8. On January 6, 2005, the Planning Commission issued a decision entitled "Reconsidered and Restated Findings of Fact and Decision, In Re Application of Estate of Marietta J. Palmer, For A Final Plat Hearing for A Five Lot Subdivision, Application # PC-04-20", which is recorded at Book 153 Pages 88-94 Charlotte Land Records ("the Palmer Subdivision"). The approved Subdivision Plat entitled "Property of the Estate of Marietta J. C. Palmer, Route 7 & Thompson's Point Road, Charlotte, Vermont" prepared by Civil Engineering Associates, Inc., dated October 30, 2003, last revised December 17, 2004, is recorded at Map Slide \_\_\_\_\_ Charlotte Land Records.

9. In its decision approving the Palmer Subdivision, the Planning Commission approved Lot 5 of the Palmer Subdivision to use the same sewage and wastewater disposal system on Lot 4 of the Hinsdale Subdivision that serves Lots 5, 6 and 7 of the Kingsland Farm Subdivision. The Planning Commission also approved Lot 4 of the Palmer Subdivision to use a separate sewage and wastewater disposal system area located on Lot 4 of the Hinsdale Subdivision within the area shown as "septic easement" on the A.S.W. Plat together with a separate force main leading directly to Lot 4 of the Palmer Subdivision.

10. On February \_\_\_, 2005, and February \_\_\_, 2005, Richard W. Kozlowksi, Administrator, d.b.n., c.t.a. of the Estate of Marietta J. C. Palmer and the Town executed a Sewage Service Agreement, Waiver and Easement, which is recorded at Book \_\_\_ Pages \_\_\_ Charlotte Land Records,

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which reflects the approved use of the sewage and wastewater disposal system area on Lot 4 of the Hinsdale Subdivision to provide a sewage and wastewater disposal system for Lots 4 and 5 of the Palmer Farm Subdivision.

11. Hinsdale conveyed Lot 4 of the Hinsdale Subdivision to Jeffrey J. Hutchins and Christine J. B. Hutchins by Warranty Deed dated November 17, 1989, and recorded at Book 61 Pages 154-160 Charlotte Land Records, but excepted and reserved ownership of the "septic easement" and "sewer 20' easement" shown and depicted on the A.S.W. Plat in said Warranty Deed.

12. Ownership of the "septic easement" and "sewer 20' easement" was conveyed by Clark W. Hinsdale, III, to Daniel C. Palmer by Septic and Force Main Easement and Agreement dated November 17, 1994, and recorded at Book 83 Pages 437-441 Charlotte Land Records.

13. Ownership of the "septic easement" and "sewer 20' easement" was conveyed by James D. Foley, Administrator, d.b.n., c.t.a. of the Estate of Daniel Palmer, to Clark W. Hinsdale, III, by Administrator's Deed dated January 6, 2004, and recorded at Book 146 Pages 396-397 Charlotte Land Records.

14. Lot 4 of the Hinsdale Subdivision was conveyed to Crabbe by Warranty Deed of Jeffrey J. Hutchins and Anna Hutchins dated June 19, 2001, and recorded at Book 117 Pages 1-5 Charlotte Land Records (Christine J. B. Hutchins conveyed her interest in Lot 4 of the Hinsdale Subdivision to Jeffrey J. Hutchins by Quit Claim Deed dated June 17, 1996, and recorded at Book 89 Page 488 Charlotte Land Records, and at Book 89 Page 500 Charlotte Land Records).

15. The "septic easement" and "sewer 20' easement" may have the capacity to serve other lots and properties for sewage and wastewater disposal.

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Foley, Administrator, d.b.n., c.t.a. of the Estate of Daniel Palmer, to Clark W. Hinsdale, III, by Administrator's Deed dated January 6, 2004, and recorded at Book 146 Pages 396-397 Charlotte Land Records.

14. Lot 4 of the Hinsdale Subdivision was conveyed to Crabbe by Warranty Deed of Jeffrey J. Hutchins and Anna Hutchins dated June 19, 2001, and recorded at Book 117 Pages 1-5 Charlotte Land Records (Christine J. B. Hutchins conveyed her interest in Lot 4 of the Hinsdale Subdivision to Jeffrey J. Hutchins by Quit Claim Deed dated June 17, 1996, and recorded at Book 89 Page 488 Charlotte Land Records, and at Book 89 Page 500 Charlotte Land Records).

15. The "septic easement" and "sewer 20' easement" may have the capacity to serve other lots and properties for sewage and wastewater disposal.

16. Hinsdale, Crabbe and the Town desire to amend the Open Space Agreement to conform to the previous approvals by the Planning Commission for use of the "no build zone" on Lot 4 of the Hinsdale Subdivision for sewage and wastewater disposal and to allow for the future use of the "no build

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Amendment to Open Space Agreement  
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zone" on Lot 4 of the Hinsdale Subdivision for sewage and wastewater disposal to serve other lots and properties upon approval of the Planning Commission.

NOW THEREFORE in consideration of one or more dollars and other valuable considerations, Hinsdale, Crabbe and the Town agree to amend the Open Space Agreement as follows:

The following paragraph set forth in the Open Space Agreement is hereby deleted in its entirety:

**EXCEPTIONS:** Nothing in this Agreement shall be construed to prohibit on the subject property (1) installation by Grantor of a septic system to service Lot Nos. 1 and 4 as approved by the Municipality and (2) agricultural activities by Grantor, his heirs and assigns, not involving the construction of structures or roadways.

In lieu thereof and in substitution therefor the following paragraph shall be included in the Open Space Agreement and shall become a part of the Open Space Agreement:

**EXCEPTIONS:** Nothing in this Agreement shall be construed to prohibit on the subject property (1) the installation of sewage disposal systems (which term also means wastewater disposal systems) and sewer pipelines, including pump stations, leach fields, underground utility lines, and any other equipment or appurtenances necessary or appropriate to sewage disposal systems and sewer pipelines and all appurtenances thereon, which may serve Lots 1 and 4 of the so-called Hinsdale Subdivision, Lots 5, 6 and 7 of the so-called Kingsland Farm Subdivision and Lots 4 and 5 of the so-called Palmer Subdivision, as well as such other lots and properties onsite or offsite as may be approved by the Town of Charlotte Planning Commission; and (2) agricultural activities not involving the construction of structures or roadways.

DATED at Vergennes, Vermont, this 1st day of February, 2005.

IN PRESENCE OF

James A. Runcie  
Witness

Clark W. Hinsdale III L.S.  
CLARK W. HINSDALE, III

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Amendment to Open Space Agreement  
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STATE OF VERMONT  
ADDISON COUNTY, SS.

At Vergennes, Vermont, this 18<sup>th</sup> day of February, 2005, Clark W. Hinsdale, III, personally appeared, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed.

Before me, James F. Lusk  
Notary Public

DATED at \_\_\_\_\_ Vermont, this March day of ~~February~~, 2005.

IN PRESENCE OF

Witness Judith Rubin John H. Crabbe, Jr. L.S.  
JOHN H. CRABBE, JR.

STATE OF VERMONT  
Chittenden COUNTY, SS.

At Charlotte, Vermont, this 30<sup>th</sup> day of ~~February~~ March, 2005, John H. Crabbe, Jr., personally appeared, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed.

Before me, David Rishell  
Notary Public

DATED at Charlotte, Vermont, this 30<sup>th</sup> day of ~~February~~ March, 2005.

IN PRESENCE OF

Witness Don J. [Signature] By: [Signature] L.S.  
TOWN OF CHARLOTTE  
Chairman, Charlotte Planning Commission

STATE OF VERMONT  
Chittenden COUNTY, SS.

At Charlotte, Vermont, this 24<sup>th</sup> day of February, 2005, J. Mc Donald, Chairman of the Charlotte Planning Commission, personally appeared, and he acknowledged this instrument, by him sealed and subscribed to be his free act and deed, and the free act and deed of the Town of Charlotte.

Before me, Maureen C. Mansfield  
Notary Public

my commission expires Feb 10 2007

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ATTORNEYS AT LAW  
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CHARLOTTE TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD  
This 3<sup>rd</sup> day of March A.D. 2005  
at 3 o'clock 30 minutes P m and  
recorded in vol. 155 on page 61-65  
Attest: Mary A Meach Town Clerk