

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Warren and Victoria Rinehart
and
Clark and Suzanne Hinsdale III
Subdivision Modification
Application # PC-04-17**

Background

The applicants are adjoining property-owners. The proposal is for Rinehart to convey 7/10th acres to Hinsdale, and for Hinsdale to convey a view easement to Rinehart.

Application

The application consists of:

1. An application form and appropriate fee.
2. A map by Harold Marsh entitled "Plat of Survey Showing a Subdivision Modification for Clark & Suzanne Hinesdale (sic) and Victoria & Warren Rinehart in the Town of Charlotte, Vermont" dated September 4, 1998, last revised 8/7/04.

Public Hearing

A public hearing was held for this application on August 19, 2004. Clark Hinsdale III and Warren Rinehart were present representing the applicants.

Regulations in Effect

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

Findings

1. The application will not create any new lots.
2. The application will not impact access to any parcel.
3. The application will not create a non-complying lot.
4. The proposed lot lines meet the setback requirements of Chapter IV Section 4.1.D. of the Charlotte Zoning Bylaws.
5. The area that is proposed to be subject to the view easement is located in an area designated as *forest habitat* on Map 6 (entitled "Critical Wildlife Habitat") of the Charlotte Town Plan. This area also has a steep slope, which appears to approach 15% on the western side.
6. At the hearing on August 19, 2004, Mr. Rinehart stated that he does not intend to "clear-cut" the trees in the view easement.

- 7. The area that is proposed to be subject to the view easement is subject to a Grant of Development Rights and Conservation Restrictions to the Vermont Land Trust.

Decision

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

- 1. The survey will be amended so that the applicant’s name is corrected in the title block and in the note on Lot 1.
- 2. A mylar of the survey, as amended in Condition #1 above, will be submitted to the Planning Commission Chair for review within 60 days, and recorded in the Charlotte Land Records within 90 days.
- 3. Survey markers will be installed as indicated on the survey prior to the conveyances associated with this application.
- 4. The applicants shall obtain approval from the Vermont Land Trust for the proposed view easement prior to the conveyance of the view easement. Failure to obtain approval from the Vermont Land Trust within 180 days shall render this approval null and void.
- 5. The conveyance of property and easements associated with this application will occur within 180 days. Failure to convey property and easements within 180 days shall render this approval null and void.
- 6. Once the .7 acres that is the subject of this application is conveyed to Hinsdale, it will merge with the existing Hinsdale lot and cannot be conveyed separately unless allowed by 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.

You and any interested parties are entitled to appeal this decision to the Environmental Court within 30 days of the date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearings on August 19, 2004: Jeff McDonald, Linda Radimer, Robin Pierce, John Owen

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: _____