

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Daniel and Susan Raabe and Wing Point Homeowners Association Subdivision Modification Application # PC-02-23

Background

The applicant received Sketch Plan Review on September 6, 2001.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map entitled "Proposed Boundary Adjustment, Properties of Daniel & Susan Rabbe (sic) and Wings Point Homeowners Assoc., Charlotte, Vermont" by Civil Engineering Associates, Inc. dated September, 2002, no revisions.
3. A memo from Adam B. Brown to the Charlotte Planning and Zoning Office, no date, re: Subdivision Modification.

Public Hearing

A public hearing for the Final Plat application was held on February 6, 2003. Daniel Raabe, Tom Bates and Lorna Bates were present at the hearing.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. The subject properties (Lot 3 and the Common Lot) were created as part of a Planned Residential Development subdivision by J. Graham and Katherine P. Goldsmith, approved by the Planning Commission on November 11, 1986.
2. The dwelling on Lot 3 is located approximately 200 feet from where the parcel line will be adjusted; therefore the proposed property transfer will not create a setback violation.
3. The wastewater disposal area for Lot 3 is located on common land to the north of Lot 3, and therefore will not be affected by the proposed property transfer.
4. The proposed conveyance will not impact access to any parcel, will not adversely impact any significant natural resources, and will not create a non-complying lot.
5. A dry hydrant was installed on the common lot as a condition of the original subdivision

approval.

- 6. The applicant has indicated that the Wings Point Homeowners Association will be repairing and maintaining, or relocating, the dry hydrant.

Decision

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

- 1. The survey will be amended as follows:
 - a. The title block will indicate "Subdivision Modification."
 - b. The spelling of applicant's name (Raabe) will be corrected in all locations.
 - c. The survey will be stamped and signed by a licensed land surveyor.
 - d. A signature block for the Planning Commission and a recording block for the town clerk will be added.
- 2. Prior to the conveyance of the property, survey pins will be set in the field as indicated on the survey.
- 3. The property subject to this approval will be conveyed from Daniel and Susan Raabe to the Wings Point Homeowners Association within 180 days of this approval.
- 4. A mylar (18" x 24") of the survey (as amended by Condition #1 above) will be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.

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 date of the 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on January 2nd: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, Gene Diou and Linda Radimer.

Vote of Members after Deliberations:

The following is the vote for or against the application, 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: _____