

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Peter J. Coleman & Lantern Vision, LLC Subdivision Modification Application # PC-03-23

Background

The applicants own adjoining properties, and propose to convey 4.52 acres from the Coleman parcel to the Lantern Vision parcel. Sketch Plan Review was held on May 1, 2003. The Coleman parcel was created (as Lot 3) by the Charlotte Land Trust subdivision approved in 2000. The Lantern Vision parcel was created by a subdivision in 1990. (The Lantern Vision lot had been created prior to this, but as an undersized lot it had merged with the adjoining parcel, which was under the same ownership. It was resubdivided in 1990).

Application

The application consists of:

1. An application form and appropriate fee.
2. A map by Stuart Morrow entitled "Final Plat, Subdivision Modification, Properties of Lantern Visions, LLC and Peter J. Coleman, Charlotte, Vermont" dated March, 2003, no revisions.

Public Hearing

A public hearing was held for this application on September 4, 2003. Peter J. Coleman and James Dickerson 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. All of the relevant conditions of the Final Plat Decision for the Charlotte Land Trust (2000) subdivision have been met.
2. Charlotte Land Trust applied for and received an "Exemption Permit" (HE-4-0310) from the Vermont Wastewater Management Division for the existing wastewater system on Lot 3, however the permit required that water and wastewater disposal systems for the "shop and office" and the "easterly campground" be abandoned, and also required a replacement septic area be designated for the farmhouse. The replacement area for Lot 3 is depicted on a plan by Phelps Engineering entitled "Charlotte Land Trust Barber Hill Subdivision, Septic System Design for Lot No. 3, Charlotte, Vermont" (2 sheets) dated

11/6/00, last revised 1/3/01.

3. The application will not create any new lots.
4. The application will not impact access to any parcel.
5. The application will not adversely impact any significant natural resources
6. The application will not create a non-complying lot.
7. The proposed lot lines meet the setback requirements of Chapter IV Section 4.1.D. of the Charlotte Zoning Bylaws.
8. At the hearing on September 4 a letter was submitted by adjoining property owners Michael and Karen Frost, and read into the record.

Decision

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

1. The survey will be amended as follows:
 - A. The approved replacement wastewater disposal area for Lot 3 will be depicted and labeled.
 - B. The signature block for the Planning Commission will indicate “Subdivision Modification...”.
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 prior to the conveyance of the property associated with this application (ie: 4.52 acres).
4. The property associated with this application (ie: 4.52 acres) will be conveyed within 365 days. Prior to conveyance the applicant will obtain a Project Review Sheet from the Agency of Natural Resources.
5. Once the 4.52 acres that is the subject of this application is conveyed to Lantern Visions, it will merge with the existing Lantern Visions lot and cannot be conveyed separately unless allowed by an amendment to the Zoning Bylaws or 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 September 4, 2003: Jeff McDonald, Jim Donovan, Gordon Troy, Gene Diou, Linda Radimer, Robin Pierce

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: _____