

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Maurice Harvey and Mary Mead
And
Ann L. Schofield**

**Final Plan Application
For A
Subdivision Amendment
Application # PC-08-24**

Background

The parcels were created by a subdivision in 1995 (by Schofield). The Harvey/Mead lot (Lot 2) was amended in December in 1995, the purpose being to move the building envelope. Sketch Plan Review for the current proposal was held on July 17, 2008.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing for this application was held on September 4, 2008. Maurice Harvey and Mary Mead were present representing the applicant. There were no other interested parties present.

Regulations in Effect

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2006.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The proposed Subdivision Amendment will allow the conveyance of 4.33 acres from Schofield to Harvey and Mead.
2. The Schofield parcel will retain more than the minimum lot size that is required in the Rural District (Table 2.5 of the Land Use Regulations).
3. The proposed boundary change will not have any undue adverse impacts on *areas of high public value* on or adjacent to either parcel.
4. The Town's wastewater disposal consultant has indicated in a memo dated 9/3/08 that both lots qualify for an exemption from the requirement (in Chapter 1 of the Vermont Environmental Protection Rules) to designate a replacement wastewater disposal area.

Decision

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Subdivision Amendment with the following conditions:

1. The survey plat by Stuart Morrow will be revised to correct the spelling of “Schofield” in the title block and on the parcel label.
2. Two paper copies (one full size and one 11”x 17”) and a mylar (18” x 24”) of the plat, as amended in accordance with Condition #1 above, will be submitted to the Planning Commission for review within 160 days; the applicant will record the mylar of the plat in the Charlotte Land Records within 180 days.
3. Prior to the submission of the mylar in accordance with Condition #2 above, the applicant shall submit the following to the Planning and Zoning Office:
 - A. The application fee as approved by the Selectboard
 - B. A letter from the surveyor indicating that he has set the survey pins in the field as indicated on the survey.
4. The property associated with the Subdivision Amendment (4.33 acres) will be conveyed from Schofield to Harvey and Mead within 365 days.
5. Once the 4.33 acres is conveyed from Schofield to Harvey and Mead, it will merge with the remainder of the Harvey/Mead parcel and cannot be conveyed separately unless an application for subdivision is submitted and approved.

Additional Conditions: All plats, plans, drawings, documents, 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.

This decision may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4th signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Members Present at the Public Hearing on September 4: Jeff McDonald, Linda Radimer, John Owen, Peter Joslin and Eleanor Russell

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: _____

APPENDIX A

The following items were submitted in association with the application:

- 1. An application form for a Subdivision Amendment/Modification.
- 2. A survey by Stuart Morrow entitled “Final Plat Subdivision Amendment Between Properties of Mary A. Mead and Maurice A. Harvey, and Ann L. Scofield, Charlotte, Vermont” dated August, 2008, no revisions.