

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

David Scheuer
5261 Lake Road
and
Katherine Arthaud
5515 Lake Road

Boundary Adjustment
Application # PC-13-21

Background

The Planning Commission conducted Sketch Plan Review (PC-13-12) on June 6, 2013, and classified the project as a Minor Subdivision Amendment.

Application

Materials submitted with the applications are listed in Appendix A.

Public Hearing

A public hearing was held for this application on September 19, 2013. David Scheuer represented both applicants at the hearing. No other parties were present or submitted written comments regarding the application.

Regulations in Effect

Town Plan amended March, 2013

Land Use Regulations adopted November, 2010

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. The purpose for the application is to allow Arthaud to convey 7.51 acres to Scheuer and for Scheuer to convey .40 acres to Arthaud.
2. The Arthaud parcel (Lot 5 as depicted on the plat) is currently 17.26 acres, and will become 10.15 acres.
3. The Scheuer parcel (Lot 4 on the plat) is currently 13.17 acres, and will become 20.28 acres.
4. Section 6.1(C)(3) of the Charlotte Land Use Regulations (“Regulations”) states (in part): “applications for Boundary Adjustments will be reviewed under the standards of Chapter VII.”
5. As both parcels were created as a part of the Black Willow Phase I subdivision in 1986, the application is subject to the provisions of Section 6.1(C)(4)(a), Subdivision Amendment, Minor.

6. Both parcels currently comply with the minimum lot size for the Rural District, and both will comply after the proposed conveyance.
7. Portions of the acreage to be conveyed from Arthaud to Scheuer is part of a “no build” area established in the Black Willow Phase I subdivision and will be maintained as originally approved.
8. The Arthaud parcel, Lot 5 as depicted on the Civil Engineering Associate plat submitted with the final plat application, is undeveloped and will remain so.
9. The existing 60’ right-of-way across the Scheuer property to the benefit of the Arthaud parcel for access to same will be re-surveyed and memorialized by deed and on the recorded survey plat.
10. Since no development is proposed with this application, the project will not adversely impact any areas of high public value.

Decision

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

1. The survey plat shall be revised as follows:
 - A. The new 60’ wide access right-of-way will be surveyed and dimensioned on the plat and include a survey note.
2. One digital copy (pdf) and a mylar (18” x 24”), revised in accordance with Condition #1 above, will be submitted to the Planning Commission for review and signature (of the mylar) within 160 days. The applicant will record the signed mylar 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 a letter from the surveyor indicating that s/he has set the survey pins in the field as indicated on the survey.
4. The properties associated with this application (7.51 acres from Arthaud to Scheuer and 0.40 acres from Scheuer to Arthaud) will be conveyed within 365 days.
5. Once the lands that are the subject of this application are conveyed, the conveyed parcels will merge with the remainder of the Arthaud and Scheuer properties, respectively, 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.

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 Hearings on September 9, 2013: Jeff McDonald, Peter Joslin, Linda Radimer, Gerald Bouchard, Marty Ilick and Donna Stearns

Vote of Members after Deliberations:

The following is the vote for or against this Findings of Fact and Decision as written:

- 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 and appropriate fee.
- 2. A survey plat entitled "Plat of Boundary Adjustment Between D.A. Scheuer and K.B. Arthaud, 2561 Lake Road, Charlotte Vermont" by Civil Engineering Associates, Inc. dated February 4, 2013, no revisions.
- 3. A document entitled "Consent To Subdivision Of Lot 5 Of Black Willows Farm, Charlotte, Vermont" dated July 14, 2012.
- 4. A copy of State of Vermont Land Use Permit, Administrative Amendment, Case #4C0685-12, dated August 6, 2013.