

TOWN OF CHARLOTTE

PC-15-04

P.O. Box 119

Charlotte, VT 05445

Phone: 802-425-3533 Fax: 802-425-4241

APPLICATION FOR SKETCH PLAN SUBDIVISION AMENDMENT

\*Applicant must return complete application and all supporting documents to the Planning & Zoning office in accordance with the annual submission schedule prior to being scheduled for a public hearing.

Office Use Only
Date Received:
Sketch Plan Date:
Classification:
Fee Paid:
Receipt #:
Date Approved:

PROPERTY OWNER
Name: Scott D Hardy
Address: PO Box 40, New Haven, VT 05472
Phone (H): 802-545-3020 (W): 802-373-6762

APPLICANT/CONTACT PERSON (if other than owner)
Name:
Address:
Phone (H): (W):

Signature of property owner [Handwritten Signature]

If applicant is agent for owner, written authorization signed by owner must be filed with application.
Signature of applicant

Map Reference Slide No. Deed Reference: Vol Page
Parcel ID #

Total acreage Zoning District

Was this parcel part of a prior subdivision? Yes No
If yes: Date: # of Lots
Name of previous owner or name of previous subdivision

When your project is completed how many lots will there be?
Description: (check where appropriate)
Commercial Industrial Single family
Multi family Planned Residential Development
Major Subdivision Minor Subdivision
Modification Boundary
Adjustment
Other, describe

Describe Intent of Project: Subdivide a 10 acre parcel into two 5 acre parcels

RECEIVED

JAN 30 2015

PLANNING & ZONING

Proposed Dimensional Data
Lot #
Acres
Frontage

**Please describe the following:**

Easements/Right-of-ways: (existing and proposed) \_\_\_ Only right-of-way is the 60' easement on Mutton Hill Drive which was granted in the first phase of the Mutton Hill Drive development.

Existing Structures: \_\_\_ Home and attached barn \_\_\_

Access: \_\_\_ via individual driveways, that are currently a "loop" with two access points on Mutton Hill Drive

Wastewater Disposal System: (existing and proposed) \_\_\_ Both the existing and the proposed are mound disposal systems

Water System: \_\_\_ Both the existing and the proposed are drilled wells

Drainage System: \_\_\_ none \_\_\_

Development Phasing Schedule: (describe) \_\_\_ none \_\_\_

Other unusual circumstances: \_\_\_

**The following are to be submitted with Subdivision and Amendment applications:**

1. A request for a waiver of any of the requirements not considered applicable to this application. (Those requirements that are allowed waivers are followed by an asterisk [\*]) Waivers for other requirements may be allowed upon written request.
2. Application fee
3. Names and addresses of all adjoining property owners, including those across a road right-of-way, (include stamped, addressed envelopes for each)
4. Plat or plan (1 original [24"X36"] and 10 copies [11"X17"]) with North arrow, Date, Legend, and name of preparer (Scale 1"=100'), to include:
  - a. Vicinity map which may be an inset on plot plan: minimum scale 1"=2000' (may be town parcel map)
  - b. Project boundaries, property lines, existing and proposed, dimensions (drawn for preliminary plan)
  - c. Roads and drainage infrastructure, facilities & improvements in the immediate vicinity of the project which may be affected or used by the project.
  - d. Zoning district designations and boundaries

- e. General indication of existing land cover (e.g., forested areas, tree lines, land in agricultural use within the last 5 years)
  - f. Location of areas of high public value (refer to Table 7.1 of zoning regulations, page 82)
  - g. Existing conservation & agricultural easement areas or open space areas (Include any on adjacent parcels)
  - h. Proposed conservation & agricultural easement areas or open space areas
  - i. Existing and proposed elevations (contour lines) near the development area \* (5' intervals)
  - j. Existing buildings (footprints) near area to be developed or conserved
  - k. Proposed building envelopes with dimensions
  - l. Existing & proposed roads, parking areas, associated rights-of-way or easements with dimensions & distances (drawn for preliminary plan)
  - m. Existing & proposed park, playground, public access or other recreational areas (drawn for preliminary plan)
  - n. Existing & proposed utility, water & wastewater system locations and associated rights-of-way or easements\*
  - o. Existing and proposed monument locations\*
5. Statement of compliance with town plan & applicable local regulations
  6. Engineering reports (water & wastewater systems) Scale 1"=30' preferred, may be 1"=100'
  7. Existing and proposed traffic generation rates, volumes (Estimated)\*
  8. Road profiles; road intersection and parking area geometry and construction schematics (as shown on plat)\*
  9. Proposed landscaping and screening\*
  10. Off-site easements (e.g. water, wastewater, access)\*
  11. Proposed phasing schedule\*
  12. Proposed covenants, easements, conserved land agreements, road maintenance agreements, roadway waivers, wastewater system maintenance agreements, wastewater waivers, fire pond agreements, trail easements and offers, and other associated deed restrictions, in both paper & electronic format (Microsoft Word) (In draft form for preliminary plat hearing)\*
  13. Proposed homeowner or tenant association or agreements\*
  14. Proposed performance bonds or sureties\*

**Any other Planning Commission recommendations or requirements from sketch plan review or the preliminary decision.**

**Copies of Land Use Regulations and the Town Plan are available at [www.charlottetv.org](http://www.charlottetv.org) and at the Planning and Zoning Office.**

**Any application that does not contain all information required, or a reasonable explanation why it does not apply, will be returned to the applicant.**

## Jeannine McCrumb

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**From:** Scott Hardy <scott@linckia.com>  
**Sent:** Sunday, February 01, 2015 11:29 PM  
**To:** Jeannine McCrumb  
**Subject:** FW: Message from "RNP00267388342F"

Jeannine,

Forgot to include a printout of this on Friday. Mind adding this to the file?

Best and thanks,  
Scott

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**From:** James Foley Jr. [mailto:jfoleyjr@middlaw.com]  
**Sent:** Tuesday, January 20, 2015 4:39 PM  
**To:** Scott Hardy  
**Cc:** Chris vonTrapp  
**Subject:** RE: Message from "RNP00267388342F"

I received your message and the attached "right of Way Agreement between Henry (grantor) to Veilleux (grantee) in 1987. Comments are as follows:

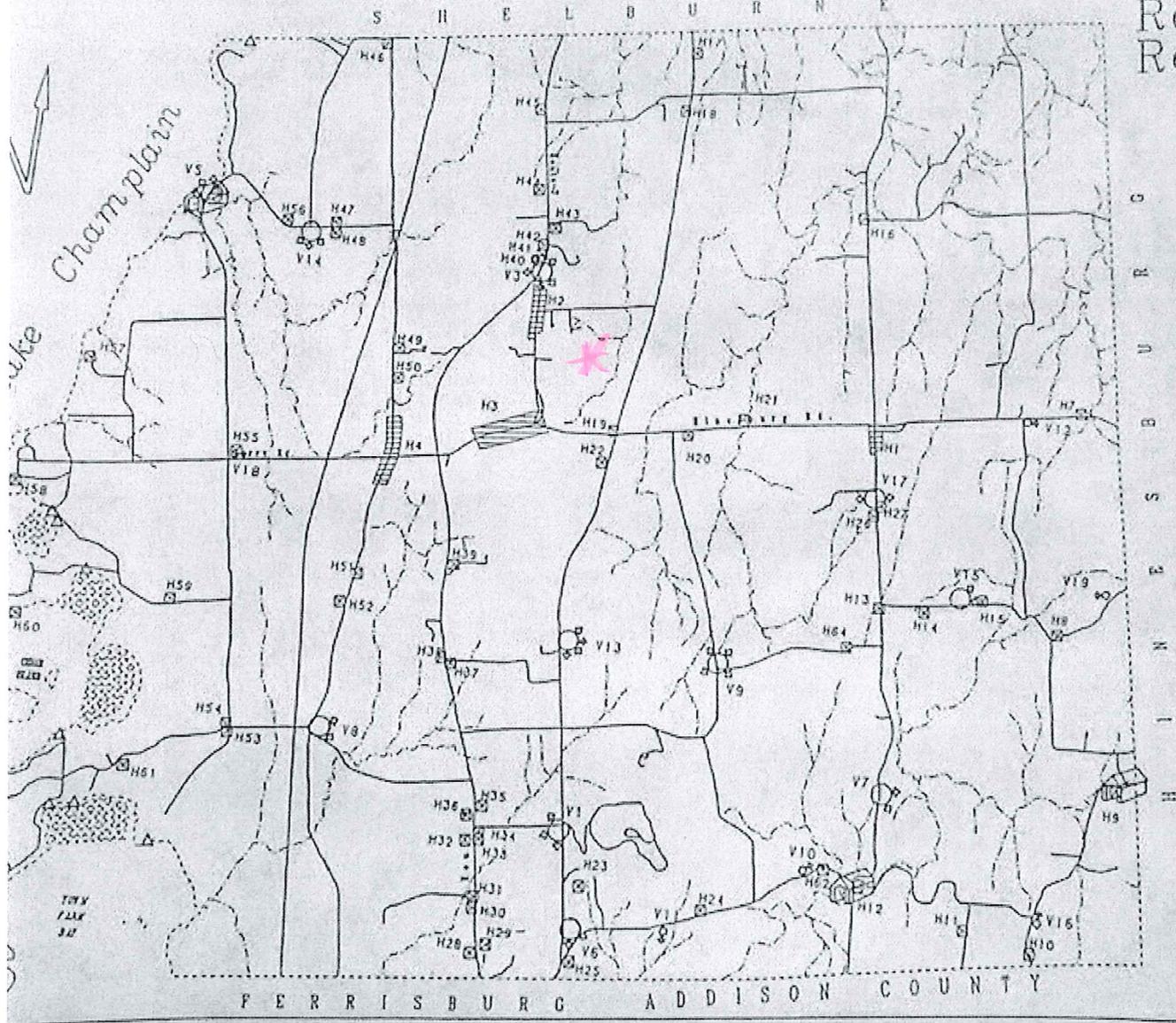
1. The agreement is not in your chain of title. It relates to lots (Lot 1 and Lot 2) which, as best as I can tell, are south of Lot A/Lot B/Lot C (your subdivision), and created long after your "Lot A" was created in 1979 when Selig first subdivided Lot A and sold it to Brush (who then sold to Cunha in '96, foreclosed by Bank in '14, who sold to you in '14).
2. The Agreement would in fact appear to create restrictions to use of the ROW which is referenced in the Agreement which might require "neighbors to work it out"...but while I have not searched the title to those lots to the south of you (Lots 1&2), I am thinking the restriction relates to the section of the ROW which lies SOUTH of your southerly boundary line.
3. In a nut-shell, you should understand the following about that road called Mutton Hill Drive:
  - a. The first part of the road (heading in a southerly direction) was private to begin with, and then became a town road (TH 47) now owned by the town.
  - b. The second part of the road is a private ROW created by the Seligs in 1979 when they created the 3 lot subdivision (Lots A, B and C)...and provided reference in each deed, and in the survey showing the subdivision, the 60' ROW necessary to create access to each lot...over Lot B. The deeds do not provide ANY restrictions to use of the ROW by the owner of Lot A (your lot).
  - c. Veilleux (one of the parties to the Agreement you reference) bought Lot B immediately after Lot A was sold to Brush. Their deed from Selig makes it clear they took title SUBJECT to the rights of Lot A...because the ROW actually runs over Lot B which Veilleux purchased from Selig.
  - d. The third part of the road (I suspect) is also a private ROW created for the lots referenced in that Agreement (Lots 1 & 2)...which are SOUTHERLY of Lots A, B and C...and the Agreement was probably created around 1987...the same date (I'll bet) Lots 1 & 2 were first sold.
  - e. It is this Third Part of Mutton Hill that is the subject of the "Right of Way Agreement". The Agreement does 2 things (generally speaking). (1) it allows the owners of Lots 1 & 2 to drive across Veilleux's Lot B (no other way to get to those lots to the south without going over the roadway situated upon Lot B...the same road you use); and (2) creates a mechanism for Lots 1 & 2 to share costs associated with building and maintaining this Third Part of the road.

4. So, as you can see, this issue has nothing to do with your use of the ROW (the Second Part ...so to speak...of the Mutton Hill drive).
5. Further, your use of the ROW is unlimited—meaning, if you were to use your lot for commercial purposes, further subdivision, an apartment house, etc...while zoning laws might affect your planned development, the ROW language provides no such restriction.

***James C. Foley Jr.  
Deppman & Foley P.C.  
P.O. Box 569  
Middlebury, Vt. 05753  
(802)388-7933***

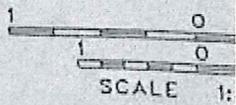
# TOWN OF CHARLOTTE, VERMONT

## Cultural Recreational Resource



### LEGEND

- △ Lake access
- ▨ Mooring
- ▧ Historic district
- ⊠ Historic site
- ▩ Covered bridge
- ⊕ Vista
- View





# Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



**LEGEND**

- Rare Threatened Endangered
  - Threatened or Endangered
  - Rare
- Significant Natural Community
- Deer Wintering Areas
- Wetlands - VSWI
  - Class 1 Wetland
  - Class 2 Wetland
- Soils - Prime Agricultural
  - Local
  - Local (b)
  - Not rated
  - Prime
  - Prime (b)
  - Prime (f)
  - Statewide
  - Statewide (a)
  - Statewide (b)
  - Statewide (c)
- Parcels (where available)
- Town Boundary

**NOTES**

Map created using ANR's Natural Resources Atlas



1: 2,589  
January 26, 2015

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

132.0 0 66.00 132.0 Meters

1" = 216 Ft. 1cm = 26 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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Hardy

Project #14090

Abutters:

Thomas and Jean Henry  
286 Mutton Hill Drive  
Charlotte, VT 05445

Robert L. & Denise F. Danyow  
367 Mutton Hill Drive  
Charlotte, VT 05445

Gary H. & Karen M. Small  
160 Mutton Hill Drive  
Charlotte, VT 05445

Michael & Justine Dee  
16 Sutton Place  
Charlotte, VT 05445

Elizabeth C. Herrick  
54 Sutton Place  
Charlotte, VT 05445

David A. & Carol L. Blanshine  
66 Sutton Place  
Charlotte, VT 05445

Charles W. & Peggy L. Ferreira  
358 Mutton Hill Drive  
Charlotte, VT 05445

Petdia III, LLC  
1905 Mt. Philo Road  
Charlotte, VT 05445