

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

James Callery and Sprague Callery, Holly Callery and Virginia Beams Subdivision Modification Application # PC-03-02

Background

A portion of the property that is the subject of this application (the resulting 125.9 acres to be owned by James Callery) is also subject to a subdivision proposal by Champlain Valley Co-housing, for which a Preliminary Plat Decision (PC-02-22) has been issued.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map entitled "Preliminary Plat, Subdivision Modification Between Holly & Sprague Callery, Virginia Beams and James Callery, East Thompsons Point Road & U.S. Route 2 (sic), Charlotte, Vermont" by Vermont Land Surveyors, Inc. dated September 3, 2002, no revisions.

Public Hearing

A public hearing for the Final Plat application was held on February 20, 2003. James Callery and Holly Callery were present at the hearing representing both applicants. William Maclay, representing the prospective buyer of the James Callery parcel, and Daniel Rosen, an adjoining property owner, were also present.

Regulations in Effect

Town Plan as amended March 2002
Zoning Bylaws as amended March 2002
Subdivision Bylaws as amended March 1995

Findings

1. Standards for reviewing boundary adjustments are listed in Chapter III Section 4 of the Charlotte Subdivision Bylaws. These standards are also appropriate for reviewing Subdivision Modifications, and are as follows: that the realignment does not create any new lots, will not impact access to any parcel, will not adversely impact any significant natural resource, and will not create a non-conforming lot.
2. The proposed modification will not create any new lots, will not create a non-complying

- lot, and will not adversely impact any significant natural resources.
3. Impacts related to the proposed development (if any) of both resulting parcels will be addressed within the permitting processes for those developments.
 4. A proposed public trail to be located on the subject property, which is part of trail network that will link Mount Philo with the West Charlotte Village and other important destinations in the town, has been in the planning stage for several years. The applicants indicated support for the trail at the public hearing for this application, and Champlain Valley Co-housing indicated support for the trail at the Preliminary Plat Hearing for that project.
 5. The trail has been planned to cross Route 7 at a proposed farm vehicle underpass. The connecting trail on the east side of Route 7 has been aligned and engineered, which was made possible by a \$150,000 grant from VTRANS (ISTEA). The underpass is on the VTRANS 2005 Transportation Improvement Plan (TIP). The proposed location for the underpass has been identified but not finalized by VTRANS.
 6. The new boundary line as proposed by this Subdivision Modification application will divide the frontage on Route 7 between two parcels. The resulting configuration of parcels could impact (negatively) access to the trail if the final location of the underpass is not aligned with the northern (James Callery) parcel.

Decision

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

1. The survey will be corrected as follows:
 - A. "Route 2" in the title block will be changed to "Route 7."
 - B. A signature block for the Planning Commission and a recording block for the Town Clerk will be added.
2. An 18" by 24" mylar of the submitted survey, as amended by Condition 1 above, will be submitted to the Planning Commission within 60 days of this decision and recorded in the Charlotte Land Records within 90 days.
3. Prior to recording the survey, the applicant will submit to the Town an executed Offer of Dedication and Trail Easement Deed for a recreational easement, 20 feet in uniform width, across the easterly sideline of the southern (Holly Callery, Sprague Callery and Virginia Beams) parcel, along the Route 7 right-of-way. The form of the Offer of Dedication and Trail Easement shall be approved by the Town attorney prior to recording in the Land Records. The Offer shall be recorded, but the Easement Deed will be held in cold storage pending final determination of the underpass location by AOT. The Town will record the easement deed only if necessary to allow for trail access to the Route 7 underpass, otherwise, it shall be released back to the property owner, their successors and assigns.
4. The property that is the subject of this application will be conveyed within 180 days of the issuance of this decision.
5. Prior to the conveyance of the property related to this application, survey pins will be set in the field as indicated on the survey.

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 February 20: Jeff McDonald, Al Moraska, 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: _____