

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

ROBERT AND KATHRYN MESAROS Subdivision Amendment Application # PC-03-19

Background

The lot was created by the subdivision application of EA and BN Deeds, which was approved by the Planning Commission on April 14, 1992. The current application is to move the building envelope on Lot 2.

Application

The application consists of:

1. Application form and appropriate fee.
2. A copy of the tax map of the vicinity of the subject property.
3. A site plan by Civil Engineering Associates entitled "Robert & Kate Mesaros, Proposed Improvements, 1184 Coverse Bay Road, Charlotte, Vermont, Site Plan" dated May 2003, no revisions. This site plan was also submitted laid over an orthophoto.
4. A site plan by Civil Engineering Associates entitled "Robert & Kate Mesaros, Proposed Improvements, 1184 Coverse Bay Road, Charlotte, Vermont, Alternate Site Plan" dated May 2003, no revisions. This site plan was also submitted laid over an orthophoto.
5. Photographs of the site.
6. A letter dated May 20, 2003 from Robert and Kathryn Mesaros to Dean Bloch.
7. Copies of minutes and the signed plat from the 4/14/92 approval.

Public Hearing

A public hearing for this application was held on August 7, 2003. Robert Mesaros was present at the hearing representing the applicant.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. The applicant has proposed to add an area of 5,070 square feet to the east side of the building envelop (to the east of the existing drive), and remove an area of 5,070 square feet from the west side of the building envelope (to the west of the existing swimming pool).
2. The proposed shift of the building envelope will not result in significant tree-clearing.

The area which the applicant has proposed to add to the building envelope is currently cleared, having previously been used as a hockey rink. The applicant stated at the public hearing that only two trees will need to be cut in order to allow for construction of the proposed boat storage barn.

3. The area which the applicant has proposed to add to the building envelope is not within the "No Cut Zone" depicted on the plat.
4. The entire parcel is within an area identified as *Forested Wildlife Habitat* on the "Critical Wildlife Habitat Map" (Map 6) in the Charlotte Town Plan.
5. The minutes of the original subdivision hearing did not indicate a particular reason for the locations of the building envelope or the "no-cut" zone.

Decision

Based on these Findings, the Planning Commission approves the Subdivision Amendment to move the building envelope on Lot 2 as proposed with the following conditions:

1. A survey map will be created in conformance with the site plan by Civil Engineering Associates entitled "Robert & Kate Mesaros, Proposed Improvements, 1184 Coverse Bay Road, Charlotte, Vermont, Site Plan" dated May 2003, no revisions. A signature block and recording block will be added to the survey.
2. An 18" by 24" mylar of the survey map will be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte Land Records within 90 days.
3. The applicant will obtain professional assistance to create a wildlife management plan for the entire parcel, and obtain a review of the plan by the Charlotte Conservation Commission. The plan shall be filed in the zoning file for the property.
4. No additional land use permits (after the boat-storage barn and generator shed) will be allowed until the wildlife management plan is filed.

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 as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on August 7: Jeff McDonald, Gordon Troy, Gene Diou, Linda Radimer and Robin Pierce.

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: _____