

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**William Kellner and Joanne Wolfe,
Mark Franceschetti and Kathleen Fleming, and
Lawrence and Linda Hamilton
Subdivision Modification
Application # PC-02-26**

Background

The application proposes to change the configuration of lots, two of which were created by a previously approved subdivision, resulting in the conveyance of .61 acres from Kellner and Wolfe to Franceschetti and Fleming, and 13.26 acres from Kellner and Wolfe to Hamilton and Hamilton. Sketch Plan Review was held on July 18, 2002.

Application

The application consists of:

1. Two Subdivision Modification Application forms with the appropriate fee.
2. A survey map entitled "Final Plat, Subdivision Modification Between Properties of William Kellner and Joanne Wolfe and Lawrence S. and Linda S. Hamilton and Mark Franceschetti and Kathleen Fleming, Charlotte, Vermont." by Stuart J. Morrow dated September, 2002, no revisions.

Public Hearing

A Public Hearing for this application was held on December 19, 2002. Present at the Public Hearing representing the applicants were William Kellner, Mark Franceschetti, Lawrence Hamilton and Linda Hamilton.

Regulations in Effect

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

Findings

1. The proposed Subdivision Modification will not create any new lots.
2. The Kellner/Wolfe parcel will be 14.13 acres after the proposed conveyance of properties, which is more than the minimum lot-size in the Rural District.
3. The Hamilton lot currently complies with the minimum lot-size, and will be getting larger as a result of this application and subsequent property acquisition.
4. The Franceschetti/Fleming parcel is less than the minimum lot-size in the Rural District, and therefore is a non-complying lot. As a result of the proposed Subdivision

Modification and the subsequent property acquisition, the Franceschetti/Fleming parcel will be getting larger, making it less non-complying.

5. There are easements and rights-of-way associated with the subject properties. The applicants indicated that there is no intention, through this application, to restrict access to any property with a legal easement or right-of-way.
6. There is a restrictive covenant associated with the subject properties. The applicants indicated that there is no intention, through this application, of removing this covenant.
7. The Charlotte Wetlands Map indicates there may be wetland on the property proposed to be conveyed to Franceschetti and Fleming and to Hamilton and Hamilton.

Decision

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

1. A mylar of the survey map shall be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
2. The property subject to this Subdivision Modification will be conveyed to the respective parties within 180 days. The conveyance deeds will include all easements, rights-of-way, and restrictive covenants established or referenced in the warranty deed to Kellner and Wolfe (volume 121, page 435-437).
3. Prior to any further development on the property to be conveyed to Franceschetti and Fleming, and to Hamilton and Hamilton, any wetlands on the property will be delineated by a qualified professional.

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 December 19th: Jeff McDonald, Al Moraska, Jim Donovan, Josie Leavitt, Gordon Troy and Gene Diou.

Vote of Members:

The following is the vote for or against the application, with conditions as stated in this Decision:

Signed: _____ For / Against Date Signed: _____

Signed: _____ For / Against Date Signed: _____