

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Edward Krasnow and Susan Krasnow-Trustee, Edward and Jane Krasnow, Michael and Sumru Tekin and Susan Krasnow-Trustee Subdivision Modification To Change Boundaries of Four Adjacent Parcels Application # PC-05-49

Background

The applicants own four adjoining parcels, and propose to change the boundaries between them. The subject parcels were created by Neil Raymond on August 27, 1985 and boundary adjusted on October 10, 1995, as depicted on map slides 44 and 103. Sketch Plan Review for the current proposal occurred on July 7, 2005.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey by T. Bass Land Surveys, Ltd. Entitled "Establishing A Common Boundary Line Between Edward & Jane Krasnow, Susan Krasnow, Michael & Sumru Tekin Krasnow, One Mile Road & Half Mile Road, Charlotte, Vermont" dated September, 2005, no revisions.
3. A plan by T.J. Boyle and Associates entitled "Krasnow Property, Existing Parcel Plan" dated 3/28/05, no revisions.

Public Hearing

A public hearing was held for this application on December 15, 2005. Edward Krasnow, Michael Krasnow and Susan Krasnow were present representing the applicants.

Regulations in Effect

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

Findings

1. The purpose of the Subdivision Modification is to create three lots (Lots 2, 3 and 4) of equal size, and add the remainder of the land to Lot 1.
2. Chapter VIII Section 6 of the Charlotte Subdivision Bylaws states that "no...modifications or revisions shall be made on any subdivision plat after final approval, unless said plat is first properly submitted in accordance with these Bylaws to the Planning Commission as a modification to the subdivision and the modified plat is approved."
3. The Subdivision Bylaws do not provide standards for reviewing modified plats, however the standards for Boundary Adjustments (Chapter III Section 4) have been used in the past as guidelines for reviewing Subdivision Modifications.
4. The application will not create any new lots.
5. The application will not impact access to any parcel.

- 6. The application will not adversely impact any significant natural resources
- 7. The application will not create a non-complying lot.
- 8. The proposed lot lines meet the setback requirements of Chapter IV Section 4.1.D. of the Charlotte Zoning Bylaws.

Decision

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

- 1. A mylar of the survey will be submitted to the Planning Commission for review within 160 days, and recorded in the Charlotte Land Records within 180 days.
- 2. Prior to the submission of the mylar in accordance with Condition #1 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. If the survey pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that s/he will set the pins when the ground thaws and has been paid to do so.
- 3. The property associated with this application will be conveyed within 365 days.
- 4. Once the properties that are the subject of this application are conveyed (among the applicants), the four lots can only be conveyed with the dimensions as depicted on the recorded plat, unless allowed by an amendment to the Zoning Bylaws or an action of the Planning Commission.
- 5. The Planning Commission will not require open space to be designated at this time, however any future subdivision of Lot 1 will require the designation of open space. The total current acreage will be considered when calculating the percentage of open space as provided for in Chapter V. Section 5.15 of the Charlotte Zoning Bylaws (or succeeding town regulations in effect).

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 December 15, 2005: Jeff McDonald, Jim Donovan, Linda Radimer, John Owen, Peter Joslin, Robert Mack

Vote of Members after Deliberations:

The following is the vote for or against the applications, 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: _____