

# **CHARLOTTE PLANNING COMMISSION**

## **FINDINGS OF FACT AND DECISION IN RE APPLICATION OF**

**Liam L. and Laura P. Murphy**

**And**

**Sarah Tischler, Esq., Trustee for the Doris Maeck Revocable Trust**

**Subdivision Amendment**

**To Allow the Transfer of Five Acres from Maeck to Murphy**

**Application # PC-11-17**

### **Background**

With the submission of this application, Liam and Laura Murphy also submitted an application for Preliminary Plan Review for an eight lot subdivision, which includes the land that is subject to this application for a Subdivision Amendment. A hearing was held for both applications simultaneously, and both hearings were closed on August 18<sup>th</sup>. A decision on the Preliminary Plan Review will be rendered separately.

Sketch Plan Review for the project was held on March 4, 2010, and an amended Sketch Plan Review was held on December 2, 2010. It was noted the applicants could either jointly apply for the proposed subdivision, or they could apply for a subdivision amendment, and simultaneously the Murphys could apply for the subdivision. The applicants chose the latter approach. Site visits were held on February 13, February 16 and December 11, 2010.

### **Application**

Materials submitted with the applications are listed in Appendix A.

### **Public Hearing**

A public hearing for this application was held on August 18, 2011. Liam Murphy, David Marshall and Jeffrey Parsons represented the applicant. The following persons participated in the hearing or submitted written comments at or in advance of the hearing: Vincent Comai, Laura Crandall, Trafton Crandall, Charles Gluck, James and Alice Murdoch (by e-mail), Steven Maeck, Robert Hyams (on behalf of the Conservation Commission), and Gary Pittman (on behalf of the Conservation Commission). No other interested parties participated in the hearing or made written submissions.

### **Regulations in Effect**

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

### **Findings**

1. Liam and Laura Murphy own a 51.26 acre parcel on Tamarack Road, which hosts a single family dwelling. The parcel was created by a three-lot subdivision approved on May 28, 1996.
2. Doris Maeck Trustee owns a 41.45 acre parcel on Tamarack Road, which hosts a single family dwelling and a tree nursery.
3. The application proposes to allow the conveyance of five acres from the Doris Maeck Trustee parcel to the Murphy parcel.
4. The substantive issues raised by the proposed conveyance will be reviewed and addressed during the hearing and decision-making process for the proposed subdivision of the resulting Murphy parcel.

### **Decision**

Based on these Findings, the Planning Commission approves the application for a Subdivision Amendment with the following conditions:

1. A mylar (18" x 24") of the proposed plat will be submitted to the Planning Commission for review within 160 days; the applicant will record the mylar of the survey 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 he has set the survey markers or pins in the field as indicated on the survey.
3. The areas associated with this application (i.e.: five acres) will be conveyed from Maeck to Murphy within 365 days.
4. The five acres conveyed to Murphy will merge with the Murphy's 51.26 acre parcel and cannot be conveyed separately unless allowed by an amendment to the Land Use Regulations or by an action of the Planning Commission.

**Additional Conditions:** All plats, plans, drawings, documents, 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.

**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 4<sup>th</sup> 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 Hearing on August 18, 2011:** Jeff McDonald, Linda Radimer, Peter Joslin, Ellie Russell, Gerald Bouchard and Paul Landler

### **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: \_\_\_\_\_

### **APPENDIX A**

The following items were submitted in association with the application:

1. A Subdivision Amendment application form and the appropriate fee.
2. A survey by Stuart J. Morrow entitled “Subdivision Amendment For A Boundary Adjustment Plat Between Properties of Liam L. and Laura P. Murphy And Doris W. Maeck Revocable Trust, Charlotte, Vermont” dated July 2011, no revisions.
3. A document entitled “Agreement” executed by Sarah Tischler, Trustee, Steven Maeck, Sarah Maeck, Liam L. Murphy and Laura P. Murphy.
4. A letter from Sarah Tischler, Trustee to Whom It May Concern dated November 4, 2010 regarding: “Murphy Application which includes 5 acres of Maeck Trust Property.”