

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Lydia Hibbard
And
Kathleen Mushkat
For A
Subdivision Modification
Application # PC-01-51**

Background

This application was submitted on December 28, 2001. The two landowners at that time were Lydia Hibbard and Barbara Horsford. After the application was submitted, Kathleen Mushkat bought the parcel that had been owned by Barbara Horsford.

Application

The application consists of:

1. A Subdivision Application form and appropriate fee.
2. A survey map entitled "Final Plat, Subdivision Modification, Property of Barbara Horsford and Lydia Hibbard" by Stuart Morrow, dated July 2001, revised 1/11/02.
3. A memo from Kathleen Mushkat dated 2/22/02 appointing Fred Mushkat to represent her at the public hearing.

Public Hearing

A Public Hearing for this application was held on February 28, 2002. Lydia Hibbard and Fred Mushkat were present at the hearing representing the applicants.

Adjoining property-owners present at the hearing were: Linda Radimer, Janie Cohen and Marc Maderazzo

Regulations in Effect

Town Plan readopted March 2000
Zoning Bylaws as amended March 1997
Subdivision Bylaws as amended March 1995

Findings

1. The applicants submitted a revised survey map prior to the public hearing indicating the current property-owners (changing Barbara Horsford to Kathleen Mushkat).
2. A Purchase and Sales Agreement has been executed for Lydia Hibbard's property. The prospective buyers, Bill and Lisa Rattner, have submitted a memo (by facsimile) to the Planning Commission acknowledging that they have "viewed the plot plans which show

the adjusted boundary and easements.”

3. Lydia Hibbard stated at the public hearing on 2/28/02 that the Purchase and Sales Agreement with the Rattners includes provision for this application for Subdivision Modification.
4. The proposed adjustment of property lines will not create any new lots, impact access to any parcel, adversely impact any significant natural resources, or create any non-complying lots.

Decision

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

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.

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: Jeff McDonald, Al Moraska, Dave Brown, Gordon Troy and Martha Perkins

Vote of Members Present:

AYES: Unanimous

NAYS: 0

ABSTENTION:

Date Approved: February 28, 2002

Signed: _____ (Chair/Vice Chair)

Date Signed: _____