

# **CHARLOTTE PLANNING COMMISSION**

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

**George and Amy Rohrbaugh**

**And**

**Greg and Lynn Cluff**

### **Boundary Adjustment To Change Boundaries of Two Adjacent Parcels 1627 Dorset Street and 1745 Dorset Street Application # PC-11-02**

#### **Background**

The applicants own adjoining parcels, and propose to change the boundary between them. Additionally, the applicants propose to eliminate an easement for pedestrian and motor vehicle travel over the Rohrbaugh's property in favor of the Cluffs. Neither parcel was previously subdivided under the Town's Land Use Regulations or Subdivision Bylaws. Sketch Plan Review for the proposal was held on November 4, 2010, at which the Planning Commission classified the proposal as a Boundary Adjustment.

#### **Application**

Materials submitted with the applications are listed in Appendix A.

#### **Public Hearing**

A public hearing was held for this application on March 3, 2011. George Rohrbaugh and Gregory Cluff were present representing the applicants.

#### **Regulations in Effect**

Town Plan, amended March, 2008

Land Use Regulations adopted November 2, 2010.

Recommended Standards for Developments and Homes adopted September, 1997

#### **Findings**

1. The application is to allow equal conveyances of .06 acres between both applicants, resulting in no net change of acreage to either parcel.
2. The application also proposes to eliminate an easement in favor of the Cluffs for pedestrian and motor vehicle travel over the Rohrbaugh's property.
3. The Rohrbaugh parcel is approximately 5.4 acres and the Cluff parcel is approximately 27.4 acres.
4. The property to be conveyed from Rohrbaugh to Cluff is a triangular-shaped area at the southeast corner of the Rohrbaugh parcel.
5. The property to be conveyed from Cluff to Rohrbaugh is a strip between four and five feet wide and 534 feet long along the eastern boundary of the Rohrbaugh parcel.

6. Since the acreage of both lots will remain the same, neither lot will become less than the minimum lot size.
7. The proposed conveyance of the triangular-shaped area to Cluff will result in the Cluff boundary line being 190 feet from the Rohrbaugh dwelling at its closest point, which exceeds the 50 foot side and rear setback requirements in Table 2.5, Section E.
8. The setback from the Rohrbaugh boundary to the Cluff dwelling will increase to 210 feet due to the conveyance of the triangular-shaped parcel to Cluff; and this is also greater than the 50 foot side and rear setback requirements in Table 2.5 Section E.
9. The application will not adversely impact any areas of high public value.

## **Decision**

Based on these Findings, the Planning Commission approves the Final Plan Application for the proposed Boundary Adjustment 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. If the survey markers or pins cannot be set at this time because of frozen ground, the applicant shall submit a letter from the surveyor indicating that he will set the markers or pins when the ground thaws and has been paid to do so.
3. The properties associated with this application (i.e.: two areas of .06 acres each) will be conveyed within 365 days.
4. The properties that are conveyed to each party will merge with the remainder of their parcel and cannot be conveyed separately unless allowed by an amendment to the Zoning Bylaws or an action of the Planning Commission.

**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 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 March 3, 2011:** Jeff McDonald, Jim Donovan, Linda Radimer, Peter Joslin, Eleanor Russell and Gerald Bouchard

**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. An application form for a Boundary Adjustment and appropriate fee.
- 2. A plat by Ronald L. Larose entitled “Plat Showing a boundary line adjustment of lands of George W. III & Amy C. Rohrbaugh and lands of Gregory B. & Lynn T. Cluff, Dorset Street, Charlotte, Chittenden County, Vermont” dated October 1, 2010, no revisions.
- 3. An overhead photo from Google Earth showing the properties, dwellings, and the proposed boundary adjustment.