

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Greenwood America, LLP Subdivision Modification Application # PC-01-45

Background

The applicant owns three adjoining parcels (acquired in volume 79 page 208, volume 83 page 529, and volume 89 page 16), and has applied to change the lot-lines separating said parcels in two locations.

The applicant has also applied for a subdivision of one of the parcels that will be reconfigured by this Subdivision Modification (Application #PC-01-50). A separate Findings of Fact and Decision is being issued for that subdivision application.

Application

The application consists of:

1. Two Subdivision Modification Application forms with appropriate fee (submitted on 6/26/01-receipt #9910).
2. A survey map entitled "Survey Plat, Greenwood America, Ferry Road Charlotte, Vt." by Trudell Consulting Engineers dated 9/15/01, last revised 12/05/01.
3. A survey map entitled "Greenwood America, Lake Road Charlotte, Vermont, Subdivision Plat" by Trudell Consulting Engineers, dated 5/5/01, last revised 12/05/01.

Public Hearing

A Public Hearing for this application was held on January 17, 2002.

Present at the public hearing representing the applicant were: Mel Hawley, William Lockwood, John Pitrowiski, and Joseph Perotto.

Adjoining property owners present were: Steven Mack and Robert Mack.

Regulations in Effect

Town Plan readopted March 2000

Zoning Bylaws as amended March 1997

Subdivision Bylaws as amended March 1995

Findings

1. The parcels labeled "Lot 1" and "Lot 3" on the map entitled "Survey Plat, Greenwood America, Ferry Road Charlotte, Vt." were created by a subdivision recorded in Map Book 7 Page 4.
2. The parcels labeled "Lot 1" and "Lot 3" are within the Industrial Zoning District, which

is contiguous with the West Charlotte Village and adjacent (across Ferry Road) from the Charlotte Train Station. A private school is currently located on Lot 1, and additional development may be possible in the area.

3. The resulting parcel with access from Lake Road (labeled “Lot 1” on the map entitled “Greenwood America, Lake Road Charlotte, Vt., Subdivision Plat”) is proposed to be subdivided for residential use. The Final Plat Application for that subdivision includes provision for a pedestrian trail and wildlife corridor from Lake Road toward the railroad tracks.
4. The applicant’s representatives stated at the public hearing that the applicant proposes the pedestrian trail continue from the proposed residential subdivision on Lake Road through to Ferry Road. The exact route in the vicinity of Ferry Road has not yet been determined.
5. Three curb-cuts on Ferry Road currently serve the parcels in the vicinity of the subject property. One serves Lot 1, one serves Lot 2 and Lot 4, and one serves Lot 3 (at the “farmhouse” office). The curb-cuts and associated access drives serving Lot 1 and Lots 2 and 4 are more appropriately located and sized to serve additional development than is the curb-cut and drive for Lot 3.
6. The proposed relocation of lot lines will not create any new lots or impact access to any parcel. The resulting lots will comply with the dimensional requirements of the Charlotte Zoning Bylaws. The proposed pedestrian trail will provide controlled public access to the wildlife area located to the south of the Ferry Road parcel and to the east of the Lake Road parcel.

Decision

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

1. The maps (as submitted with the application) shall either be labeled “Sheet 1 of 2” and Sheet 2 of 2”, or be combined into a single map. The title of both maps (or the combined map) shall indicate “Subdivision Modification.”
2. The trail easement shall be indicated on both maps (or the combined map). The floating trail easement will extend from the delineated 20’ wide easement near Lake Road, easterly and northerly through Lot 3, and will reach Ferry Road at or near one of the existing access roads serving Lot 1 and Lots 2 and 4.
3. A draft Offer of Irrevocable Dedication and a Trail Easement shall be submitted to the Planning Commission for review within 30 days, and a final version shall be executed within 90 days.
4. A mylar of the survey map(s), with revisions as noted above, shall be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
5. Future development to the south of Lot 1 and Lot 4, ie: on the southern portion of Lot 3, will use the existing curb cuts and access drives currently serving either Lot 1 or Lots 2 and 4.

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 January 17: Jeff McDonald, Josie Leavitt, Al Moraska, Jim Donovan and Gordon Troy.

Vote of Members Present:

AYES: Jeff McDonald, Josie Leavitt, Al Moraska, Jim Donovan and Gordon Troy.

NAYS:

ABSTENTION:

Date Approved: January 17, 2002

Signed: _____ (Chair/Vice Chair)

Date Signed: _____