

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Kathleen A. Mushkat
Subdivision Amendment
Application # PC-02-18**

Background

The subject property is Lot #2 of the Barbara Horsford subdivision (PC-01-38), which was approved on 11/15/01. A building envelope was designated on the building lot. In this application, the property-owner is seeking to move the location of the building envelope.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map by William Robenstein entitled "Building Envelope Location, Fred & Kathy Mushkat, Town of Charlotte, Prindle Road" dated 9/25/2002, no revisions.

Public Hearing

A public hearing for this application was held on October 3, 2002. Charles Proutt was present at the hearing representing the applicant. Michael Russell, Jonathan Fisher and Steve Revell were present representing Melrose Huff, an adjoining property-owner.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. The application form indicates that the intent of the project is to move the proposed building envelope thirty feet to the north.
2. Moving the building envelope thirty-feet to the north does not negatively impact resources on the parcel, and may actually be beneficial in terms of protecting mature trees, reducing erosion, increasing the buffer between the house and Lewis Creek, and improving wildlife habitat.
3. Moving the building envelope thirty-feet to the north does not appear to negatively impact any adjoining properties.
4. At the public hearing Michael Russell submitted a letter dated October 3, 2002 addressed to Dean Bloch. The letter raised two additional issues: the curb-cut on Prindle Road and the location of the Huff force main easement across the Mushkat lot.
5. The application (and therefore the warning for the hearing) only addressed the issue of

moving the building envelope. For this reason, the curb-cut issue which was raised in the letter from Michael Russell cannot be addressed with this Decision. However the location of the force main may have a bearing on the location of the building envelope.

- 6. The submitted survey shows the northern boundary of the building envelope moving thirty feet to the north, but shows the southern boundary of the building envelope in the original location.
- 7. At the public hearing Jonathan Fisher stated that surveyor’s pin at the southern end of the boundary line between Mushkat and Huff was never set

Decision

Based on these Findings, the Planning Commission approves the Subdivision Amendment to move the north and south boundaries of the building envelope on the subject parcel with the following conditions:

- 1. The applicant will provide a survey map based on the Barbara Horsford subdivision map, which includes:
 - A. Both the northern and southern boundaries of the building envelope relocated thirty-feet to the north; and
 - B. The force-main easement for the Huff lot (as depicted on the Barbara Horsford subdivision map), with a note indicating the easement is permanent.
 - C. A signature block for Planning Commission endorsement, and a recording block.
- 2. An 18” by 24” mylar of the survey as amended in Condition 1 above shall be submitted to the Planning Commission within 60 days from the signing of this decision and recorded in the Charlotte 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 of the signing of this Decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing: Jeff McDonald, Al Moraska, Jim Donovan, and Dave Brown.

Vote of Members Present after Deliberations:

The following is the vote for or against the application, with conditions as stated in this Decision:

Signed:_____ For / Against Date Signed:_____

Signed:_____ For / Against Date Signed:_____

Signed:_____ For / Against Date Signed:_____

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Signed: _____ For / Against Date Signed: _____

Date Mailed: