

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Melrose Huff Subdivision Modification Application # PC-04-05

Background

The subject parcels are both owned by Melrose Huff. Lot 1 was created by a subdivision of the Barbara Horsford property in November 2001. Lot 3 is a pre-existing lot. The purpose of this application is to reconfigure the boundary line between these lots, adding 9.4 acres to Lot 3 from Lot 1.

Sketch Plan Review was held on June 6, 2002, at which time the project was classified as a Subdivision Modification because it proposes modifications to an approved subdivision (or portion thereof). An additional application (PC-04-04) was reviewed by the Planning Commission on February 5th 2004 involving Lot 1 and Lot 2 (owned by Kathleen Mushkat). The decision for that application is being rendered in a separate Findings of Fact and Decision.

Application

The application consists of:

1. An application form and appropriate fee.
2. A survey map entitled "Boundary Line Adjustment, Melrose Huff, Town of Charlotte Vermont, Prindle Road & Roscoe Road" by William A. Robenstein dated 5/29/2003, revised 9/28/2003.
3. A letter from Melrose Huff to the Charlotte Planning Commission dated October 17, 2003 stating that Liam Murphy is authorized to sign for her in all matters before the Planning Commission.
4. A letter from Melrose Huff to Dean Bloch dated January 16, 2004 stating that Liam Murphy is authorized to file applications on her behalf, to appear before Town boards as her sole representative, and to execute any documents on her behalf required in connection with any actions before any Town board.

Public Hearing

A public hearing was held for this application on February 5, 2004. Liam Murphy was present representing Melrose Huff. Adjoining property owner Kathleen Mushkat was also present.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. Chapter XIII Section 6 of the Subdivision Bylaws requires an application to the Planning Commission for a modification to a subdivision, but this section does not provide clear standards of review for such an application. However the provisions of Chapter III Section 4 (Boundary Adjustment) can clearly be looked to for guidance.
2. Chapter III Section 4 of the Subdivision Bylaws requires: 1) that the action does not create any new lots, 2) that the action will not impact access to any parcel, 3) that it will not adversely impact any significant natural resources, and 4) that it will not create a non-complying lot.
3. The proposed modification (as depicted in the survey submitted with this application) meets these standards. However, it's recognized that with the increase in the size of Lot 3, the current or future owner of Lot 3 may want to relocate the existing dwelling or build a new dwelling in a different location on that lot. This could potentially impact resources on the lot in ways that have not been considered within the current review, since such a relocation was not proposed by the current application.

Decision

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

1. The survey will be amended as follows:
 - A. The table indicating existing lot sizes, proposed changes and new lot sizes will be corrected (ie: proposed change is 9.94 acres).
 - B. A septic line easement will be depicted over Lot 3 in favor of Lot 1, as indicated on the wastewater disposal plans by Ridge Consulting Engineers entitled "Subdivision Plan, Barbara Horsford, Prindle Road, Charlotte, Vermont" dated 12/03/01, last revised 12/14/01.
 - C. The title will be amended to "Subdivision Modification".
2. A mylar (18" x 24") of the survey (as amended in Condition 1 above) will be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
3. A Subdivision Amendment is required prior to any relocation of the existing dwelling or the construction of a new dwelling on Lot 3.

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 date of 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on February 5th: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, Linda Radimer and John Owen.

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:_____
- 2. Signed:_____ For / Against Date: _____
- 3. Signed:_____ For / Against Date:_____
- 4. Signed:_____ For / Against Date:_____
- 5. Signed:_____ For / Against Date:_____
- 6. Signed:_____ For / Against Date:_____
- 7. Signed:_____ For / Against Date:_____