

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

DAVID WULFSON ET. AL. SITE PLAN REVIEW

For a DEVELOPMENT OF SOCCER FIELD Application # PC-00-03

Background:

The most recent Sketch Plan Review for the soccer field was held on 10/7/99. A train station is also being proposed on the property. These applications are being reviewed separately, however it is noted that there are issues which relate to both applications, particularly regarding the proposed access road and potential impact to the wetlands associated with Pringle Brook.

Application

The application consists of:

1. A Site Plan Review application form submitted on February 2, 2000 with fee.
2. A site plan map entitled "Northern Land and Rail" by Civil Engineering Associates, dated January 2000, no revisions.
3. A survey map entitled "Parcel for Transfer, Knowles to Rail Development Co." by Civil Engineering Associates, dated November 22, 1983, no revisions.
4. A letter from Jeffrey Severson to Karen Bates, Water Quality Division, dated 12/30/99.
5. A letter from Karen Bates to Jeffrey Severson, dated 1/13/00.
6. A drawing entitled "Station Driveway Profile" by Systra Consulting, dated 10/24/97, no revisions.
7. A draft lease between Northern Land and Rail Company and the Charlotte Sports and Recreation Club.
8. A Certificate of Good Standing from the State of Vermont Office of Secretary of State, indicating that the Charlotte Sports and Recreation Club is recognized as a corporation formed under the laws of the State of Vermont as a non-profit, that it has perpetual duration, that its most recent report is on file, and that articles of dissolution have not been filed, as of October 7, 1999.

Public Hearing

A Public Hearing was held for this application on March 2, 2000. Present at the hearing representing the applicant were David Wulfson, Paul Craven, and Huntington Sheldon. Adjoining landowners and interested persons present were Sylvia Knight, Francis Knowles, Dale Knowles, Robert Wright, Sylvia Sprigg, Chris Davis of Charlotte Fire and Rescue, Harley Allen of the Charlotte Zoning Board, Linda Radimer and Linda Hamilton of the Charlotte Conservation Commission, Marty Illick and Clark Hinsdale III of the Charlotte Selectboard.

Regulations in Effect

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

Findings

1. The proposed soccer field is located in the Industrial District and the Conservation District. The portions of the proposed soccer field within one hundred feet of the high-water mark of Pringle Brook are within the Conservation District (Section 3.1.G of the Charlotte Zoning Bylaws).
2. Section 4.4 (incorporating permitted uses of Section 4.3) of the Charlotte Zoning Bylaws lists “outdoor recreation facility owned and/or operated by a non-profit organization” as a permitted use. Section 4.7 of the Charlotte Zoning Bylaws lists “outdoor recreation facility owned and/or operated by a non-profit organization, exclusive of structures” as a permitted use. The applicant has indicated that the soccer field will be managed by the Charlotte Sports and Recreation Club, as is evidenced by the submitted draft lease.
3. The letter of 1/13/00 from Karen Bates to Jeffrey Severson refers to a site plan, however it does not identify the site plan by any name, company, or date, so the site plan being referred to cannot be determined. This same letter further goes on to state: “As long as all mowing and all other disturbances related to the soccer field stay outside of the wetland and its 50-foot buffer, the project will not require a Conditional Use Determination (CUD) from our office.”
4. A Conditional Use Determination has been issued for the train station and access road (to the Vermont Agency of Transportation) from the State of Vermont Water Quality Division (application #1994-253).
5. The access road intersects with Ferry Road, a Class II Town Highway which is highly traveled, especially during the ferry season.
6. The site plan map shows that the access road will be built above the current grade of the field; Finding #20 of the Current Use Determination Findings of Fact for application #1994-253 indicates that this design will minimize impact to the wetland hydrology by allowing water to drain freely from the subbase area without the use of underdrains.
7. The Charlotte Road Commissioner submitted a Road/Driveway Cut review sheet to the Planning Office on March 2, 2000 for the intersection of the access road with Ferry Road. The review sheet indicates that a culvert is needed, and the recommended size is 18” by 30’.
8. At the public hearing on 3/2/00, David Wulfson stated that he is not proposing to build the easterly parking lot at this time.
9. The subject property has a high water table and is prone to saturation. The natural drainage for the property flows into Pringle Brook.

10. At the public hearing on 3/2/00, Huntington Sheldon, who is an officer of the Charlotte Sports and Recreation Club, stated that he is planning to use organic methods of turf management for the field.

Decision

Based on these Findings, the Planning Commission approves the Site Plan Review application for Development of a Soccer Field with the following conditions:

1. The use of the field shall be as a soccer field; any other proposed use shall require approval by the Charlotte Planning Commission.
2. Within 30 days the applicant shall submit a letter to the Planning Commission from Karen Bates of the Water Quality Division indicating that the map she referred to in her letter of 1/13/00 to Jeffrey Severson is the same as the map cited in application item #1 above. If it is not the same map, the applicant shall submit the map cited as application item #1 to Karen Bates for her review, and then submit her comments to the Planning Commission, which should indicate that no CUD is needed.
3. There shall be no mowing or other disturbances within fifty feet of the high-water mark of Pringle Brook or within fifty feet of the Class Two wetland.
4. The applicant shall request permission from the Selectboard to install a "Stop" sign in the exit lane of the proposed access road. If approved, the sign shall be installed before the field can be used for soccer.
5. The applicant shall install an 18" by 30' culvert at the intersection of Ferry Road and the proposed access road, and then request written final approval from the Charlotte Road Commissioner.
6. The applicant shall provide a section drawing of the proposed parking area for administrative approval before construction.
7. The intersection of the parking area and the access road shall be twenty-four feet in width.
8. Within 30 days the applicant shall submit for administrative approval a revised site plan with the easterly parking area removed. The site plan shall also be revised to show that intersection of the parking area and the access road shall be twenty-four feet in width. Once approved, and within 90 days, the applicant shall record the mylar in the town land records.
9. The lease agreement between Northern Land and Rail Company and the Charlotte Sports and Recreation Club shall be executed and a copy filed with the Planning Office within 30 days after the review and approval by the Town's attorney.
10. The access road shall be crushed stone until and unless the road is used for access to the train station. The surface layer shall not be white limestone.

11. The parking lot shall be crushed stone unless otherwise approved by the Planning Commission. The surface layer shall not be white limestone.
12. The applicant shall not install any structures or a wastewater system without approval from the Planning Commission, in the form of a Site Plan Amendment.
13. Because of the field's proximity to Pringle Brook and associated wetlands, the field shall be managed primarily according to the principles of organic agriculture. Pesticides and herbicides shall not be used. If any fertilizer is used, it shall be added at a rate based on current testing of the absorption capacity of the desired grass.

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: Al Moraska, Ed Melby, Jim Donovan, David Woolf, Josie Leavitt

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: March 16, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____