

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

RAIL DEVELOPMENT CORPORATION

Site Plan Review For the Development of a Passenger Rail Station Application # PC-00-20

Background

The proposed train station will be developed by Rail Development Company, and will be leased to the State of Vermont. Rail Development Company directors David Wulfson, Gary Wulfson, Lisa Cota, George Barrett, James Barrett, John Barrett, Peter Szuch and Richard Szuch own the parcel (# 00061-0820) where the access drive and parking lot are proposed to be located. The State of Vermont owns the railroad right-of-way where the train station is proposed to be located.

The Planning Commission held Sketch Plan Review on March 2nd.

Application

The application consists of:

1. A Site Plan Review application form and appropriate fee.
2. A survey map entitled "Parcel for Transfer Knowles to Rail Development Co., Charlotte, Vermont" by Civil Engineering Associates, dated November 22, 1983, no revisions.
3. A map entitled "Charlotte Station Site Plan" by Systra Consulting, no date, printed 5/10/00.
4. A location map.
5. A map entitled "Charlotte Station, Existing Conditions Plan" by Systra Consulting, no date.
6. A map entitled "Charlotte Station Wetland Plan" by Systra Consulting, no date.
7. A diagram entitled "Charlotte Station Sign Details" by Systra Consulting and Anderson Schenker Architects, no date.
8. A map entitled "Signage, Striping and Site Wiring Plan" by Systra Consulting, no date.
9. A map entitled "Charlotte Station, Landscape Plan" by Systra Consulting and Anderson Schenker Architects, dated 4/14/00, no revisions.
10. A sheet entitled "Station Driveway Profile" by Systra Consulting, no date, printed 4/17/00.
11. A sheet entitled "Typical Sections" by Systra Consulting, no date, printed 4/17/00.
12. A sheet entitled "Station Driveway Cross Sections, Sheets 1-4" by Systra Consulting, no date.
13. A drawing entitled "Charlotte Station" by Anderson Schenker Architects, no date.
14. A drawing entitled "Charlotte Commuter Rail Station, Charlotte Vermont" by Anderson Schenker Architects, dated 4/4/00.

15. A drawing entitled "Precast Culvert End Section Details", sheets 1 and 2.
16. A specification sheet from Specrail (fencing) with "Bennington" fence and "Standard" post top selected.
17. A map entitled "Charlotte Station, Sidewalk Site Plan" by Systra Consulting, dated 4/24/00, no revisions.
18. A sheet entitled "Station Sidewalk Profile" by Systra Consulting, no date, printed 4/17/00.
19. A sheet entitled "Station Sidewalk Cross Sections, Sheets 1 and 2" by Systra Consulting., no date.
20. A map entitled "Charlotte Station Lighting Plan" by Systra Consulting, dated 4/24/00, no revisions.
21. A specification sheet from Ruud Lighting, showing WAC2-22 Series.
22. A specification sheet from Thomas Gardco Lighting (two sheets) showing "School Bollard" BRM 822, with 36", 100MH, and 120 voltage selected.
23. A specification sheet showing a lighting fixture named "Stub-Up" selected.
24. A map entitled "Charlotte Station Erosion and Sedimentation Control Plan" by Systra Consulting and Anderson Schenker Architects, no date, printed 5/10/00.
25. A chart entitled "Preliminary Station Construction Schedule."
26. A Conditional Use Determination (#1994-253) from the Vermont Agency of Natural Resources, dated September 30, 1999.
27. A Department of the Army Permit (#199600464) dated September 15, 1999.
28. Proposed Deed Restriction Language for Charlotte Station Property by the U.S. Army Corps of Engineers.
29. Description of Wetland Conservation Easement at Charlotte Station Property.
30. A map entitled "Burlington-Charlotte Passenger Rail, Charlotte Station Wetland Conservation Easement Sketch, Charlotte, Vermont" by EIV Technical Services, Inc., dated 6/10/99, no revisions.
31. A map entitled "State of Vermont Agency of Transportation, Burlington-Charlotte Passenger Rail, Vicinity Map" by Freese Nichols, no date.
32. A copy of the Charlotte tax map.
33. A map entitled "Charlotte Station Site Plan-Figure A" by Systra Consulting, dated 5/7/99, no revisions, showing wetland conservation area, mitigation area, location of snow and silt fences, and Curve Table.
34. A map entitled "Charlotte Station Site Plan-Figure B" by Systra Consulting, dated 5/7/99, no revisions, showing location of snow and silt fences and limit of fill.
35. A sheet entitled "Charlotte Station Cross Sections-Figure C" by Systra Consulting, dated 5/7/99.
36. A map entitled "Charlotte Landscape" 50% design, by LSTS, date illegible, showing a mitigation planting schedule.
37. A map entitled "Tamarack Shores Site Plan" by LSTS, date illegible.
38. A map entitled "Charlotte Landscape" 50% design, by LSTS, date illegible, showing photo stations.
39. A document entitled "Monitoring Plan for Mitigation Area for Vermont Agency of Transportation, dated July 26, 1999.
40. Five photos of the site.
41. A memo to Charlotte Planning Commission and Zoning Board of Adjustment from John Weston of Systra Consulting, dated 5/15/00, regarding parking requirements, with attachment.
42. A sample lease agreement (between Main Street Landing Company and the State of

Vermont, dated January 28, 1998).

43. A letter to David Wulfson dated May 18, 2000, from the partners of Rail Development Company, authorizing David Wulfson to enter into a lease agreement with the Vermont Agency of Transportation for the proposed train station.
44. A specification sheet (2-pages) from Columbia Cascade showing bicycle racks, on which model 2170-9 is circled.
45. A streambank alteration permit, dated October 19, 1998 (permit # HD-1-0236) and accompanying documentation.
46. A sheet entitled "Canopy Lighting Plan", no date.
47. A specification sheet from Lithonia Lighting with lamp type 32W T8 (48"), 120 volts, "blank (clear polycarbonate)," and "cold weather ballast" circled for Type B fixture.
48. A specification sheet from Prescolite with 9316 100W A-19 circled for Type C fixture.
49. A document entitled "Draft Traffic Study for the Proposed Charlotte Commuter Rail Station" by Resource Systems Group, dated May 16, 2000.

Public Hearing

A Public Hearing was held for this application on July 6, 2000. Present at the hearing on behalf of the applicant were Paul Craven, Susan Compton, Tina Bohl, John Weston, Jeff Finitz, John Hinckley, and Jim Fitzgerald. Adjoining landowners and interested persons present were Sylvia Knight, Robert Knight, Bill Lockwood, Chris Davis of Charlotte Fire and Rescue, and Nancy Walsh, David Hill and Linda Radimer of the Charlotte Conservation Commission.

Regulations in Effect

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

Findings

1. At the public hearing, the applicant submitted maps identical to submitted items 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 20, and 24, except that they are at a scale of 1"= 40', and are dated 7/6/00, with the exception of item 9, which is dated 4/14/00, and item 14, which is dated 4/4/00. The map entitled "Charlotte Station Site Plan" by Systra Consulting is stamped by Jeff Finitz, who is a registered engineer in Massachusetts; Mr. Finitz has approval for transient practice, and has applied to be a registered engineer in Vermont.
2. The proposed station, although located in an industrial zoning district, is bordered to the east by residential uses, and to the west and north by open agricultural and natural land. The views from Ferry Road towards the project site are a sweeping rural landscape.
3. The proposed landscaping plan shows a single species to be planted along the access drive and to the south of the proposed parking lot, which is markedly different than the surrounding natural-looking area. The landscaping plan does not screen light from the station parking lot to adjacent residential properties. The landscape plan does not provide shade trees in or near the parking lot. Potential landscape islands in the parking lot have been paved over, eliminating the possibility of planting more trees in the parking area. The islands have been created only by striping on the pavement so that it is easier to plow snow from the parking area in winter.

4. The proposed lighting plan shows poles that are twenty-five feet in height. These proposed lights would be taller than the station and the proposed trees, and therefore would stand out in the landscape.
5. At the public hearing, the applicant testified that the streambed will be restored to a natural stream-bottom through the culvert. The design plans do not reflect this, nor did the ANR permit require this, according to public testimony.
6. The proposed station will have facilities for pedestrians to walk to the station and for bicyclists to ride to the station by a ten foot wide bicycle/pedestrian path which connects the station to Ferry Road.
7. The applicant stated at the public hearing that bicycle racks will be installed at the station, and has submitted specification sheets for the racks, however the proposed bicycle racks have not been shown on the submitted site plan.
8. At the public hearing, the applicant agreed to extend the sidewalk east across the tracks on the south side of Ferry Road.
9. There have been three vehicle-train collisions at Ferry Road since 1977, one being in 1999.
10. The June 11, 1997 Diagnostic Team Report stated that traffic volume on Ferry Road and other conditions present warranted upgrading the crossing to include cantilevered lights and gates.
11. At the public hearing, the applicant testified that the crossing guards proposed for Ferry Road may be constructed this Fall. The crossing guards are not part of the funding for the Rail Station Project, but part of a separate rail improvement fund.
12. The train is currently used for special events, for example the July 4th fireworks in Burlington. The train ridership during such events has been significantly greater than the projected commuter ridership.
13. The applicant stated at the public hearing that there will be directional signs to the train station at the intersections of Ferry Road and Ethan Allen Highway, and Ferry Road and Greenbush Road.
14. The station is proposed to be constructed of wood, with open sides and shed roof. The roof on the west side will be approximately twice as long from the roof ridge to the eave as the eastern side, so that it can provide a cover for the steps and ramp up to the platform. A single dormer will be positioned on the west side over the stairs. The ends of the dormer will be open to the weather.
15. Erosion control is required as part of the Army Corps of Engineers' Wetland Permit and the State of Vermont's Conditional Use Permit. No erosion control plans have been submitted for the Town's review and approval. The applicant has stated that the contractor will be responsible for developing detailed erosion control plans for submittal to the Army Corps of Engineers and the State of Vermont Wetland Office for their approval prior to beginning construction.

Decision

Based on these Findings, the Planning Commission approves the Site Plan Review application for the development of a passenger railroad station with the following conditions:

1. Prior to applying for a building permit, the applicant shall submit for administrative review by the Planning Commission a revised "Charlotte Station Landscape Plan" which utilizes more diverse plantings. In the hedge, the applicant shall use at least four different types of native plants; at least two shall be deciduous. There shall be at least

two different types of native shade trees. The applicant shall plant shade trees on the south and east side of the parking area to help screen lighting. A more deer-resistant plant species shall be used in the traffic circle. The southern parking island shall be left unpaved and at least two shade trees shall be planted in it. This revised landscaping plan shall be subject to the approval of the Vermont Wetlands Office and the U.S. Army Corps of Engineers.

2. Prior to applying for a building permit, the applicant shall submit for administrative review by the Planning Commission a revised "Charlotte Station Lighting Plan" which provides lightpoles no higher than fifteen feet, more traditional-looking light fixtures for the poles, natural-color lighting, and color-balancing of exterior and interior bulbs.
3. Exterior and interior lights shall be operated by timers, and shall turn on no sooner than one-half hour before the first train in the morning, and turn off no later than one-half hour after the last train in the evening.
4. Internal lights shall also be operated by motion-detectors during night-time hours after they are turned off by the timer. No light sources from the building shall be visible from adjacent properties.
5. The light on the station-sign near Ferry Road shall be downward directed.
6. Prior to applying for a building permit, the applicant shall submit for administrative review by the Planning Commission a revised "Charlotte Station Site Plan" to provide for restoration of the natural stream bottom through the concrete box culvert.
7. The revised site plan shall also conform to the recommendations of the Charlotte Fire Department Chief with regard to the measurements of the access driveway and turning circle, the handicap access ramp, and the station parking lot.
8. Prior to applying for a building permit, the applicant shall submit for administrative review by the Planning Commission a revised "Charlotte Station Sidewalk Site Plan" providing for a sidewalk crossing the railroad tracks on the south side of Ferry Road and showing the location of the proposed bicycle racks.
9. Before executing and recording the lease between the State of Vermont and Rail Development Company for the Charlotte Rail Station, the applicant shall submit the proposed lease to the town for review and approval by the town's attorney.
10. Prior to applying for a building permit, the applicant shall submit for administrative review by the Planning Commission a revised "Signage, Striping and Site Wire Plan" with the following changes; the "walkway signs" (1-7A and S-1 with a rightward arrow) shall be positioned so as to be visible to westbound automobile and pedestrian traffic (ie: perpendicular to Ferry Road), and an additional set of signs (1-7A and S-1 with a leftward arrow) shall be added to the map on the south side of Ferry Road and positioned so as to be visible to eastbound automobile and pedestrian traffic. An S-1 sign shall be added to the westerly set of signs (to the west of the access driveway).
11. Prior to applying for a building permit, the applicant shall provide an erosion control plan for administrative approval by the Planning Commission. The applicant shall comply with the erosion control plan as approved. Erosion control measures shall be installed prior to earth disturbance. The applicant shall prevent the transport of any sediment beyond the area approved herein for construction. All soils shall be stabilized within fourteen days of initial disturbance. From October 1 to April 15 of any calendar year, all disturbed areas of the construction site shall be mulched until final grading and vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all disturbed areas. The Planning Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions

with respect to erosion control as they deem necessary. The applicant shall incorporate all erosion controls set forth in the erosion control plans as approved into the contract documents for site work and excavation.

12. The applicant shall submit for administrative approval a location map and specification sheet for signs to be installed off-site prior to their installation.
13. Prior to beginning passenger rail service to the Charlotte station, a gated crossing shall be installed and operational on Ferry Road.
14. Prior to beginning passenger service to the Charlotte station, the applicant shall submit an expected train arrival and departure schedule to the Planning Commission.
15. Prior to beginning passenger service to the Charlotte station, the applicant shall submit a special-event parking plan to the Planning Commission for administrative review.
16. The train station will be constructed as approved designs and plans indicate. Any changes to the appearance of the train station will need approval of the Planning Commission prior to being implemented.
17. This approval is only for a passenger rail station. All other uses shall require Site Plan Review as provided in the Charlotte Zoning Bylaws, and may require other permits as well.
18. An appropriately sized mylar of the map entitled "Charlotte Station Site Plan" by Systra Consulting, dated 7/6/00, with revisions as noted above, shall be recorded in the Town 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 as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475. If you fail to appeal this decision during this period, your right to challenge this decision in the future may be lost; you and subsequent property-owners will be bound by this decision, pursuant to 24 VSA Section 4472(d) (exclusivity of remedy; finality).

Members Present at the Public Hearing: Al Moraska, Ed Melby, Dave Brown, Jim Donovan, David Woolf, and Jeff McDonald. Josie Leavitt read the minutes, listened to the tape of the hearing, and participated in the Decision.

Vote of Members Present:

AYES: Unanimous

NAYS:

ABSTENTION:

Date Approved: August 3, 2000

Signed: _____ (Chair/Vice Chair)

Date Signed: _____