

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

**Roland and Lisa Gaujac**

**Final Plan Review  
for an Inn within a  
Planned Unit Development  
At 3260 Greenbush Road  
Application PC-10-28**

### **Background**

The applicant is proposing to develop an inn on their parcel, on which is currently located The Old Lantern, which is operated as an “event hall.” The Planning Commission held Sketch Plan Review for the proposed inn and associated owner’s apartment on October 1, 2009 and classified the project as a Planned Unit Development. The Planning Commission issued a combined decision for Site Plan Review (PC-10-07) and Preliminary Plan Review for the Planned Unit Development (PC-10-08) on June 8, 2010. The applicant also applied for Conditional Use Review under Section 5.4 of the Charlotte Land Use Regulation; the Zoning Board of Adjustment issued a decision on May 6, 2010 (ZBA-10-01).

### **Application**

Materials submitted with the application are listed in Appendix A.

### **Public Hearing**

The Planning Commission held a public hearing for this application on August 5, 2010. At the hearing the applicant was represented by Roland Gaujac, Lisa Gaujac, David Marshall of Civil Engineering Associates, Inc., Holly Kelton of Connor Homes, and Liam Murphy, Esq. The following persons were present and participated in the hearing or submitted written comments: Sylvia Knight, Michael Frost, Karen Frost, Chris Kingston, Justin Wygmans, Richard Weed, Larry Hamilton and Robin Reid.

### **Regulations in Effect**

Town Plan, amended March, 2008

Land Use Regulations adopted March, 2009

Recommended Standards for Developments and Homes adopted September, 1997

### **Findings**

1. The subject property is a 9.52 acre parcel located at 3260 Greenbush Road in the West Charlotte Village District. The property currently includes the Old Lantern, which is operated as an “event hall.”
2. The application proposes to construct an eight-bedroom room inn and a two-bedroom

owner occupied residence, to be located in a new structure which will be located on the same parcel as the event hall.

*Applicable standards in Chapter VII of the Charlotte Land Use Regulations are reviewed below in Findings 3-25.*

**Section 7.2—Development Suitability**

3. Areas of high public value on or adjacent to the parcel include the following:
  - A. Land in active agricultural use on adjacent parcel to the southeast (from site visit)
  - B. Prime and statewide agricultural soils (from NRCS soil data)
  - C. Steep slopes on the parcel (from Preliminary PUD application)
  - D. Wildlife habitat on adjacent parcels to the west (from Map 6 of the Town Plan)
  - E. Water supply source protection area for well serving dwellings on Lynrick Acres (not recognized by State)
  - F. Scenic views along Greenbush Road (from Map 13 of Town Plan)
  - G. Conserved land on adjacent parcels to the west, north, and southeast (from Town land records)
4. The project is approximately 800 feet from the adjacent agricultural operation, and it is also buffered from this operation by topography and vegetation. Considering the distance and buffering, the project will not impact, and is not likely to be impacted by, the agricultural operation.
5. The amount of impacted prime and statewide soils will be relatively small. Additionally, the parcel is not of a size or configuration that could be readily used for agricultural production.
6. The project will impact steep and very steep slopes near the south westerly property boundary.
7. The steep and very steep slopes have been previously disturbed during the construction and operation of the commercial campground that was previously operated on the parcel.
8. The application proposes to mitigate impacts to the slopes with an erosion control plan and a retaining wall.
9. In consideration of Findings 7 and 8, the proposed impact to the steep and very steep slopes will not be unduly adverse.
10. The project is adjacent to wildlife habitat areas on adjacent parcels, but it will not adversely impact these areas more than existing dwellings on these parcels.
11. The project is approximately 700 feet from Greenbush Road. The structure as proposed is of a style and size that is characteristic of the area. There is extensive vegetation in the vicinity of the project which will not be removed. As such, the structure will fit well into the “village landscape.”
12. A total of 37 bollards, eight feet apart on center, are proposed along the driveway between the Old Lantern event hall and the inn. The Planning Commission finds this lighting is contrary to outdoor lighting standards within the Town Plan and Land Use Regulations. As proposed, this lighting will create an undue adverse impact on the scenic view from Greenbush Road, but this impact can be mitigated by reducing the number of bollards.
13. Two adjacent properties (owned by Kingston and Frost) have been conserved. The primary resource on those parcels (as indicated in the Town Plan) is wildlife habitat; As discussed above the project will not adversely impact this resource on those parcels.

**Section 7.3(A)—Settlement Patterns**

14. The project will “maintain and extend traditional or planned settlement patterns,” particularly since the project is located within the West Charlotte Village district.
15. A portion of the parcel that will remain open is adjacent to an open area on the Kingston parcel.
16. The project facilitates connections to and extensions of the existing trail/path system.

**Section 7.3(B)—Village & Commercial District**

17. The project reflects and reinforces the character of the village and the neighborhood’s pattern of development in that, while modestly increasing density and commercial activity in the area, it also maintains a rural and spacious quality, and uses existing vegetation to blend into the landscape. It has been designed as planned unit development, which is required by this standard.

**Section 7.6—Water Supply**

18. The applicant has proposed using an existing well on the parcel. Materials submitted with the application indicate that this well will likely be sufficient to meet the water needs of the inn. The applicant will need a Wastewater System and Potable Water Supply Permit. The applicant will operate a Transient Non-Community water system.
19. Approximately twelve residences on Lynrick Acres Road obtain water from a well that is located on the Wygmans property, just north of the Gaujac parcel. The well serving the Lynrick Acres neighborhood is not required to have a state permit, so there is no formal water supply source protection area. However, potential impacts to the well should be considered.
20. The Planning Commission believes the proposed project will not impact the well or water supply to the Lynrick Acres neighborhood.

**Section 7.7—Sewage Disposal**

21. In an e-mail dated August 5, 2010, the Town’s wastewater consultant stated “as I mentioned before the site has sufficient wastewater capacity to support the Bed & Breakfast wastewater flows.”
22. The applicant will need a Wastewater System and Potable Water Supply Permit.

**Section 7.8—Stormwater Management & Erosion Control**

23. The applicant has submitted a Low Risk Notice of Intent and Request for Coverage Under GP 3-9020 to the state.

**Section 7.9—Landscaping & Screening**

24. The project will be visible primarily from one adjacent property, the Frost property, which is approximately 440 feet to the north.
25. The Planning Commission finds that, while the project will blend well into to village landscape as viewed from public locations, and it is located a relatively long distance from the Frost property, and the applicant has proposed some landscaping, since the project will add commercial activity to the neighborhood, additional landscaping is appropriate in order to buffer the Frost property from the project.

*The applicable standards in Chapter VIII are reviewed below in Findings 26-36.*

**Section 8.5(B)(1)**

26. The Town Plan (in Village and Hamlet Policies 6 and 8) supports growth and a mixture of uses in the village areas. The general configuration is an acceptable treatment of the site.

**Section 8.5(B)(2)**

27. The proposed PUD includes uses allowed within the zoning district.

**Section 8.5(B)(3)**

28. The project does not propose a tight clustering of the uses—but clustering is not a requirement unless it is necessary to avoid or reduce impacts to areas of high public value or to facilitate pedestrian access to public uses.

**Section 8.5(B)(4)**

29. The proposed use, an inn, is a commercial use which requires owner occupancy—therefore, the principle use is non-residential, and the living quarters are an accessory use. Both the density and minimum lot size for non-residential uses are one acre for non-residential uses (according to Table 2.1 of the Regulations)—so the overall density does not exceed what would be required if the land were subdivided into lots in accordance with the district standards.

**Section 8.5(B)(5)**

30. The project will create two uses on one parcel in common ownership.

**Section 8.5(B)(6)**

31. The proposed layout uses an existing access, and extends this access a relatively short distance in a manner that is compatible with the rural character of this neighborhood. There is already extensive landscaping, including street trees and other shade trees, that creates a distinct neighborhood character. The existing pedestrian access in the vicinity of the project is rural in character, i.e. it is a path, rather than a sidewalk.

**Section 8.5(B)(7)**

32. The Town currently holds a pedestrian path easement, which is adequate for the purpose of addressing pedestrian circulation in this area. Transit access is not currently available in this location.

**Section 8.5(B)(8)**

33. The proposed building faces Greenbush Road. The parking lot is located between the building and the road, however, this configuration is mitigated by the relatively long distance to Greenbush Road and the abundant existing landscaping. The massing of the proposed building is broken up by its design and configuration.

**Section 8.5(B)(9)**

34. Considering the location of other development in its vicinity, the proposed development is clustered in a manner that is consistent with the neighborhood and appropriate for the proposed use.

**Section 8.5(B)(10)**

35. The only dwelling from which the proposed structure will be able to be viewed is approximately 500 feet away. While there is existing and additional proposed landscaping in the vicinity of proposed inn, additional landscaping is appropriate as discussed above in Finding 25.

**Section 8.5(B)(11)**

36. The proposed building is parallel to the road, and allows for roof-mounted solar hot-water panels on the southern-facing roof.

**Decision**

Based on these Findings, the Planning Commission approves application PC-10-28 (Final Plan Review) with the following conditions:

1. The Site Improvement Plan (sheet C2.0) by Civil Engineering Associates, Inc. will be amended as follows:
  - A. The bollard lights will be no less than every 20 feet (on center).
  - B. The depiction and label for the White Pines will be amended as follows:
    - i. Four additional White Pines will be added in the vicinity of the proposed trees already depicted on the plan.
    - ii. "Alternate" will be deleted from the label.
    - iii. The Planting Schedule from Sheet C1 will be added to the plan, and the number will be changed from 4 to 8.
2. A mylar (18" x 24") of the Site Improvement Plan (sheet C2.0) by Civil Engineering Associates, Inc., as amended in Condition 1 above, will be submitted to the Planning Commission for review and signature within 160 days. The applicant will record the signed mylar in the Charlotte Land Records within 180 days.
3. Prior to the submission of the mylar in accordance with Condition 2 above, the applicant will:
  - A. Obtain a Wastewater System and Potable Water Supply Permit.
  - B. Obtain any permits that are needed for a Transient Non-Community water system.
  - C. Obtain any stormwater permit as required by the state for a Low Risk Site.
4. Eight White Pine trees will be planted in the approximate location as depicted on the site plan as amended by Condition 1 above, but the trees will be field located to buffer the view of the inn from the Frost residence.
5. The applicant shall submit a letter from the project engineer with the application for a certificate of occupancy for the inn indicating that substantive improvements associated of this application and decision, including vehicular and pedestrian access facilities, parking areas, landscaping, drainage and erosion control facilities, and lighting, have been installed in accordance with the approved plans.
6. Trees that are required to be planted by the applicant (as per Condition 4 above) will be replaced by the applicant or its successors if they become diseased or die within two years.
7. All driveways and parking lots shall be finished with non-white crushed stone.
8. There will be no new exterior lighting other than what has been approved. Fixtures will be shielded to direct light downward, and will not direct light onto adjacent properties or roads, and will not result in excessive lighting levels that are uncharacteristic of the neighborhood.
9. All new utility lines will be underground.

**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.

**This decision may be appealed to the Vermont Environmental Court by the applicant or an**

**interested person who participated in the proceeding. Such appeal must be taken within 30 days of the date of the 4<sup>th</sup> signature below, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.**

**Members Present at the Public Hearing on August 5:** Jeff McDonald, Jim Donovan, Peter Joslin, Ellie Russell, Paul Landler and Gerald Bouchard

**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 Signed:\_\_\_\_\_
- 2. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 3. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 4. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 5. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 6. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_
- 7. Signed:\_\_\_\_\_ For / Against Date Signed:\_\_\_\_\_

**Appendix A**

The application and additional materials submitted in support of the application consists of:

- 1. A Final PUD application form. Appropriate fees were paid with the Preliminary PUD application.
- 2. A packet that includes:
  - A. A project narrative that includes a description of the project and an analysis of the project’s conformance with the Land Use Regulations
  - B. A letter dated May 11, 2010 to Tom Mansfield from David S. Marshall, P.E. regarding “Gaujac Inn, Preliminary Plat Application, Site Plan Application.”
  - C. The decision by the Zoning Board of Adjustment for the project (ZBA-10-01).
  - D. A project review sheet from the Agency of Natural Resources and Natural Resources Board.
  - E. A well inspection report by Spafford & Sons of Williston, VT, Inc. for “hillside well.”
  - F. An e-mail dated January 29, 2010 to the applicant from Bill Rhino of AmeriGas.
  - G. A lighting cut sheet from Hadco for a fixture called Old World, catalogue numbers V2701 and V2702, with a 70 watt metal halide lamp, Type III cut-off fixture for the posts at the parking lot and a 70 watt metal halide lamp for the building-mounted fixtures.
  - H. A Traffic Summary and associated documentation by David Marshall of Civil Engineering Associates.

3. A plan (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Overall Site Plan-Existing Conditions” sheet C0, dated June, 2010, no revisions
4. A plan (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Overall Site Plan” sheet C1, dated June, 2010, last revised 5/10/10. The plan includes the proposed location of four Eastern White Pine trees.
5. A plan (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Site Improvement Plan” sheet C2.0, dated May, 2010, no revisions.
6. A plan (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Site Grading and Drainage Plan” sheet C2.1, dated June, 2010, last revised 5/10/10.
7. A sheet (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Wastewater Disposal System Details & Sections” sheet C3, dated June, 2010, last revised 5/10/10.
8. A sheet (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Site Details” sheet C4, dated June, 2010, last revised 5/10/10.
9. A plan (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Site EPSC Plan” sheet C5.0, dated June, 2010, revised 5/10/10.
10. A sheet (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, EPSC Narrative” sheet C5.1, dated June, 2010, no revisions.
11. A sheet (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, EPSC Specifications” sheet C5.2, dated June, 2010, no revisions.
12. A sheet (stamped and signed by David Marshall, P.E.) by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, EPSC Details” sheet C5.3, dated June, 2010, no revisions.
13. A memo dated July 27 2010 from Dave Marshall to Dean Bloch and Tom Mansfield regarding Fire Protection Plan.
14. A plan by Civil Engineering Associates, Inc. entitled “Gaujac Bed & Breakfast, Greenbush Road, Charlotte, Vermont, Fire Protection Site Plan” sheet C1, dated July, 2010, no revisions.
15. A packet submitted at the hearing entitled “Supplemental Information for PUD hearing-Old Lantern/Gaujac Project, Charlotte, Vermont, August 5, 2010” from Connor Homes.