

CHARLOTTE PLANNING COMMISSION

Charlotte Town Office

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January 3, 2020

Bullrock Corporation / Doug Moses
145 Pine Haven Shores Road, Suite 1150
Shelburne, VT 05482

Re: Sketch Plan Review – Application Number PC-19-193-SK

Dear Mr. Moses,

The following information contained within this letter relays the Planning Commission's understanding with regard to the status of your properties located at 735 Ferry Road (on the southern side of the road) within the Commercial/Light Industrial (C/LI) zoning district. This letter also cites the Charlotte Land Use Regulations (LURs) pertinent to the proposed development of your property. Please do not hesitate to include any status updates or additional information within your forthcoming application. You may further contact the staff at the Planning and Zoning Office if you wish to seek further guidance in response to this advisory letter.

One public meeting for the proceeding was held to review your Sketch Plan Review application on November 21 (*attended by Commissioners Peter Joslin, Charlie Pughe, Jim Faulkner, Gerald Bouchard, and Shawn Coyle*). The site visit to the property took place on the morning of Saturday November 23, 2019, attended by Commissioners Jim Faulkner, Charlie Pughe, Gerald Bouchard, Peter Joslin, and the applicant Doug Moses.

It is understood by the Planning Commission as displayed on the proposed "*Site Plan*" map included within your application (prepared by Bullrock Corporation, dated October 17, 2019) and from discussions during the public hearing, that you propose the development of a new building on the property, where the remainder of the property to the south of the proposed building would be used as a contractors' yard. With reference to the submitted map, the project proposes to:

1. Construct a 180' 6" x 36' (6,498 square foot) building along the northerly portion of the property.
2. To relocate the existing well, which is currently located within the footprint of the proposed building.
3. To develop a contractor's yard, just south of the building.

4. At the public hearing it was stated that the existing barn structure and pump house will remain in place.

The Planning Commission has classified your project as a “Site Plan Review”, as the project proposes a change of use criteria in accordance with **Section 5.5** of the Charlotte Land Use Regulations (hereafter referred to as “the Regulations”). The Planning Commission is providing the following guidance for your Site Plan Review application that should be addressed.

This parcel was subject to Planning Commission decisions [PC-02-16](#) (a 2002 Site Plan Amendment) and [PC-01-18](#) (a 2001 Site Plan Review). These decisions addressed conditional parking, lighting, and some screening requirements.

Your forthcoming Site Plan Review application should include the following elements (per **Section 5.5(E)** of the Regulations):

A. Site Features:

The application proposes to construct an agriculturally-themed building close to the northern property boundary along Ferry Road. The site plan map submitted with the application indicates the proposed building footprint to adjoin the right-of-way boundary of Ferry Road, within the setback. The C/LI district Minimum Setback/Front is 25’ from the road right-of-way. Furthermore, the exterior elevations of the proposed building have not been indicated on the proposed building plan. The C/LI district Maximum Height for buildings are 35’. Your forthcoming application should have these figures and adjustments updated within the respective site plan map and building plan.

The C/LI district has a Maximum Lot Coverage of 40%. The existing impervious coverage with the solar array is estimably about 25%; perhaps less considering the existing space between the arrays. According to the submitted site plan map, the impervious surface comprising the proposed building coverage and the parking area of the contractor’s yard total 16.41%. The updated site plan should include the acreage of the solar arrays to confirm the total impervious surface upon the property.

The contractor’s yard will host parking for trucks, trailers, and other equipment; and an area for a compost/mulch pit, bunker, gravel stockyard, and pallets for stone storage. All outdoor storage of materials should be undertaken in a manner not injurious or obnoxious to the neighborhood or the natural environment (as per **Section 3.10** of the Regulations). The Planning Commission feels that potential salt storage upon the property has the potential to contaminate the two *Groundwater Source Protection Areas* underlying the property:

1. The Catamount Charlotte Water System – WSID #20397, an active system that was updated with a [2016 Source Protection Plan](#) undertaken for the VT DEC by Ross Environmental Associates, Inc..
2. An inactive system for the former Waldorf School – WSID #20907.

Furthermore, according to correspondence between the Zoning Administrator and Greg Beldock (CEO of the Bullrock Corporation), the property has been under advisement to comply with the Regulations by the Zoning Administrator since at least March 1, 2018, where the property has been determined to be in operation of a contractor's yard with "a collection of miscellaneous objects and equipment being stored out in the open. . ."

B. Site Layout and Design:

The building is planned to have seven commercial warehouse bays (facing southward away from Ferry Road) and an office space hosting an estimated seven employees. The office space and five of the bays would be leased to a landscaper, where the remaining two bays (about 1,500 sq. ft.) would be utilized for storage by the Bullrock Corporation.

Site maps and building elevations should be submitted, which convey the size, scale, arrangement with dimensional lines and appearance of the proposed structure.

C. Access: The site will use the existing curb-cut off of Ferry Road. Your site plan application should address the following issues to accommodate the anticipated traffic associated with the proposed use of the property, especially during higher volume periods when the Ferry is in operation:

- a. Site access for automobiles, trucks, buses, emergency vehicles, pedestrians, and bicycles.
- b. Traffic circulation to and from Ferry Road.

D. Parking, Loading, and Service Areas:

Impervious surfaces intended for vehicles should be made of non-white crushed stone.

Your parking plan should conform to **Section 3.11** of the Regulations, and comply with the 2010 ADA Standards for Accessible Design, which call for at least one (1) *Required Accessible Parking Space for Total Number of Parking Spaces Provided in Parking Facility* of 1-25 vehicles to be maintained by the property owner. This will include a sign with the International Symbol of Accessibility installed in front of the space with the lower edge of the sign at least five feet (5') above the ground, and a marked access aisle for the space that is at least five feet (5') wide to accommodate mobility devices (e.g. vehicle-mounted wheelchair lifts, wheelchairs, walkers, etc.).

The categories listed within **Table 3.1** (of the Regulations) for Minimum Off-Street Parking Requirements that address potential demand for the proposed facility should fulfill the following:

- i. "Warehouse", which has a minimum requirement of at least **1 per 1,000 sq. ft. of gross floor area, and 1 per employee.**
- ii. "Office/Professional", which has a minimum requirement of at least **1 per 300 sq. ft. of gross floor area.**

All designated parking spaces shall have a minimum width of nine (9) feet, a minimum length of 18 feet, and unobstructed access and maneuvering room.

The site plan should be updated to include the proposed number of parking spaces, required ADA parking-related infrastructure, at least one bicycle rack that is installed in proximity to the main building, and the area of impervious surface (e.g. the proposed parking area, and the buildings). The bicycle rack should be made of non-edged thick tubular steel that is mounted below grade, or flange-mounted on concrete.

E. Landscaping and Screening:

The building plan indicates that the agriculturally-themed building would screen both the existing solar array and the proposed contractor's yard from the Ferry Road viewshed. The Planning Commission has requested that:

1. A stand of trees be planted to thoroughly screen any structures, vehicles, lighting, noise, or other possible impacts from the residential properties adjoining to the east of the property.
2. A row of coniferous trees be planted at the northwestern portion of the property to thoroughly screen the contractor's yard from the southerly viewshed of Ferry Road.

F. Stormwater Management and Erosion Control:

This should be discussed in accordance with applicable standards covered in **Section 5.5(E)(6)** and **Section 7.8** of the Regulations. As part of your Site Plan Review application, the Planning Commission will require a stormwater management and erosion control plan that is prepared by a licensed professional, as per **Section 7.8(A)(2)** of the Regulations.

G. Outdoor Lighting:

Should be in conformance with the standards outlined in **Section 3.9** of the Regulations. The Planning Commission will require that an outdoor lighting plan to be submitted with your Site Plan Review application. At the public hearing it was stated that all outdoor lighting would be installed on the proposed building. The site plan map should be updated with the locations of the outdoor lighting fixtures, which should be down-shielded. The General Standards of **Section 3.9(B)** require the following:

- a. *"All outdoor lighting shall be kept to the minimum required for safety, security, and intended use, consistent with the character of the neighborhood in which it is located."*
- b. *"Permanent outdoor lighting fixtures shall be designed to minimize glare, and shall not direct light upward or onto adjacent properties, roads, or public waters, or result in excessive lighting levels that are uncharacteristic of the surrounding neighborhood or area."*

Section 4.6 Contractor's Yard

The contractor's yard may be permitted in the C\L zoning district, but is subject to a Conditional Use Review application with the Zoning Board of Adjustment (ZBA) (per **Section 5.4**), a Site Plan Review (per **Section 5.5**), and the following provisions:

1. The Planning Commission or Board of Adjustment may, as a condition of approval, require larger setback and buffer areas, and/or landscaping or screening as deemed necessary to protect neighboring properties, public rights-of-way, and water quality.
2. An associated accessory structure may include an office, garage, or other enclosed area for the storage of equipment and materials. The maintenance and repair of vehicles and equipment shall be conducted only within an enclosed building or designated yard areas.
3. The operation of the contractor's yard shall meet all **Performance Standards** under **Section 3.12**. The Board of Adjustment may, as a condition of approval, limit the hours of operation as appropriate.
4. There shall be no on-site storage of hazardous waste or materials. Fuel storage shall be limited to that needed for space heating and the operation of equipment and vehicles associated with the business, and meet the requirements of **Section 3.10**. As it was stated during the public hearing that it was unknown if the contractor's yard is planned for salt storage, this question should be addressed within the forthcoming site plan application.

7.6 Water Supply / 7.7 Sewage Disposal

According to the permit [4C0335-1, Lot #1](#) (e.g. 735 Ferry Road) has the wastewater capacity for 600 GPD, well yield of 10 GPM, and a wastewater design (mound) that limits to 44 on-site employees. The permit allows a maximum of 568 weekday vehicle trips and 220 maximum parking spaces for the subdivision for [the entire 1986 subdivision](#). The permit was [updated with permit WW-4-1777](#) from May 8, 2003, which amended the wastewater disposal replacement area for the formerly existing Lake Champlain-Waldorf School.

It was understood from the public hearing that you would be using this existing wastewater system from the former school, where the water supply would be derived from the relocated well, and the existing well (within the footprint of the proposed building) would be capped. Your forthcoming site plan application should address any changes that may trigger permit amendments from the State.

In conclusion, the following items should be included in your site plan application:

1. The site plan map should be updated with:
 - a. The delineation of the parking lot acreage, perimeter, and dimensional lines maintaining the C\LI zoning district minimum twenty-five-foot (25') setback from the proposed building to the road right-of-way boundary.
 - b. The acreage of the solar arrays on the property.
 - c. All known easements (e.g. trails, utilities, etc.) that traverse the property.

- d. The location of the footprint of all designated water supply and wastewater infrastructure (including any mounds, septic tanks, and replacement areas); and the newly relocated well.
 - e. Proposed tree screening (including any new plantings) to be installed along the eastern property boundary and the northwestern corner of the property, which will be required to be maintained on the property, as discussed in **item 5.5(E)**, above.
2. The building elevation plans should be updated with a dimensional line indicating the height of the structure.
 3. As it may be a possibility that any future salt storage may impact the existing groundwater and water supply, your application should address any relevant contamination issues highlighted within the [2016 Source Protection Plan](#) (as well as any proposed mitigation measures) by a qualified consultant.
 4. As a condition of Site Plan Review approval, all debris, materials, and uncovered equipment stored upon the property shall comply with the advisory and warning letters issued by the Zoning Administrator on March 1, 2018; April 17, 2019; and October 7, 2019.
 5. Other issues may be considered during the review of your forthcoming Final Plan application. In accordance with **Section 6.3(D)** of the Regulations, this Sketch Plan Review is valid for six months, unless an additional six-month extension is formally requested from the Planning Commission before the expiration date.

Please let me know if I can answer any further questions.

Sincerely,



Peter Joslin, Chair,
Charlotte Planning Commission