

CHARLOTTE PLANNING COMMISSION

Charlotte Town Office

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January 31, 2020

Debra Kassabian and Mike Dunbar of Gemini Properties, LLC
477 Thompsons Point Rd
Shelburne, VT 05482

Re: Sketch Plan Review – Application Number PC-19-214-SK

Dear Ms. Kassabian and Mr. Dunbar,

The following information contained within this letter relays the status of your property located at 3488 Ethan Allen Highway within the Village Commercial (West Charlotte Village – West of Route 7 only) zoning district. This letter also cites the Charlotte Land Use Regulations (hereafter referred to as “the Regulations”) that are pertinent to the proposed development of your property.

One public meeting for the proceeding was held for your Sketch Plan Review application on December 19, 2019 (*attended by Commissioners Peter Joslin, Charlie Pughe, Jim Faulkner, Gerald Bouchard, and Marty Illick*). The site visit to the property took place on the morning of Saturday December 14 that was attended by Commissioners Jim Faulkner, Charlie Pughe, Gerald Bouchard, Peter Joslin, and David Kenyon; and the applicants Debra Kassabian and Mike Dunbar.

It is understood by the Planning Commission that you propose to update your existing Site Plan Review and Conditional Use Review permits ([PC-17-173-SP](#) and [ZBA-17-172-CU](#), respectively) that were each approved on April 26, 2018. The elements addressed within the Sketch Plan Review proceeding include:

1. Increasing the number of parking spaces, requesting approval to locate parking spaces in the front of the building, expanding the parking area footprint within the front yard setback of the US Route 7 right-of-way, and shifting the ADA parking spot to a location closer to the main entrance.
2. Increasing the seating for the restaurant from 495 sq. ft. to 950 sq. ft.
3. Additionally, at the public meeting for the Sketch Plan Review, you had stated that the lighting plan, the landscaping plan, and the location of the sign are proposed to be adjusted.

The Planning Commission has classified your project as a “Site Plan Review” in accordance with **Section 5.5(A)** of the Regulations:

"In accordance with the Act [§4416], site plan review by the Planning Commission is required for all development except for agriculture, forestry, single and two family dwellings and associated accessory uses and structures (unless otherwise specified in these regulations)..."

The Planning Commission is providing the following guidance for your forthcoming Site Plan Review application that would modify some of the elements of your existing site plan approved by Planning Commission decision **PC-17-173-SP** (recorded in *Volume 233, Pages 13-18* of the Charlotte Land Records). Other details related to the Site Plan Review remain in effect under this decision, as well as the Conditional Use Review permit in the Zoning Board of Adjustment decision **ZBA-17-172-CU** (recorded in *Volume 233, Pages 19-23* of the Charlotte Land Records).

Pursuant to the relevant Site Plan Review standards covered in **Section 5.5(E)** of the Regulations, the following guidance is summarized below in yellow:

- A. **Site Features:** covered under permit *PC-17-173-SP*.
- B. **Site Layout and Design:** Under the approved Site Plan Review permit **PC-17-173-SP**, the proposed building was purportedly 4,616 sq. ft. (including the basement). According to information presented at the public hearing, the area of the building has increased to an estimated 4,963 sq. ft., but was constructed within the preexisting building footprint.

An updated site layout and design will need to be submitted with your site plan review application. The building should comply with the ADA Standards for Accessible Design and account for the entire square footage on each floor.

- C. **Access:** The site will utilize the existing curb-cut off of Ethan Allen Highway (US Route 7). Your application requests adding a second curb-cut to serve as an exit only.

According to **Section 3.2(B)** of the Regulations, regarding Highway Access Permits:

"Access onto town highways is subject to the approval of the Charlotte Selectboard, or for U.S. 7 (Ethan Allen Highway), the Vermont Agency of Transportation (VTrans), in accordance with state statutes and the Town of Charlotte's "Policy and Procedure for Highway Access Permits" as most recently amended. Highway access permits must be issued prior to the issuance of a zoning permit."

According to **Section 3.2(C)(3)(b)** of the Regulations, pertaining to Access Management Standards states:

"A property having frontage on Route 7 and no frontage on a secondary road shall be allowed a maximum of one (1) access point onto Route 7. Where feasible, said access point shall be located and designed so as to provide access to the entire property, and shall meet all applicable standards of these regulations. No access shall be permitted

where traffic conditions, topography, or any physical site limitation would prevent the construction of a safe access.”

However, according to **Section 3.2(C)(1)**:

“No lot may be served by more than one (1) access (curb cut), except for:

(a) a lot for which it is determined, subject to subdivision, site plan, or conditional use review, that one or more additional accesses are necessary to ensure vehicular and pedestrian safety; or

(b) instances in which strict compliance with this standard, due to the presence of one or more physical constraints (e.g., streams, wetlands, steep slopes) would result in adverse environmental impacts or a less desirable site design and layout than would be otherwise possible.”

The Regulations cite an exception where a secondary access point onto Route 7 would be allowable, if it would ensure traffic safety. To confirm this, the Planning Commission will require the following information for your Site Plan Review application:

- a. A confirmation letter from the Vermont Agency of Transportation (VTtrans) that a permit for a secondary exit may be issued for the property.
- b. A letter from Charlotte Volunteer Fire & Rescue Services (CVFRS) that approves your design to access the property, and to the building.

Rob Mullen (CVFRS Assistant Fire Chief) had advised Planning and Zoning staff on December 19, 2019 that the secondary access/egress on to US Route 7 was not absolutely necessary, but that emergency vehicle access to the front of the building is. Furthermore:

1. At a minimum, an impervious-surface hammerhead “Fire Access” should be added in front of the building so that an aerial apparatus (e.g. ladder and platform) may be given access to the second floor of the structure.
2. The ADA spot should be moved closer to the front of the building, near the proposed ramp accessing it.
3. That a ramp should be added to the building design.

D. Parking, Loading, and Service Areas: The following items for this section are relevant to your Site Plan:

- (a) "Parking, loading and service areas, to the extent feasible, shall be located to the side or rear of buildings. Parking is prohibited within front yard setback areas unless there is no alternative location on the lot."

You had proposed three possible parking design alternatives (each with two ADA compliant spaces) at the public hearing:

Parking Design #1: a 27 space facility with 7 spaces along the front of the building where vehicles would face eastward (toward US Route 7).

Parking Design #2: a 22 space facility with 4 spaces along the front-left of the building where vehicles would face southward (away from US Route 7).

Parking Design #3: a 21 space facility with 1 ADA space along the front-left of the building where the vehicle would face eastward (toward US Route 7).

The Planning Commission prefers **Parking Design #2**. Any parking area along the front of the main building facing US Route 7 should be eliminated from the Site Plan. The aforementioned letter from Charlotte Volunteer Fire & Rescue Services (CVFRS) should approve of a preferred design to accommodate the aforementioned impervious-surface hammerhead "Fire Access" and any other potential safety issues.

- (b) Relocation or redesign of existing parking areas may be required to meet all applicable requirements of these regulations.

You had proposed moving the ADA parking area to a location closer to the front entrance. It is the opinion of the Planning Commission that **Parking Design #2** offers this option adequately and more closely conforms to **Section 5.5(D)(a)** of the Regulations. Any design where ADA parking would be required directly in front of the building facing US Route 7 (i.e. **Parking Design #3**) will require a letter from CVFRS stating so.

- (c) Surfaces of parking, loading and service areas shall be non-white crushed stone wherever feasible.

- This provision remains a condition of your existing site plan (PC-17-173-SP).

- (d) Provision shall be made for adequate and safe on-site vehicular and non-vehicular circulation in relation to the intended use and the location of buildings and parking areas. Accordingly, a safe and attractive pedestrian environment shall be provided as appropriate to the use. In the West and East Charlotte Village Districts, the Village Commercial Districts, and the Commercial/Light Industrial District, pedestrian paths, sidewalks and trails to nearby residential areas may be required.

- *This provision remains a condition of your existing site plan (PC-17-173-SP).*

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:

On-site parking, loading and service areas shall be provided in accordance with the requirements of **Section 3.11**. You have proposed that the estimated 4,963 sq. ft. building will comprise the following uses within 3,552 sq. ft. of the building;

- For "Restaurant" use it is 1 parking space per 150 square feet of seating area.
The proposed restaurant area would increase from 495 to 950 sq. ft., which will require a minimum total of (rounding up to) 7 parking spaces.
- For "Retail Sales & Service" use it is 1 parking space per 250 square feet of area.
The proposed retail area would decrease from 1,309 sq. ft. to 1,000 sq. ft., requiring a minimum total of (rounding up to) 4 parking spaces.
- For "Office/ Professional, Government, Business" use it is 1 parking space per 300 square feet of gross floor area.
The proposed office area would increase from 1,532 sq. ft. to 1,602 sq. ft., requiring a minimum total of (rounding up to) 6 parking spaces.

Therefore a total of seventeen (17) parking spaces would be required for the site. The remaining 1,411 sq. ft. of the building has not been accounted for in this application, and should be addressed in your forthcoming site plan application.

Your existing Site Plan permit (PC-17-173-SP) and associated plans approved twenty-one (21) parking spaces. According to information presented at the public hearing, the planned parking area is proposed to accommodate an estimated 21-27 parking spaces, based on the three design alternatives in your application.

E. Landscaping and Screening:

A new landscaping plan will need to be submitted with your site plan review application.

F. Stormwater Management and Erosion Control:

Pursuant to **Section 7.8(A)(2)** of the Regulations as part of your Site Plan Review application, the Planning Commission will require an updated stormwater management and erosion control plan. For impervious surfaces associated with the project, you will be required to provide an engineered stormwater system that is designed to meet the Water Quality Treatment Standard (2.2.4) and the Overbank

Flood Protection Standard (2.2.6) outlined in the State of Vermont "2017 Vermont Stormwater Management Manual Rule and Design Guidance". Drawings shall be stamped by a Professional Engineer, licensed in the State of Vermont, who is qualified to design stormwater treatment systems in Vermont. The stormwater system installation must be certified by the design engineer as in compliance with the design and inspected annually by a licensed engineer. The certification and annual inspections shall be filed with the Town of Charlotte Office of Planning and Zoning. The following recommendations should be observed:

1. The stormwater plan should include the property's soil types, water tables, surface waters, their buffers (including Thorp Brook), the rain garden's water quality volume (WQv) calculations.
2. Please note that the State wetlands program does not allow stormwater features to be built within the wetland or wetland buffer areas.
3. The elevations of the bio-retention area do not seem to work because the daylight of the pipe is at the same elevation as the top of the rain garden and the detail shows there should be 30 inches of depth.

G. Outdoor Lighting:

A new lighting plan will need to be submitted with your site plan review application.

The Zoning Board of Adjustment (ZBA) granted a variance in 1990 to allow a non-conforming sign, which was upheld for the Conditional Use Review decision **ZBA-17-172-CU** in 2018. An additional application for a Conditional Use Review with the ZBA will be required to approve the proposed new sign location. The ZBA may additionally review the building design pursuant to Condition 8 of decision **ZBA-17-172-CU**.

The site layout and landscaping plan should indicate the proposed new location of the sign.

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