

# CHARLOTTE PLANNING COMMISSION

## FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

### Ten Stones, Inc. Site Plan Review And Subdivision Amendment For the Relocation, Construction and Use of the Common House Application # PC-05-25

#### Background

The original approval by the Planning Commission for the Ten Stones project occurred on January 26, 1993; this included conceptual approval for a common house and the designation of a building envelope. In 2004 Ten Stones received approval for a Subdivision Amendment (to move the building envelope for the common house) and Site Plan Review (for construction and use of the common house) in decision PC-04-10, however the mylar was not filed in a timely manner, therefore that approval expired. The current application is for the same proposal.

#### Application

The application consists of:

1. An application form and appropriate fee.
2. A plan by GroundSwell Architects entitled "Ten Stones Community Building Plan C rev" dated 4/7/04.
3. An area map by GroundSwell Architects entitled "Ten Stones Community Building" dated December 12, 2003, no revisions.
4. A lighting cut-sheet (included on site plan) from McGraw-Edison for a fixture named ZDCredenza-Small.
5. A lighting cut-sheet from Streetworks for a fixture named Zcredenza.
6. A letter from Christopher W. Davis, Chief of the Charlotte Volunteer Fire Department, to Ted Montgomery dated April 13, 2004.

#### Public Hearing

A public hearing was held for this application on June 2, 2005 at 7:45 PM. Ed LeClair and Ted Montgomery were present representing the applicant; there were no other interested parties present. A site visit was conducted on June 2, 2005 at 5:30 PM.

#### Regulations in Effect

Town Plan as amended March 2002  
Zoning Bylaws as amended March 2002  
Subdivision Bylaws as amended March 1995

## Findings

1. The proposed location of the common house is to the south of the access road (Ten Stones Circle) and just west of the community gardens and barn, and to the east of the engineered wetland wastewater disposal system.
2. There are prime agricultural soils in the vicinity of the proposed building site; however the building site is directly contiguous to existing development (ie: residences within the Ten Stones community), and has a relatively compact footprint (1,006 square foot building, 1,300 square feet of gravel-surfaced parking area, and approximately 800 square feet of gravel-surfaced pathway).
3. Section 5.3 of the Zoning Bylaws requires five parking spaces for a building that is approximately 1,000 square feet in size. The applicant is proposing six new parking spaces adjacent to the common house. Additionally, there are parking areas for two cars adjacent to each dwelling in Ten Stones. The plat recorded in the land records also shows 20 parking spaces approximately 800 feet to the north of the proposed common house on Ten Stones Circle, although only ten spaces have been constructed at this time, and some are currently used for other purposes. There is also a grassed area along Ten Stones Circle just north of the proposed common house, where “overflow parking” could be located.
4. Considering the proposed, existing and potential parking areas, the six proposed parking spaces appear to be adequate given the building size. However it’s noted that the proposed location is closer to Greenbush Road than the original location of the common house, and that parking on Greenbush Road could create hazardous situations.
5. Ten Stones Circle is an existing private road that is adequate for serving the Common House. The location of the Common House would not seem to disrupt vehicular circulation. Emergency access appears sufficient, and it’s noted that the Charlotte Fire Department Chief has indicated this in a letter submitted with the application.
6. The site plan shows a “no-cut zone” to the east of the proposed common house, ie: between the common house and Greenbush Road. Therefore the Common House will be screened from Greenbush Road and from neighbors by this existing vegetation. No additional landscaping is necessary.
7. The proposed lighting is designed to direct light downwards. The site plan shows the light located near the parking area. The applicant stated that the fixture will be approximately six feet in height
8. The applicant presented a plan by GroundSwell Architects at the public hearing with a revision date of 4/22/05. The plan included elevation drawings of the proposed structure with its dimensions.
9. With regard to the adequacy of recognition of important natural features, the proposed location of the building is cleared, level, and adjacent to existing development.
10. The applicant has indicated that the common house will use the existing constructed wetland wastewater disposal system.
11. The applicant has indicated that the common house will use the existing well.

## Decision

Based on these Findings, the Planning Commission approves the application for a Subdivision Amendment and Site Plan Review for the relocation, construction and use of the common house with the following conditions:

1. A mylar (approximately 18" x 24") and one paper copy of the plan by GroundSwell Architects will be submitted to the Planning Commission within 60 days and recorded in the land records within 90 days.
2. The lighting fixture will be no taller than eight feet in height.
3. If it becomes evident that people using the common house are parking on Greenbush Road, an additional parking area will be required.

**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 of the date of 4<sup>th</sup> signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471.**

**Members Present at the Public Hearing on June 2<sup>nd</sup>:** Jeff McDonald, Linda Radimer, Robin Pierce, John Owen, Peter Joslin and Robert Mack.

**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:\_\_\_\_\_
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