

CHARLOTTE PLANNING COMMISSION

FINDINGS OF FACT AND DECISION IN RE APPLICATION OF

Infill East Charlotte Partners, LLC-Applicant John and Anne Hancock-Property Owner Site Plan Review For Adaptive Reuse and Change of Use of a Two-Family Dwelling to an Office Application # PC-06-27

Background

The applicant has also applied to the Zoning Board for conditional use approval (ZB-06-19).

Application

Materials submitted with the application are listed in Appendix A.

Public Hearing

A public hearing was held for this application on August 17, 2006 and continued on September 7, 2006. A site visit was conducted on September 7 prior to the hearing. On August 17 Tim Sampson, William Niquette, and David Marshall were present representing the applicant; on September 7 Tim Sampson was present representing applicant at the site visit and at the hearing. There were no other interested parties present at the site visit.

The following adjoining property owners were present at and participated in the hearing on either August 17 or September 7: Carrie Spear, Bill Fraser Harris, Tim Halvorson.

Regulations in Effect

Town Plan as amended March 2002

Land Use Regulations adopted March, 2006.

Sewage Ordinance as amended December, 2004.

Recommended Standards for Developments and Homes adopted September, 1997

Findings

1. At the hearing the applicant submitted additional materials listed in Appendix B.
2. The subject property is located at 2877 Spear Street. It is currently owned by John and Anne Hancock.
3. The Hancocks purchased the property in two transactions; they acquired 4.25 acres (with a single family dwelling) in 1962 by a Warranty Deed recorded in Volume 28 at Page 213 of the Charlotte Land Records, and they acquired 10.17 acres (unimproved) by a Warranty Deed recorded in Volume 46 at Page 518 of the Charlotte Land Records.
4. In 1995 the Hancocks applied for and were issued a zoning permit to add a second dwelling unit to their single family dwelling.

5. The Town required the parcels to merge when the Hancocks added the second dwelling unit since the Zoning Bylaws at that time required five acres per dwelling unit.
6. The zoning permit application for the second dwelling unit stated that the parcel was 14.42 acres, and the owners have used the property with the benefit of a second dwelling unit for 11 years.
7. The grand list, warranty deeds and previous permit applications indicate the subject parcel is 14.42 acres, however the applicant has had the property surveyed and the surveyor has determined that the parcel is 14.26 acres.
8. The subject parcel is located in the East Charlotte Village District. Much of the neighborhood is residential, although adjoining properties include a church, the Grange, and (in the Village Commercial District) a convenience store.
9. Based on Town Plan maps, the subject property has extensive areas with prime agricultural soils, some statewide agricultural soils, and a wet area that is located at the southern edge of the parcel near the Fisher and Aladjem parcels.
10. The proposed use will impact a small amount of prime agricultural soil where the parking area is proposed to be located.
11. A portion of the existing building was constructed in approximately 1840. The subject property is located within the Baptist Corners “historic district” as indicated in the Vermont Historic Sites and Structures Survey for the Town of Charlotte.
12. The memorandum submitted with the application states “only interior renovations are proposed to the existing structure. The exterior of the structure will remain unchanged except for ordinary maintenance and repairs.”
13. The Planning Commission will not explicitly rule on whether the structure is eligible for adaptive reuse treatment under Section 4.3 of the Charlotte Land Use and Development Regulations (“Land Use Regulations”), whether the application complies with the dimensional requirements of Section 4.3 of the Land Use Regulations, or whether the application complies with the dimensional requirements of Table 2.2 of the Land Use Regulations, as these issues will be addressed by the Zoning Board of Adjustment in its review of application ZBA-06-19.
14. The proposed modifications to the site are: widening the curb-cut and driveway, an expansion of the parking area, trimming the vegetation on either side of the curb-cut, an additional exterior light fixture, and a sign.
15. The plans and memorandum submitted with the application indicate that the applicants propose to widen the driveway to 18 feet.
16. At the hearing the applicant’s representatives stated that they would feel a condition requiring the sharing of access for additional uses of the property to be acceptable.
17. The proposed parking area is acceptable, however, because it will cover a relatively large area, non-white gravel would be a preferable surface in order to minimize run-off and visibility.
18. A pedestrian access (i.e. path) along the frontage of the property is not necessary at this time, given the relatively light automobile traffic on Spear Street and the existing greenbelt along Spear Street (which allows pedestrian travel).
19. At the site visit Planning Commissioners noted that the sight distance from the driveway is very good, although it could be improved by some trimming of vegetation. The removal of trees is unnecessary.
20. It was also noticed at the site visit that an old utility pole is located to the south of the driveway even though utility lines have been moved to a new pole. Sight distance would

be improved by the removal of the old utility pole.

21. The Landscape Plan shows the proposed addition of three arborvitae shrubs to the west of the parking area. Although in some situations screening of parking areas may be appropriate and desirable, the Planning Commission finds that it is unnecessary here, given the relatively large (100 foot) setback of the parking area from Spear Street. Similarly, since the dumpster is 180 feet from Spear Street, screening of the dumpster is not necessary.
22. The lighting fixture originally proposed in the application is good in terms of directing light downward, however it has a “commercial” look, which is inappropriate in the context of the East Charlotte village. The fixtures in the subsequent submission called “Old World” by Hadco are more appropriate.

Conclusions

1. Although the application indicates that the subject parcel is 4.25 acres, the Planning Commission considers the subject parcel to be 14.26 acres, based on Findings 4, 5 and 6 herein.
2. The proposal, as conditioned below, complies with the Charlotte Land Use Regulations.

Decision

Based on these Findings and Conclusions, the Planning Commission approves the application for Site Plan Review for the adaptive reuse and change of use of a two-family dwelling to an office with the following conditions:

1. The applicant will amend the “site plan” by Civil Engineering as follows:
 - A. The ortho-photo will be removed from the plan.
 - B. The plan will indicate the parcel is one lot of 14.26 acres.
 - C. The width of the driveway will 18 feet wide for the first 60 feet from the edge of the Spear Street right-of-way, after which it will be widened as indicated on the submitted site plan.
 - D. The plan will indicate “vegetation trimming” rather than “vegetation removal” along the frontage on Spear Street
 - E. The proposed shrubs will be removed.
 - F. The lighting depiction will reference the fixture described in Condition 9 below.
 - G. A signature block for the Planning Commission Chair/Vice Chair will be added.
2. A mylar (18” x 24”) of the “site plan” by Civil Engineering (as amended by Condition 1 herein) will be submitted to the Planning Commission within 160 days and recorded in the land records within 180 days. No application for a Zoning Permit for the subject property shall be submitted until the mylar has been recorded with the Planning Commission’s endorsement.
3. The applicant must receive approval for application ZBA-06-19 prior to submitting the mylar for Planning Commission endorsement.
4. This approval is only for the proposed use of the existing building for an office. Any change of use or additional buildings requires a new application for Site Plan Review and other permits as needed.
5. The Planning Commission may require sharing of the access for any additional uses of

the property.

6. The width of the driveway will be as indicated on the approved site plan (as described in Condition #1). If the applicant deems that it is necessary to widen the driveway for safety reasons, the applicant will apply to the Planning Commission for a Site Plan Amendment, and to the Selectboard for a Highway Access Permit if the widening is to occur within the Spear Street right-of-way.
7. The driveway and parking areas will be surfaced with non-white crushed stone.
8. Vegetation along Spear Street will be trimmed, and maintained in a trimmed condition, in order to provide maximum sight distance from the driveway, however no trees shall be removed along Spear Street unless they are diseased, damaged, dead, or are likely to damage property. No trees within the Spear Street right-of-way will be removed without the prior approval of the Charlotte Tree Warden.
9. The new exterior light will use the Hadco "Old World" fixture. The fixture shall be a Type III Cut-Off or a Type IV Cut-Off, and shall be no taller than eight (8) feet in height. Exterior light fixtures will only be illuminated during business hours or when the office is occupied.
10. The sign will meet the requirements of Section 3.13 of the Land Use Regulations.
11. Lighting for the sign will be downward directed, and will not cause glare for drivers headed in either direction on Spear Street. The lighting for the sign will only be illuminated during business hours or when the office is occupied.
12. Any replacement of windows in the historic portion of the building will maintain the character of the historic house.
13. Any renovation of the historic portion of the building that will alter its façade or historic character, other than routine maintenance or repair of the building or replacement of windows, requires a Site Plan Amendment.

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 4th 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 17th: Jeff McDonald, Jim Donovan, Robin Pierce, John Owen, Peter Joslin and Andrew Thurber.

Members Present at the Public Hearing on September 7th: Jeff McDonald, Jim Donovan, Robin Pierce, Linda Radimer and Andrew Thurber.

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 consists of:

- 1. An application form and appropriate fee.
- 2. A document entitled “Memorandum in Support of Conditional Use and Site Plan Review Applications for Change of Use of Existing Structures” submitted by Infill East Charlotte Partners, LLC, project address of 2877 Spear Street, dated July 21, 2006
- 3. A letter to Mr. Thomas Mansfield from John E. Hancock and Anne M. Hancock dated July 20, 2006.
- 4. Photographs of the existing building and property.
- 5. A letter addressed “To Whom It May Concern” from David Woolf of Woolf Stavrand Architecture and Design dated July 21, 2006.
- 6. A cut sheet from Spaulding Lighting for a fixture called “Cambridge1”.
- 7. A letter to Mr. William Niquette from David S. Marshall, P.E. of Civil Engineering Associates, Inc. dated July 20, 2006 including Attachments A and B.
- 8. A plan by Civil Engineering Associates Inc. entitled “John Hancock, 2877 Spear Street, Infill East Charlotte Partners, LLC, Project Location Plan, Drawing C1” dated July, 2006, no revisions.
- 9. A plan by Civil Engineering Associates Inc. entitled “John Hancock, 2877 Spear Street, Infill East Charlotte Partners, LLC, Overall Site Plan, Drawing C2” dated July, 2006, no revisions.
- 10. A plan by Civil Engineering Associates Inc. entitled “John Hancock, 2877 Spear Street, Infill East Charlotte Partners, LLC, Site Plan, Drawing C3” dated July, 2006, no revisions.
- 11. A plan by Civil Engineering Associates Inc. entitled “John Hancock, 2877 Spear Street, Infill East Charlotte Partners, LLC, Landscaping Plan, Drawing C4” dated July, 2006, no revisions.

APPENDIX B

- 1. Pages 79, 80, 83 and 84 describing a lighting fixture from Hadco, for a fixture called “Old World, V2701 and 2702”.