

CHARLOTTE PLANNING COMMISSION

**FINDINGS OF FACT AND DECISION
IN RE APPLICATION OF**

**LAKE CHAMPLAIN WALDORF SCHOOL, Applicant
GREENWOOD AMERICA, Landowner**

**Site Plan Amendment
For Parking Lot and Recreation Facilities
At Private High School
Application PC-02-16
(Amending PC-01-18)**

Background

The applicant received Site Plan Approval (PC-01-18) on June 7, 2001 for the operation of a private high school in an existing building. The current application is to add a parking lot and recreation facilities.

Application

The application consists of:

1. A Site Plan Review application form and appropriate fee.
2. A document entitled "Site Plan Application, Lake Champlain Walderf (sic) High School, Proposed Site Upgrades of 735 Ferry Road" which provides an application narrative.
3. A map entitled "Survey Plat of Subdivision Modification, Greenwood America, LLP, Ferry Road, Charlotte, Vt." by Trudell Consulting Engineers, Inc. dated 2/1/02, revised 2/1/02.
4. A map entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Preliminary Master Site Plan (Phase III)" (SP1) by Trudell Consulting Engineers, Inc. dated 12/18/02, no revisions.
5. A map entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Preliminary Master Site Plan (Phase I)" (SP2) by Trudell Consulting Engineers, Inc. dated 5/16/01, revised 12/18/02.
6. A map entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Preliminary Master Site Plan (Phase II)" (SP3) by Trudell Consulting Engineers, Inc. dated 12/18/02, no revisions.
7. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Sewer Details" (D1) by Trudell Consulting Engineers, Inc. dated 12/6/02, no revisions.
8. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Storm & Misc. Details" (D2) by Trudell Consulting Engineers, Inc. dated 12/18/02, no revisions.
9. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Erosion Control Details" (D3) by Trudell Consulting Engineers, Inc. dated 12/18/02, no revisions.
10. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Misc. Details" (D4) by Trudell Consulting Engineers, Inc. dated

12/18/02, no revisions.

11. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Water Supply Building" (W1) by Trudell Consulting Engineers, Inc. dated 12/18/02, no revisions.
12. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Water Supply Building" (W2) by Trudell Consulting Engineers, Inc. dated 12/18/02, no revisions.
13. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Water Supply Building" (W3) by Trudell Consulting Engineers, Inc. dated 11/22/02, no revisions.
14. A sheet entitled "Lake Champlain Waldorf School, High School Campus, Ferry Road, Charlotte, Vermont, Water Supply Building" (W4) by Trudell Consulting Engineers, Inc. dated 11/22/02, no revisions.
15. A letter from Joe Perrotto, President of Country Home Products to Dean Bloch dated November 14, 2002 indicating that the Lake Champlain Waldorf School, or its authorized agents and representatives, has the right to submit applications regarding any permits needed for its use of the property.

Public Hearing

A Public Hearing was held for this application on January 2, 2003. Present at the hearing on behalf of the applicant were Michael Russell, Sandy Fead, and Jim Bill Warnock. Charles Lemieux, representing Vermont Railway Inc., was also present.

Regulations in Effect

Town Plan as amended March 2002

Zoning Bylaws as amended March 2002

Subdivision Bylaws as amended March 1995

Findings

1. The application indicates (in submission #2) that the purpose of the amendment is to build sports fields and facilities, a new wastewater disposal system, a fire sprinkler system and a parking lot. At the public hearing the applicant stated that the items currently being proposed are shown on SP3, that is: a parking lot measuring approximately 150'X60' providing 31 spaces (including two spaces accessible to wheelchairs); a utility building measuring approximately 40'X12' housing the water system, the fire protection system and a storage area; and recreation facilities including a basketball court, a volleyball court, a soccer field, and a baseball field. At the public hearing the applicant further stated that the classroom, gymnasium, and additional parking shown on sheet SP1 are not part of the current application.
2. Sheet SP3 shows that the proposed parking lot will be accessed by a new westerly curb-cut, and exited by an easterly curb-cut where the current access drive is located. The proposed entrance to the site will be approximately 160 feet to the west of the current entrance and approximately 300 feet from the track crossing, and will therefore be safer than the current access in terms of the potential for conflict between trains and cars queuing to enter the site. While the Planning Commission usually discourages multiple curb-cuts, the Planning Commission finds that the proposed ingress/egress plan will

improve safety and traffic circulation at the site, and these considerations outweigh the negative impact of the additional curb-cut.

3. Sheet SP3 shows the proposed basketball and volleyball courts located adjacent to Ferry Road, which is a high volume road, especially when the ferry is operating. This proposed location of the courts could create a hazard to drivers and students. This situation can be remedied by switching the location of the proposed parking lot and basketball court, and by moving the volleyball court to another location on the parcel. (Sheet SP1 shows that in the long-range plan an additional parking lot is proposed to be adjacent to Ferry Road, replacing the basketball court).
4. The revised location of the parking lot (see Finding #3 above) will result in the parking lot being located within the front-yard setback. While this location is contrary to Standard D.3.c., which states that parking will be prohibited within the front yard setback, the Planning Commission recognizes that the applicant's long range plan (depicted on Sheet SP1) will use the entire parcel, and Standard D.3.c. indicates that this may be considered by the Planning Commission as a mitigating factor. Further, the plans indicate that although much of the remainder of the parcel will be used, large sections will be left open to be used as ballfields, which are more appropriately located away from the road.
5. The submitted plans do not show additional landscaping, and in fact indicate the removal of a mature Ash tree. The Planning Commission finds that landscaping between the proposed parking lot and Ferry Road is necessary to mitigate the visual impact of the proposed parking lot.
6. At the public hearing, Charles Lemieux of Vermont Railway stated that plantings along Ferry Road to the north of the proposed parking lot will block the view of an approaching northbound train from drivers in the eastbound lane on Ferry Road.
7. A utility line runs along the south side of Ferry Road in the vicinity of the school, which precludes the installation of tall growing shade trees.
8. The Planning Commission finds that small deciduous trees (that mature to 20 feet or less) placed between the proposed parking lot and Ferry Road will not block the view of an approaching northbound train from drivers in the eastbound lane on Ferry Road.
9. At the public hearing, Charles Lemieux of Vermont Railway stated that a hazard will result from locating the baseball field adjacent to the railroad, and requested that the Planning Commission require the applicant to install a fence between the baseball field and the railroad.
10. The Planning Commission finds that a continuation and expansion of the existing hedgerow between the proposed ballfield and the train track will serve to provide a deterrence to students using the ballfield from getting too close to the train track.
11. At the public hearing the applicant stated that no additional outdoor lighting is being proposed with the current application.
12. The application includes a drainage plan, which provides for the runoff from the paved surface of the proposed parking lot.

Decision

Based on these Findings, the Planning Commission approves the Site Plan Amendment with the following conditions:

1. Prior to construction of the proposed access curb-cut on Ferry Road, the applicant will obtain review by the Charlotte Road Commissioner, and an Access Permit from the

Charlotte Selectboard. This Findings of Fact and Decision serves as the Planning Commission's review of the proposed curb-cut with respect to an Access Permit. If the Access Permit is denied or requires a reconfiguration from what is depicted on Sheet SP3, the applicant will apply for an amendment to this Site Plan Permit.

2. Once constructed, entrance to the parking lot from Ferry Road will only be at the western curb-cut. Road-signs depicted on Sheet D4 will be installed prior to use of the parking lot, and the school sign that is currently installed will be moved to the new entrance prior to use of the parking lot.
3. Sheet SP3 will be revised as follows:
 - A. The basketball court and the adjacent parking lot to the south will be switched, so that the parking lot is located next to Ferry Road, and the basketball court is located to the south of the parking lot.
 - B. The volleyball court will be moved to another location on the parcel, so that it is at least 100 feet from the traveled portion of Ferry Road and 100 feet from the train tracks.
 - C. Trees will be placed between the proposed parking lot and Ferry Road, from the eastern edge of the trail easement (on the westerly edge of the subject parcel) to the western edge of the proposed exit driveway (ie: the easterly driveway which currently functions as both an entrance and exit), at an average of 25 feet on center. They will be located outside of the Ferry Road right-of-way, and also outside of the utility line easement unless the applicant obtains permission from the utility. The trees in this location will be small (that mature to 20 feet in height or less) in order to avoid interference with the overhead utility line, and will be of diverse deciduous types. The proposed species, their size at planting, and their size at maturity will be indicated on the plan.
 - D. The hedgerow between the proposed ball field and the train tracks will be continued and expanded to the northern edge of the proposed ballfield. Tree and shrub species, their size at planting, and their size at maturity will be indicated on the plan.
4. A mylar (18" x 24") of sheet SP3 (as amended by Condition #3 above) will be submitted to the Planning Commission for review within 60 days, and recorded in the Town Land Records within 90 days.
5. Trees and shrubs depicted on the site plan (as amended by Condition #3 above) will be installed prior to use of the parking lot, and will be maintained and replaced if they become diseased or die.
6. All new utility lines will be underground.
7. There will no new exterior lighting. Any new exterior lighting will require a Site Plan Amendment application which will require a lighting plan for the entire site, to include fixture types and wattages, mounting heights, and lighting pattern (in footcandles). The replacement of existing fixtures may be required as part of the lighting plan.
8. The surface of all parking lots and access drives will be either pavement or non-white crushed stone.

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 4th signature below approving this decision, as per requirements of 24 VSA Chapter 117, Sections 4471 and 4475.

Members Present at the Public Hearing on January 2nd: Jeff McDonald, Al Moraska, Jim Donovan, Gordon Troy, Gene Diou and Linda Radimer.

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: _____
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