

This 13th day of March A.D. 20 17
at 11 o'clock 0 minutes 1 m and
recorded in vol. 127 on page 519-62
Attest [Signature] Town Clerk

CHARLOTTE PLANNING COMMISSION

SUBDIVISION REVIEW

FINDINGS OF FACT AND DECISION

In re: Andrew Thurber request for a Site Plan Review**Permit Application No. PC-17-03-SP****Introduction and Procedural History**

This proceeding involves review of an application for Site Plan Review submitted by Andrew Thurber for approval under the Town of Charlotte Land Use Regulations. The application was received on January 6, 2017. A notice of public hearing was published in The Citizen on January 12, 2017 and was posted at the following three locations: town offices, The Brick Store, and Spear's Corner Store. A copy of the notice was also mailed to all adjoining landowners on January 12, 2017.

The application was considered by the Planning Commission at a public hearing on February 2, 2017. There was a site visit to the property during a previous Sketch Plan review ([PC-16-161-SK Thurber](#)), which took place on December 1, 2016. Present at the February 2, 2017 Site Plan Review public hearing were the following members of the Planning Commission; Jeff McDonald (Chair); Charlie Pughe, Peter Joslin (Vice Chair), Gerald Bouchard, and David Kenyon. Property owner Andrew Thurber and neighbor Rhonda Moore also participated in the hearing.

Exhibits

1. Application form for Site Plan Review.
2. Sketch Plan Review; Application PC-16-161-SK (2016)
3. Sketch Plan Review; Application PC-11-15 (2011)
4. Letter to Andrew Thurber, dated January 27, 2009
5. Sketch Plan Review; Application PC-08-20 (2008)

Regulations in Effect

Town Plan, 2016

Land Use Regulations, 2016

Findings**Background**

1. Andrew Thurber owns a 3.2 acre lot at 2848 Greenbush Road (M050508) that lies within the Village Commercial District (VCM).
2. The property is listed on the State Register of Historic Places as part of the "Charlotte Four Corners Historic District" (listed April 9, 1980).
3. The property is comprised of a primary house (built circa 1800) with three major outbuildings that were built from the 1880s-1920s.
4. The primary 4,306 sq. ft. house is currently a two-unit residential dwelling comprised of a 3,800 sq. ft. main dwelling unit, and a 506.2 sq. ft. accessory apartment.
5. Mr. Thurber reviewed a proposal to convert 3,114 sq. ft. of the main dwelling unit into rented office spaces, where the accessory dwelling unit would become the primary residence.

6. Both uses are permitted uses within the West Charlotte Village District (WCV).
7. A Sketch Plan Review was undertaken by the Planning Commission on December 1, 2016 where the project was classified as a Site Plan Review under the use criteria in accordance with Section 5.5(E) of the Charlotte Land Use Regulations.
8. The property has a shared well water agreement that has been in effect since 1972 (Charlotte Land Records Volume 31, Page 331).
9. The Zoning Administrator and municipal wastewater consultant have determined that the property has adequate wastewater capacity to accommodate the change of use, and will not require a new permit.

Section 5.5 - Site Plan Review Standards

1. Site Features: A mature maple on the intersection corner on the site plan. The mature maple tree in front of the main house is dying and will be replaced by another maple from the property.
2. Site Layout and Design:
 - A. A stone walkway will be installed to provide access from the parking area to the main entrance.
 - B. An ADA-compliant ramp will be installed to provide shared-access to the first floor of the main house.
3. Access: The property currently has two curb-cuts along Greenbush Road.
 - A. The northern curb-cut will be moved slightly to south of its current location.
 - B. The southern curb-cut will be moved about 35 feet to the north of its current location. The new location would provide an improved grade between the parking area and Greenbush Road, which will allow for easier and quieter exit for cars, and prevent the headlights of exiting vehicles from shining upon the residence at 2865 Greenbush Road.
4. Parking, Loading, and Service Areas:
 - A. The submitted site plan design accommodates ten (10) 300 sq. ft. parking spaces, one of which is designated as ADA accessible parking. This is in compliance with the 2010 ADA Standards for Accessible Design.
 - B. The parking area will be surfaced with non-white crushed stone.
 - C. A bicycle rack will be installed in proximity to the main buildings.
5. Landscaping and Screening: Two new solid fence sections (3-4 feet in height) will be installed along Greenbush Road; One between the two curb-cuts, and one to the south of the southern curb-cut. The fencing will be designed to shield vehicle headlights of parked cars from Greenbush Road, and minimize the impact of parking area lighting.
6. Stormwater Management and Erosion Control: Stormwater runoff from Greenbush Road flows into the driveway and drains through the property. The applicant has had an engineer review stormwater mitigation issues.
7. Outdoor Lighting: The applicant's lighting plan proposes the installation of downward-shielded lights for the purpose of illuminating the parking area on the Barn, the main house, along the west side of the parking area fence. An additional downward-shielded light will be installed with the "Business directory sign" (outlined within the applicant's signage plan) to be placed north of the northern curb-cut and parallel to Greenbush Road.

Section 7.2 - General Standards

1. Primary Agricultural Soils (Primary and Statewide) soils are located upon the property parallel along Greenbush within a 50' distance from the ROW boundary. Statewide agricultural soils are on a majority of the parcel, beginning at the terminus of the yard about 110' behind the barn (heading westward).
2. Significant linkage Wildlife Habitat on the adjoining parcel to the west (457 Ferry Rd.).
3. The parcel is entirely within a surface water Source Protection Area (SPA).
4. The property abuts a scenic road.

Conclusions

Based on the foregoing Findings of Fact, it is the conclusion of the Commission that the project described in the application and supporting materials, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the development standards of the Charlotte Land Use Regulations.

Decision and Conditions

Based on the foregoing Findings of Fact and Conclusions, the Planning Commission approves the application for a Site Plan subject to the following conditions:

1. The Site Plan will be updated with proposed stormwater mitigation and erosion control infrastructure to be approved by the Planning Commission.
2. All parking, loading, and service areas shall be surfaced with non-white crushed stone.

Section 3.11 – Parking, Loading, and Service Area Requirements

1. Each parking space shall have a minimum width of 9 ft., a minimum length of 18 ft., with unobstructed access and maneuvering room.
2. At least one clearly marked ADA accessible parking space shall 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 5 ft. above the ground, and a marked access aisle for the space that is at least 5 ft. wide to accommodate mobility devices (e.g. vehicle-mounted wheelchair lifts, wheelchairs, walkers, etc.). The marked access aisle shall not reduce the size of the loading area proposed within the Site Plan application.
3. At least one bicycle rack shall be maintained by the property owner for employees, residents, or visitors.

Section 3.12 – Performance Standards

1. Any resulting glare, lumen, light, or reflection which constitutes a nuisance to other property owners or tenants, or impairs the vision of motor vehicle operators shall be brought into compliance.

Section 3.13 – Sign Requirements

1. The following information shall be submitted to the Zoning Administrator in advance of construction: (1) A plot plan showing the proposed location of sign with distances to property line, structures, rights-of-way, and setbacks, (2) A sketch showing the design of the proposed sign, with overall dimensions. (3) A lighting plan (reviewed in Section 5.5 - Site Plan Review Standards above).

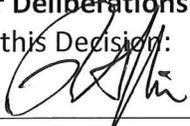
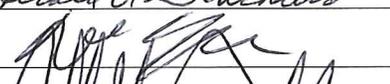
2. The "Business directory sign" (outlined within the applicant's signage plan) shall have no internal illumination.
3. The "Business directory sign" may not be illuminated during hours when premises are unoccupied or are not open for business.
4. As the proposed "Business directory sign" measures an area greater than 6.0 sq. ft. (9.71 sq. ft.), its required set back would be at least 25 ft. from the edge of the highway right-of-way, unless the sign is mounted flush on the wall of the main house. If the proposed sign dimension were changed to an area not exceeding 6.0 sq. ft., it may be installed anywhere outside of the highway right-of-way.
5. All other proposed signage may not be placed within the highway right-of-way.
6. Signage area shall be calculated as the total area of the sign face at the outer edge, including any supporting frame.

Additional Conditions: All final submitted plats, plans, drawings, documents, 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. Approved plans not filed and recorded within the aforementioned 180 day period shall expire.

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 latest date of 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 February 2, 2017: Jeff McDonald, Peter Joslin, Gerald Bouchard, Charlie Pughe, and David Kenyon.

Vote of Members after Deliberations: The following is the vote for or against the application, with conditions as stated in this Decision:

1. Signed:	<u></u>	<input checked="" type="radio"/> For / <input type="radio"/> Against	Date Signed: <u>3/2/17</u>
2. Signed:	<u>Gerald A. Bouchard</u>	<input checked="" type="radio"/> For / <input type="radio"/> Against	Date Signed: <u>3/10/2017</u>
3. Signed:	<u></u>	<input checked="" type="radio"/> For / <input type="radio"/> Against	Date Signed: <u>3/10/17</u>
4. Signed:	<u></u>	<input checked="" type="radio"/> For / <input type="radio"/> Against	Date Signed: <u>3/10/17</u>
5. Signed:	_____	For / Against	Date Signed: _____
6. Signed:	_____	For / Against	Date Signed: _____
7. Signed:	_____	For / Against	Date Signed: _____

On the Thurber decision; PC-17-03-SP, recorded in the Charlotte Land Records on 14 Mar 2017 in Book 227, Page 579-582, under the Findings section, Item 4:

It is stated that the main dwelling unit has an area of 3,800 square feet, and the accessory apartment unit has an area of 506.2 square feet. The errors were made based on the interpretation of a poorly formatted Lister file from 2014;

Based on the updated Lister file from March 2017, Item(s) 4. and 5. of the decision's Findings should be restated as;

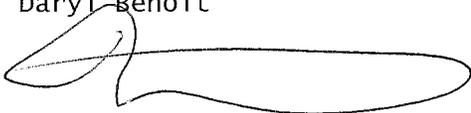
"4. The primary 4,307 sq. ft. house is currently a two-unit residential dwelling comprised of a 3,138 sq. ft. main dwelling unit, and a 1169.4 sq. ft. accessory apartment."

"5. Mr. Thurber reviewed a proposal to convert 3,138 sq. ft. of the main dwelling unit into rented office spaces, where the accessory dwelling unit would become the primary residence."

The Planning Commission's decision stands.

Respectfully submitted on 17 Mar 2017,

Daryl Benoit



Charlotte Town Planner

CHARLOTTE TOWN CLERK'S OFFICE
RECEIVED FOR RECORD
This 17th day of March A.D. 2017
at 3 o'clock 0 minutes P m and
recorded in vol. 227 on page 647
Attest [Signature] Town Clerk