

CHARLOTTE TOWN CLERK'S OFFICE CHARLOTTE PLANNING COMMISSION

RECEIVED FOR RECORD

SITE PLAN REVIEW

This 30<sup>th</sup> day of August A.D. 2019  
at 11 o'clock <sup>Q</sup> minutes <sup>N</sup> m and  
recorded in vol. 238 on page 736-742

FINDINGS OF FACT AND DECISION

Attest *[Signature]* Town Clerk Charlotte Public Library

Application for a Site Plan Review  
115 Ferry Road  
Application # PC-97-97-SP

**Introduction and Procedural History**

This proceeding involves an application for a Site Plan Review submitted by Charlotte Selectboard Commissioner Fritz Tegatz (representing the Charlotte Public Library) for approval by the Charlotte Planning Commission under the Town of Charlotte Land Use Regulations (hereafter referred to as “the Regulations”). The application proposes to expand the Library’s building with a 2,100 square-foot addition, which triggers a Site Plan Review with the Planning Commission (PC). The property is within the Village Commercial (West Charlotte Village – West of Route 7 only) zoning district located at 115 Ferry Road in the Town of Charlotte.

A *Sketch Plan Review* letter (PC-18-210-SK) was issued from the Planning Commission on April 2, 2019 after one public hearing, which occurred on February 21, 2019. The Planning Commissioners’ site visit to the library was conducted prior to *Sketch Plan Review* meeting held that evening and was attended by Peter Joslin (Chair), Gerald Bouchard, Dick Eastman, Charlie Pughe (Vice Chair), Shawn Coyle, and David Kenyon. Additionally, representatives of library included in attendance for the meeting included: Nan Mason (Charlotte Library Trustee), Fritz Tegatz (Selectboard Commissioner), et al.

The Site Plan Review application was received by the Charlotte Planning & Zoning Office on June 17, 2019. Public notification for the public hearing for the Site Plan Review was accomplished via publication in “The Citizen” newspaper on July 3, 2019. Hardcopies of the notice were posted at the Town Office, the Brick Store, and Spear’s Corner Store on the week of July 1, 2019; and by direct correspondence sent to the adjoining property owners during that week.

The Site Plan Review application was considered by the Planning Commission at the public hearing on July 18, 2019 at approximately 7:30 PM. Present at the hearing were the following Planning Commissioners: Peter Joslin (Chair), Gerald Bouchard, Marty Illick, and Shawn Coyle. Additional participants and attendees included the Town Planner and the applicant Margaret Woodruff (Charlotte Library Director), Jim Donovan, Fritz Tegatz, Charlie Tegatz, et al.

Prior to this proceeding,

**Exhibits**

The following exhibits were submitted for this Site Plan Review Application:

1. Site Plan Review application form (rec’d June 17, 2019);
2. Application letter - Submitted by Fritz Tegatz – Library Site Plan (rec’d June 18, 2019);

3. Charlotte Library Expansion Project - Stormwater Permitting Opinion (Included with Site Plan with Impervious Summary) by David S. Marshall, Principal Engineer, Civil Engineering Associates, Inc., South Burlington, Vermont (dated: July 17, 2019);
4. Proposed Floor Plan – Charlotte Public Library, Charlotte, Vermont by Bellwether Architects (described by applicant: “Site work shown on this plan is architects concept only”);
5. Exterior Elevations – Charlotte Public Library (SK-4), by Bellwether Architects, Middlebury, VT (dated: June 12, 2019);
6. Proposed Conditions Site Plan – Library Addition – 115 Ferry Road – Charlotte, Vermont 05445 (C1.1), by Civil Engineering Associates, Inc., South Burlington, VT (dated: June, 2019 – Progress Plans: 07/10/2019);
7. Waterflow Map / Library Stormwater Plan – Submitted by C. Tegatz (dated: 7/16/2019);
8. Land Use Permit (Permit # 14-112-JM) – Town of Charlotte – *Application for Curtain drain, filling and seeding low area on the lawn, relocation of the WWII monument (currently located near the Charlotte Central School) the northeast corner of Town Hall* – Authorized November 24, 2014;
9. Application approval for Vermont General Permit (GP) - *to place fill in about 0.33 acres of wetland with the improvements to an existing lawn area at Town Hall in Charlotte, Vermont* – Department of the Army, U.S. Army Corps of Engineers, New England District. Concord, MA, Regulatory Division; (CENAE-R-PEC-62) Permit Number: NAE-2014-1394 (dated September 26, 2014);
10. Individual Permit – Approval of the *“Application for the improvements to Town owned open space active use area with proposed impacts to 14,507 square feet of wetland and 2,297 square feet of buffer zones”* – 159 Ferry Road, Charlotte - Vermont Agency of Natural Resources – Department of Environmental Conservation (File #: 2013-168 / DEC ID #: EJ92-0003) – Date of Decision: November 11, 2014 (Expiration Date: November 11, 2019);
11. Conditional Use Determination – Section 8 – Vermont Wetland Rules – Approval of the *“Application for the construction of a town library, driveway and parking area - South side of Ferry Road (F-5) between Route 7 and Greenbush Road”* - Vermont Agency of Natural Resources – Department of Environmental Conservation (File #: 96-050 / DEC ID #: EJ92-0003) – Dated: June 19, 1996;
12. Sketch Plan Review; Planning Commission Letter (**PC-18-210-SK**), dated April 2, 2019;
13. Map Slide 102, Clip 1, Page 15; Schematic Site Plan - *“Proposed Charlotte Library at the Town Green”* (dated 15 Nov 1995 / Updated 2 Feb and 6 Mar 1996) by Northern Architects, Burlington, Vermont;
14. Wastewater System and Potable Water Supply Permit (Case Number: WW-4-0694-1 / PIN: EJ92-0003.01) – Charlotte Town Library, Ferry Road, Consultant Stephen A. Vock, P.E. Civil Engineering Associates (Approved July 2, 1997);
15. Town of Charlotte Lister Card 8/23/2016;

**16. Planning Commission Minutes** from meetings held on February 21 and July 18, 2019; and May 6, 1997 (*Site Plan amendment approved to modify the septic system to accommodate a holding tank behind the Town Office*); and January 9 and February 13, 1996 (*Site Plan Review for the Charlotte Town Library on the Town Green was approved*); and September 12 and 26, 1995;

### **Regulations in Effect**

Town Plan, 2016

Land Use Regulations, 2016

Vermont Agency of Natural Resources, DEC, Chapter 22 - Stormwater Permitting Rule, March 15, 2019

### **Findings**

#### **Background**

1. The Charlotte Library (i.e. 115 Ferry Road) is co-located upon a 2.95 acre parcel with the Town Offices (i.e. 159 Ferry Road) and the historic Quinlan Schoolhouse on the southern side of Ferry Road, across from Childrens' Center. The property is located within the Village Commercial (West Charlotte Village – West of Route 7 only) zoning district.
2. Constructed in 1998, the existing library building has an approximate area of 3,502 square feet.
3. The application proposes to add a 2,100 square-foot addition along the southern elevation of the building to accommodate the library's current collection and program needs, including: a larger children's area; increased space for adults; additional work area; quiet study space; expanded storage space; and a dedicated program room available after regular library hours.

#### **3.9(B) – Outdoor Lighting – General Standards** require the following:

- A. *"All outdoor lighting shall be kept to the minimum required for safety, security, and intended use, consistent with the character of the neighborhood in which it is located."*
- B. *"Permanent outdoor lighting fixtures shall be designed to minimize glare, and shall not direct light upward or onto adjacent properties, roads, or public waters, or result in excessive lighting levels that are uncharacteristic of the surrounding neighborhood or area."*

#### **3.11 – Parking, Loading & Service Area Requirements**

- A. **Table 3.1** indicates that the *"Office/ Professional, Government, Business"* use requires at least one (1) off-street parking space per 300 sq. ft. of gross floor area of the proposed facility. Therefore, for a 2,100 square foot addition, the application should include an additional seven (7) parking spaces for the proposed facility if no existing spaces are removed. The current use for *"Library"* falls also under this amount when citing the national parking generation rates published by the Institute of Transportation Engineers (ITE).
- B. The existing site hosts thirty-seven (37) parking spaces (i.e. 26 for the Town Office lot, and 11 for the Library lot). The Site Plan map proposes forty-four (44) parking spaces (i.e. 34 for the Town Office lot, and 10 for the Library lot), for a total of seven (7) additional parking spaces.

- C. The proposed Site Plan exceeds the minimum requirement of the ADA Standards (§ 208.2) of two (2) accessible parking spaces for a parking lot of 26-50 spaces, by proposing a total of five (5) accessible spaces (2 spaces for the Library, and 3 for the Town Office).

#### 5.5 – Site Plan Review Standards

- A. Site Features: The property's significant site features (e.g. existing trees and wetland on the property) will be protected. The site map features the proposed infrastructural improvements and anticipated future parking requirements; and delineates the existing Class II wetlands along with their respective fifty-foot (50') buffers on the property. The July 10, 2019 Site Plan map (see **Exhibit 6** above) addresses all of the above features. Section 5.5(E)(1) of the Regulations advises:

*“Site layout and design shall incorporate and protect significant site features, including but not limited to: existing vegetation, prime agricultural soils and active agricultural areas; surface waters, wetlands, shorelines and associated buffer areas; special natural areas and wildlife habitat; prominent ridgelines, hilltops, and areas with slopes 15% or greater; and historic sites and structures, including stone walls and fences. Conditions may be imposed as appropriate with regard to site clearing and preparation, the siting of structures and associated improvements and the establishment of increased setbacks and/or buffers to incorporate or protect existing site features.”*

- B. Site Layout and Design: The site maps, floor plans, and building elevations have been submitted and do not have any undue adverse impact.
- C. Access: According to the Site Plan, the eastern entrance driveway is proposed for removal to be replaced with landscaping. The western driveway will serve as the only vehicular access to the library.
- D. Parking, Loading, and Service Areas:
  1. The proposed site plan meets the parking space dimensional requirements outlined within Section 3.11(A)(1) of a minimum width of nine (9) feet; a minimum length of 18 feet; and unobstructed access and maneuvering room upon a paved surface.
  2. The Site Plan proposes seven (7) new additional parking spaces onsite to offset the increased demand for the library. The proposed site plan therefore meets the total number of parking spaces required as per Section 3.11(A)(2) listed in **Table 3.1**.
- E. Landscaping and Screening: In February 1996, the property's Site Plan Review was approved for the library. The minutes from the meeting stated that replacement trees would be red maples and crab apple trees. An advisory letter from Zoning Administrator Burnham in 1998 listed as a condition of the Certificate of Occupancy that any replacement trees include matching Siberian Crabapples in the front yard and 3" caliper Red Maples on the west side. According to the Site Plan map (**Exhibit 6**), a total of three (3) trees are slated for removal; one (1) where the library building is proposed for expansion, and two (2) where the parking area would be expanded along the southeastern corner of the Town Office.
- F. Stormwater Management and Erosion Control: In accordance with applicable standards covered in Section 5.5(E)(6) and Section 7.8 of the Regulations, the submission of a stormwater

and erosion control plan is supposed to be included in the application. Proposed stormwater-related infrastructure to offset runoff is addressed in the Library Stormwater Plan (see **Exhibit 7** above). As the existing driveway access on the eastern perimeter of the library is planned for removal, rain gardens, tree plantings, rain barrels, and drainage infrastructure are planned for installation as part of the expansion.

The Site Plan does not address the contents of the 2015 *"Ferry Road Stormwater and Pedestrian Feasibility Study"* (prepared by DuBois & King, Inc.) and addresses only two aspects of the Lewis Creek Association's *"Ahead of the Storm (AOTS)"* demonstration program (e.g. water quality treatment and infiltration), as stipulated in the Sketch Plan Review letter (see **Exhibit 12** above). However, as stated in the Stormwater Permitting Opinion, submitted by consulting engineer David S. Marshall of Civil Engineering Associates (see **Exhibit 3** above) reported that post-construction stormwater runoff regulation by the State is triggered when more than one acre of impervious surface is created. For this proposal, the increase in impervious surface is estimated by the engineer to range between 0.76 to 0.86 acres and therefore:

*"Even under the worst case scenario, the property and supporting infrastructure does not exceed the 1-acre impervious area threshold and as such is not required to acquire a State Operational Stormwater Permit."*

This is supported by the Vermont 2019 Stormwater Permitting Rule § 22-107(b)(1), where a permit would only be required:

*"to commence the development or redevelopment of one or more acres of impervious surface; for the management and control of stormwater runoff."*

- G. **Outdoor Lighting:** According to the meeting minutes of July 18, 2019, three existing outdoor lighting fixtures are planned for relocation onsite. However, the Site Plan map (**Exhibit 6**) does not indicate the locations or the symbology of the lighting fixtures within the map legend, as it was represented in the 1996 Schematic Site Plan (see **Exhibit 13** above).

Section 5.5(E)(7) Site Plan Review - Standards states; *"Such lighting shall be designed in conformance with the standards set forth in Section 3.9."*

**Section 7.2 - General Standards - Areas of High Public Value (Table 7.1):**

The following Areas of High Public Value (AHPV) have been identified on the property;

1. **Primary Agricultural Soils (Primary and Statewide):** Prime and Statewide exist on the entire parcel.
2. **Surface waters, wetlands and associated setback and buffer areas:** Class II wetland was found to exist along the southern portion of the parcel in 1996 by the Vermont Department of Environmental Conservation, which issued a Conditional Use permit (see **Exhibit 11** above) for development for the existing Town Office parking area. This permit will not need to be amended (see **Finding 5.5(F)** above).

3. Water supply source protection areas (SPAs): The Charlotte Childrens' Center System (System ID: VT0020761) is an active Groundwater Source Protection Area that exists upon the property. The Charlotte Town Office and Library, a public water source (6" diameter wide x 421' deep drilled well), was constructed in June 1997.
4. Historic Districts, Sites, and Structures: "Four Corners Historic District" (#0403-04) exists adjacent to the west of the Library site.

### 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. Two paper copies (one full size and one 11"x 17"), an electronic copy, and a mylar (measuring 18" x 24", with a margin of 2" outside of the border line for binding on the left edge of the sheet with a 1" border on all remaining edges) of the updated Site Plan map will be submitted to the Planning Commission for review within 160 days. This is intended to update the previous "Schematic Site Plan" map recorded in the Charlotte land records (see **Exhibit 13** above). The mylar of the updated Site Plan map will be recorded in the Charlotte Land Records within 180 days, after being signed by the Chair or Vice-Chair of the Planning Commission.
2. Approval of design of the access and egress to the site, as well as the parking area is subject to the approval by the Town of Charlotte Fire and Rescue Services (CVFRS).
3. Each of the designated ADA-accessible parking space shall be maintained. 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.).
4. Exterior lighting shall be kept to a minimum and permanent outdoor lighting fixtures shall be downward-shielded and will not direct light upward, onto adjacent properties, in accordance Section 3.9 of the Regulations.
5. The following information shall be added to the Site Plan map prior to the submission of the mylar to the Planning Commission, and in advance of any construction:
  - a. The location of the bicycle rack.
  - b. The location of all exterior lighting fixtures (as discussed in **Finding 5.5(G)**).
  - c. Symbology for the exterior lighting fixtures in the map legend (as discussed in **Finding 5.5(G)**).
  - d. The footprint of the rain gardens, any tree plantings, and rain barrels, and relevant stormwater infrastructure planned for the project (as discussed in **Finding 5.5(F)**).

**Additional Conditions:** All 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(s), 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 Environmental Division of the Vermont Superior Court by the applicant(s) 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.**

**Planning Commissioners present at the Public Hearing on July 18, 2019:** Peter Joslin (Chair), Shawn Coyle, Marty Illick, and Gerald Bouchard.

**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>Gerald Bouchard</u> | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>8/29/2019</u> |
| 2. Signed: | <u>Marty Illick</u>    | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>8/29/2019</u> |
| 3. Signed: | <u>Shawn Coyle</u>     | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>8.29.2019</u> |
| 4. Signed: | <u>SKM</u>             | <input checked="" type="radio"/> For / <input type="radio"/> Against | Date Signed: | <u>8/30/2019</u> |
| 5. Signed: | _____                  | For / Against  | Date Signed: | _____            |
| 6. Signed: | _____                  | For / Against  | Date Signed: | _____            |
| 7. Signed: | _____                  | For / Against  | Date Signed: | _____            |

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 Environmental Division of the Vermont Superior Court by the applicant(s) or an interested person who participated in the proceeding. Such appeal must be taken within 60 days of the date of signature below, pursuant to 24 V.S.A. Section 4471 and Rule 2(b) of the Vermont Rules for Environmental Court Proceedings.

Planning Commissioners present at the Public Hearing on July 18, 2019: Peter Joslin (Chair), Shawn Coyle, Marty Wick, and Gerald Bourhard

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

1. Signed: <i>[Signature]</i>	For / Against: For	Date Signed: <i>8/20/2019</i>
2. Signed: <i>[Signature]</i>	For / Against: For	Date Signed: <i>8/20/2019</i>
3. Signed: <i>[Signature]</i>	For / Against: For	Date Signed: <i>8-23-2019</i>
4. Signed: <i>[Signature]</i>	For / Against: For	Date Signed: <i>8/20/2019</i>
5. Signed: _____	For / Against: _____	Date Signed: _____
6. Signed: _____	For / Against: _____	Date Signed: _____
7. Signed: _____	For / Against: _____	Date Signed: _____