

January 21, 2014



Mr. and Mrs. Chris and Diana Borie
Vermont Wildflower Farm
3488 Ethan Allen Hwy (Route 7)
PO Box 96
Charlotte, VT 05445

Subject: Vermont Wildflower Farm, Charlotte
Possible uses for site per local zoning and WW permit.

Dear Mr. and Mrs. Borie:

The recent permitting efforts you have pursued for the existing Vermont Wildflower Farm property on Route 7 in Charlotte, Vermont have garnered approval for a 41 seat restaurant on site. However, this is not the only possible use allowed for the property. The local Town Zoning regulations, along with the water and wastewater flow volumes approved by the Wastewater System and Potable Water Supply Permit ("WW Permit"), allow for other uses discussed herein. Please note that other permits may be required for uses other than those explicitly approved through the recently completed process, such as State Land Use approval, Stormwater treatment, etc. Discussion of these additional concerns is beyond the scope of this letter.

Town of Charlotte zoning allows for a number of uses within the Village Commercial district, as detailed on the attached Table 2.3 from the Charlotte Zoning Regulations. Note also that there are distinctions for the West side of Route 7, as well as other distinctions. In our experience, Charlotte has one of the more restrictive zoning ordinances, Development Review Boards, and public abutter constituencies in Vermont.

The Wastewater System and Potable Water Supply Permit WW-138-1317 *REVISED* issued for the proposed project states:

"The project shall not deviate from the approved plans in a manner that would change or affect the exterior water supply or Wastewater disposal system, building location or the approved use of the building without prior written approval from the Wastewater Management Division." Also, "This project has been reviewed and approved for the future conversion of an existing retail business structure into a 41 seat full service restaurant. The permittee shall not construct any other type of structure requiring plumbing, including public buildings, duplexes, condominium units, or commercial buildings, without prior review and approval by the Wastewater Management Division. Such approvals

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will not be granted unless the proposal conforms to the applicable laws and regulations."

This indicates that development on the site that does not comply with the approved plans or restaurant use would require a WW Permit amendment. Additionally, the approved plans reference 1000 GPD (Gallons Per Day) of approved water use and sewer discharge. While changes to the number of fixtures and exact configuration of the buildings plumbing, potable, and wastewater appurtenances that differ from those approved by permit should be reviewed by TCE for determination of impact to the system function and approvals, in general any use that complies with both local zoning (discussed above) and consumes 1000 GPD of water and discharges 1000 GPD of sewage effluent should be allowed with minimal permitting effort.

For example, the approved plan allows for a 41 seat restaurant by the following calculation:

2 Meal Per Day Restaurant

$30 \text{ GPD/seat} \times 0.8$ (this is 20% reduction for ultra-low flow fixtures) = 24 GPD/seat

$24 \text{ GPD/seat} \times 41 \text{ seats} = 984 \text{ GPD}$, this is within the 1000 GPD limit.

The Design Flow section of the Environmental Protection Rules and the Water Supply Rule also shows the following uses within the 1000 GPD limit. This is not a comprehensive list; other uses may be allowed or excluded by both the flow maximum and zoning. Note also that the 20% reduction for ultra-low flow fixtures that was approved for this projects permitting may not be available for all uses or from the Water Supply Division should a Permit to Construct be needed:

Multi-Family Residential

140 GPD/Bedroom (BR)

$140 \text{ GPD/BR} \times 7 \text{ BR} = 980 \text{ GPD}$, this is within the 1000 GPD limit. Developer could propose a combo of units/bedrooms up to maximum allowed by zoning.

Office Workers, day, one shift (max 3500 sf permitted, 10k sf conditional per zoning)

$15 \text{ GPD/employee} \times 0.9$ (this is 10% reduction for low flow fixtures) = 13.5 GPD/emp

$13.5 \text{ GPD/emp} \times 74 \text{ employee} = 999 \text{ GPD}$, this is within the 1000 GPD limit.

Health Care Facilities (max 3500 sf permitted, 10k sf conditional per zoning)

Dentist's Office

$200 \text{ GPD/chair} \times 0.9$ (this is 10% reduction for low flow fixtures) = 180 GPD/chair

$35 \text{ GPD/staff} \times 0.9$ (10% reduction for low flow fixtures) = 31.5 GPD/staff

$180 \text{ GPD/chair} \times 4 \text{ chair} = 720 \text{ GPD}$, $31.5 \text{ GPD/staff} \times 8 \text{ staff} = 252 \text{ GPD}$

972 GPD total, this is within the 1000 GPD limit.

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Doctor's Office

10 GPD/patient X 0.9 (this is 10% reduction for low flow fixtures) = 9 GPD/patient
35 GPD/staff X 0.9 (10% reduction for low flow fixtures) = 31.5 GPD/staff
9 GPD/patient X 90 patient = 810 GPD, 31.5 GPD/staff X 6 staff = 189 GPD
999 GPD total, this is within the 1000 GPD limit.

Veterinary Clinic, 3 or less doctors, no animal boarding (Conditional use per zoning)
750 GPD/clinic, this is within the 1000 GPD limit.

Retail Store (max 3500 sf permitted, 10k sf conditional per zoning)

5GPD/100sf of gross floor area

5GPD/100sf X 10,000 sf Max allowed by zoning = 500 GPD, this is within the 1000 GPD limit.

We encourage you to check with us for any specific development plans that come to mind for the site. The details of the local development rules in Charlotte, and their interaction with the WW permit flow allowances, do not allow a completely definitive statement regarding what is allowed on this property without further regulatory scrutiny.

Please contact me if you have any questions

Sincerely

Nathan Howells, P.E.
Project Engineer

Attach: Charlotte Zoning Table 2.3

TABLE 2.3 VILLAGE COMMERCIAL DISTRICT (VCM)

(A) **Purpose.** The purposes of the Village Commercial District, located within the town's two village areas, are: (1) to offer retail and personal services primarily for residents of Charlotte, (2) to provide for office space, (3) to provide for civic uses including public and quasi-public facilities and services, (4) to allow for mixed residential and commercial development; and (5) to promote a density, scale and pattern of commercial development that is compatible with the character and pattern of development in Charlotte's villages as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section 4.7]
4. Home Occupation I [see Section 4.11]
5. Outdoor Market (Max: 10 vendors)

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Bed & Breakfast
4. Commercial Farm Stand
5. Community Center
6. Dwelling/Accessory w/ one bedroom [see Section 4.2]
7. Dwelling/Elderly (w/in a PRD or PUD)
8. Dwelling/Multi-family (w/in a PRD or PUD)
9. Dwelling/Single Family
10. Dwelling/Two Family
11. Health Clinic (Max: 3,500 sq. ft.)*
12. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
13. Home Occupation II [see Section 4.11]
14. Municipal Facility [see Section 4.15]
15. Office (Max: 3,500 sq. ft.)*
16. Outdoor Market (Max: 15 vendors)
17. Personal Service (Max: 3,500 sq. ft.)*
18. Post Office [see Section 4.15]
19. Private Club

West Charlotte Village—West of Route 7 only

20. Financial Institution (Max 2,500 sq. ft.; no drive-through)
21. Retail Store (Max: 3,500 sq. ft.)*

East Charlotte Village:

22. Financial Institution (Max 2,500 sq. ft.; no drive-through)
23. Retail Store (Max: 3,500 sq. ft.)*

* **Note:** Square footage limitations in this district apply to the total gross floor area.

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Community Care Facility
5. Cultural Facility
6. Day Care Facility [see Section 4.7]
7. Dwelling/Accessory w/ two bedrooms [see Section 4.2]
8. Dwelling/Elderly (Max: 10 units)
9. Dwelling/Multi-Family (Max: 4 units)
10. Funeral Home
11. Health Care Facility (Max: 10,000 sq. ft.)*
12. Home Occupation III [see Section 4.11]
13. Inn
14. Office (Max: 10,000 sq. ft.)*
15. Outdoor Market (more than 15 vendors)
16. Place of Worship [see Section 4.15]
17. Public Facility [see (F)(2); Section 4.15]
18. Recreation/Indoor
19. Recreation/Outdoor
20. Restaurant (no fast food or drive-through)
21. School [see Section 4.15]
22. Snack Bar
23. Transit Facility (Max: 10,000 sq. ft.)*
24. Veterinary Clinic

West Charlotte Village—East of Route 7 only:

25. Agricultural Equipment Sales & Service [see (F)(1)]
26. Boat Sales & Service [see (F)(1)]
27. Contractor's Yard [see Section 4.6]
28. Gasoline Station [see Section 4.9]
29. Mobile Home Sales [see (F)(1)]
30. Motor Vehicle Sales & Service [see (F)(1); Section 4.14]
31. Parking Facility

West Charlotte Village—West of Route 7 only:

32. Retail Store (Max: 10,000 sq. ft.)*

East Charlotte Village:

33. Contractor's Yard [see Section 4.6]
34. Gasoline Station [see Section 4.9]
35. Retail Store (Max: 10,000 sq. ft.)*

TABLE 2.3 VILLAGE COMMERCIAL DISTRICT, CONTINUED

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area:	
Residential	5 acres/dwelling unit
Non residential	1 acre
Minimum Density:	
Residential	5 acres/dwelling unit
Non-residential	No minimum density is required; such uses will be evaluated by coverage and other applicable requirements.
Minimum Frontage:	75 feet (along ROW)
Route 7:	100 feet (along ROW)
Minimum Setback/Front:	15 feet (from ROW)
Route 7, west side:	100 feet (from ROW)
Route 7, east side:	30 feet (from ROW)
Minimum Setback/Side:	15 feet
Minimum Setback/Rear:	15 feet
Maximum Height (Section 3.6):	35 feet
Maximum Building Coverage:	lesser of 25% or 10,000 sq.ft.
Maximum Lot Coverage:	40%
PRDs:	Required [see (F)(3)]
PUDs:	Required [see (F)(3)]

(F) District Standards:

- (1) Agricultural equipment, boat, mobile home sales and motor vehicle sales and service facilities shall not exceed 10,000 sq. ft. in total occupied area, to include all interior show rooms, office, service and storage areas, and exterior (outdoor) display areas. Exterior display and storage areas shall be limited to a maximum of 1,500 square feet of contiguous open space.
- (2) Public facilities allowed within this district are limited to those publicly owned, operated and/or regulated institutions and facilities (other than municipal facilities) which are typically open and accessible to the general public (e.g., offices), or which otherwise serve residents of the district and town. Solid and hazardous waste management facilities, state garages, and regional institutional uses (e.g., hospitals, correctional, and other confined care facilities) are specifically excluded from this district.
- (3) Planned unit or planned residential development review is required for all subdivisions within this district in accordance with Section 8.2.

Note: Within this district, West Charlotte Village refers to the Village Commercial District located adjacent to the West Charlotte Village District area, and the East Charlotte Village refers to the Village Commercial District located adjacent to the East Charlotte Village District area.