



Ludlow, Vermont

Town & Village Zoning/Building Application

Property Location: 24 Fox Lane Parcel ID: 3-03-22

Property Owner: 24 Fox Lane LLC Phone No.: 203-269-3355

Mailing Address: 5 Northfield Rd, Wallingford, CT 06492 Email: bhoynack@trueblueenvironmental.com

Applicant: Same Phone No.: _____

Mailing Address: _____ Email: _____

Lot Size: 5.14 Zoning District: R-C Floodway/Plain: Present

Project Description: Proposed redevelopment of existing developed parcel. Construct building with 2 commercial units on first floor and 4 residential units on second floor. Remove existing structure. Add parking.

Project Dimensions (Fill in all that pertain to your building project):

Basement: NA 1st Floor: 4337 2nd Floor: 3950 3rd Floor: NA Coverage Maximum Proposed 2% Zoning 20%

Garage (Include 2nd Floor if applicable): NA Deck/Porch: NA Building Height: 34'-6"

Septic or Municipal Sewer Approved on: 7350 GPD Bedrooms Permit No.: Pending

Structure Setbacks:

Center of Road: 78 ft. Left Side: 338 ft. Right Side: 237 ft. Rear: 104 ft. Lake: NA ft. Right-of-Way: 50 ft.
Fox Lane South Rt 103 ROW Black River Fox Lane

The undersigned hereby request a zoning/building permit for the following uses, to be issued on the basis of the representations contained herein. Two (2) copies of the plot plan, building plans, including floor plans, and building elevations must be submitted with this application. It is acknowledged that this permit may require reassessment of the property and therefore, the Town Listers and other Town personnel are granted access to the property, by the owner, for the purpose of reviewing all aspect of this application. The property owner must sign this application, or write a letter allowing an agent to sign on their behalf, prior to submittal.

Applicant Signature: [Signature] Date: 2/10/2017

Property Owner Signature: [Signature] Date: 2/10/2017

Application No: _____ Fee: _____ Total Square Footage: _____ Date: _____

ACTION TAKEN BY ADMINISTRATIVE OFFICER: APPROVED DENIED REFFERRED TO DRB
 Comments/Reason: _____

This permit will not be valid, and no construction shall commence, until fifteen (15) days from the date of approval. Any interested persons have fifteen (15) days in which to appeal the issuance of the permit [24 F.S.A. 4464 (a)(1)]. Construction must start within one year (1) from issuance shall be completed within two (2) years of its date of issue (single family homes exempt), or the Zoning permit shall become null and void and re-application to complete any activities shall be required (Section 224).

Administrative Officer: _____ Date: _____

Bill Hoynack is authorized to represent 24 Fox Lane LLC at any public hearings, etc

TOWN AND VILLAGE OF LUDLOW, VERMONT

DEVELOPMENT REVIEW BOARD

Notice of Decision

APPLICATION NO.: 450-17-FHR
449-17-CU

APPLICANT: 24 Fox Lane, LLC
5 Northfield Road
Wallingford, Connecticut 06492

PROPERTY OWNER: Same

PROPERTY LOCATION: 24 Fox Lane
Ludlow, Vermont 05149
Parcel No. 030322.000

DESCRIPTION OF PROJECT:

Application for a Local Flood Hazard Review and Conditional Use Permit to raze the current structure and construct a new building with added parking. The new building would contain two commercial units on the first floor and four residential units on the second floor. The project is located in the Flood plain and the Residential Commercial District of the Town of Ludlow.

INTERESTED PERSONS:

For the purposes of this application, "interested persons" are those who fulfill the requirements of Title 24, Section 4465, of the Vermont Statutes Annotated, and who have actively participated in the hearing, either by personal appearance or in writing: Bill Hoynack, Todd Hindinger, and David Elias represented the applicant and Patricia Davis and Ted Reeves represented abutting neighbors. John Broker-Campbell represented the Agency of Natural Resources.

INTRODUCTION:

This decision is stated in the form of "Findings of Fact," "Conclusions of Law," and "Board Order and Conditional Use Permit." In rendering this decision, we have relied on the following:

1. Observations made by the Board during the site visit to the property;
2. Sworn testimony presented to the Board during public hearings on March 13, 2017 and April 10, 2017; and
3. Documents contained in this application's file.

Notice of Public Hearing was published in The Vermont Journal on February 22, 2017 and posted in five public places, on February 16, 2017. Abutting property owners were notified by first class mail on February 21, 2017. The hearing regarding this application was opened on March 13, 2017 and closed on April 10, 2017 and it is the Board's determination that the record was complete and it could render a decision in this matter.

FINDINGS OF FACT:

In making the following findings, we have summarized the language contained in the relevant provisions of the General Standards and Specific Standards of Article 2, Sections 260.3 and 260.4, respectively, of the Town of Ludlow Zoning and Flood Hazard Regulations, Adopted December 7, 2015, hereinafter referred to as the Regulations:

1. **Capacity of existing or planned community facilities and services:**
 - a. The Ludlow Ambulance Service believes there will be no significant impact on its service, with conditions. See letter from Carl Matteson, Date Stamped Feb 13, 2017.
 - b. The Ludlow Fire Department has stated this project should not create any negative impacts on the department, with conditions, such as, complying with the Vermont Division of Fire Safety, installing a dry hydrant capable of producing 1000 GPM on the Black River for firefighting purposes, with the owner being responsible for future maintenance and upkeep as needed. Also a \$0.35 per square foot impact fee is required for all new square footage for the Town of Ludlow Fire Equipment Fund.
 - c. The Ludlow Police Department has the ability to serve this project and it will not create a hardship to the department. See the letter submitted by Jeffrey P.

Billings, Chief, date stamped January 27, 2017, by the Planning and Zoning Office.

- d. Solid waste from this project will be collected, and disposed of, by the Applicant.
- e. This project will not affect the Village of Ludlow Water and Wastewater Treatment facilities, system pressure, fire flows or storage.
- f. This project will not have any adverse impacts upon the Ludlow school system or the Rutland-Windsor Supervisory Union.
- g. The Village of Ludlow of Ludlow Electric Light Department has the ability to serve the project.
- h. The project will be served by a private septic system.
- i. An Access permit from the Town of Ludlow has been approved, No. A17-002

2. Character of the area:

- a. The purpose of the Town R-C 1 District is to provide for limited commercial uses in areas where there is residential development to serve primarily the needs of those residents. The character of the area should be protected and enhanced with the provision of shopping facilities. Section 460 Town of Ludlow Zoning and Flood Hazard Regulations.
- b. The existing parcel is currently developed with an olive green colored masonry block residence with a red roof.
- c. The land surrounding the existing residence is primary old meadow, which slopes down from Route 103 to the Black River. A large section of the parcel adjacent to Fox Lane is an elevated land mass, which is developed with an existing building, lawn and parking area with several pine, spruce and maple trees around the building.
- d. The majority of the lawn around the existing building will be converted to parking areas and the larger redeveloped building, with a lower parking area utilizing a portion of the meadow. The landscape East and South of the developed area, the riverine woodlands and wetlands adjacent to the Black River, will remain unchanged.

3. Traffic on the roads and streets in the vicinity of the project:

- a. Four residential units require eight spaces.
2700sft commercial use presumed higher density required, 1 space per 150 sft =

18 spaces.
1800sft commercial use presumed modest density required, 1 space per 200 sft –
9 spaces.
Total vehicular parking spaces required and provided – $18+9+8 = 35$
Delivery vehicles:
2 commercial units, 1 spaces per unit = 2 spaces
Total delivery vehicle loading and unloading spaces required and provided = 2

- b. The existing entrance has been enlarged to provide for emergency and commercial vehicle entry requirements. Internal driveway and parking areas create ample access to building.

4. Compliance with the Regulations:

- a. The purpose of the Zoning Regulations is to implement and be consistent with the Town and Village of Ludlow, Vermont, Municipal development Plan, hereinafter referred to as “the Plan”, and to provide for the orderly community growth, to provide for public health, safety, and welfare, and the purposes established in the ACT, Section 4302.
- b. Section 140 of the Zoning Regulations states that the provisions of the Regulations shall be held to be minimum requirements adopted for the promotion of public health, safety, comfort convenience, and general welfare.
- c. Multi Family Dwelling and Commercial Use are Conditional Uses in the Residential Commercial District of the Town of Ludlow.
- d. The project has been planned to increase the density and uses of an existing developed parcel which is served by an existing road, existing driveway and existing utilities. The new building is planned to include a portion of the footprint of the existing building and expand onto the previously developed and disturbed parking area, which coincides with the direction of greater protection for the existing adjacent sensitive areas. The building envelope has been established within a carefully selected which complies with the local zoning setbacks, is outside the adjacent special flood hazard and outside the wetland and the protective wetland buffer. The proposed mixed use building will provide clustered residential living space on the second floor and commercial uses below, thus for example this will allow the Town, via the approval of the Development Review Board, to “Encourage a mix of compatible uses at higher development densities....” (Land Use Policy #4) and “Support the use of compact development techniques throughout Ludlow....” (Land Use Policy #5).

- e. Part of the project is located in the Special Flood Hazard Area, FIRM 50027C0587E and the State of Vermont Flood Plain Management has reviewed the project. Please see letters dated, February 17, 2017 and email from April 11, 2017.

CONCLUSIONS OF LAW:

1. **This project will not have any adverse impacts upon the capacity of existing and planned community facilities.**

All of the Municipal services, which could be impacted by this project, have provided letters in reference to this project.

The ambulance service, fire department, Ludlow Police Department, Rutland-Windsor Supervisory, Ludlow Water and Wastewater, all have written and submitted letter stating that their services and/or facilities will not be significantly impacted by this project.

The conditions of the Fire Department are as follows: complying with the Vermont Division of Fire Safety, installing a dry hydrant capable of producing 1000 GPM on the Black River for firefighting purposes, with the owner being responsible for future maintenance and upkeep as needed. Also a \$0.35 per square foot impact fee is required for all new square footage for the Town of Ludlow Fire Equipment Fund.

The applicant will pay into the Ludlow Enterprise Fund established in March of 200 by the Town and Village of Ludlow. The fee is \$500 per unit payable at the time of the Certificate of Occupancy.

The applicant is responsible for removal of all solid waste.

With the applicant complying with the Municipal services, the board concludes that this project, conducted as conditioned herein, will not have any adverse impacts upon the capacity of existing and planned community facilities

2. **This project will not have any adverse impacts upon the character of the area.**

The character of the area is considered residential commercial 1 which is to provide for limited commercial uses in areas where there is residential development to serve primarily the needs of those residents. The character of the area should be protected and enhanced with the provision of shopping facilities.

The abutting properties is a commercial rental property and an 18-hole golf course with a restaurant, pro shop and driving range. It also sits on a main highway, Route 103 North and South.

The land surrounding the existing residence is primary old meadow, which slopes down

from Route 103 to the Black River. A large section of the parcel adjacent to Fox Lane is an elevated land mass, which is developed with an existing building, lawn and parking area with several pine, spruce and maple trees around the building.

The majority of the lawn around the existing building will be converted to gravel parking areas and the larger redeveloped building, with a lower gravel parking area utilizing a portion of the meadow. The landscape East and South of the developed area, the riverine woodlands and wetlands adjacent to the Black River, will remain unchanged.

The building will be a two-story colonial styled clapboard building with asphalt shingles, color brown mustard with brown roof. Four apartments with two bedrooms each will be upstairs and two commercial units downstairs. Because the commercial units have not been established, the applicants will have to come back to the Board when they decided what type of businesses will be going in.

The board concludes that the project will not adversely affect the character of the area.

3. This project will not have any adverse impacts upon the traffic on roads and highways in the vicinity.

Four residential units require eight spaces.

2700sft commercial use presumed higher density required, 1 space per 150 sft = 18 spaces.

1800sft commercial use presumed modest density required, 1 space per 200 sft – 9 spaces.

Total vehicular parking spaces required and proved – $18+9+8 = 35$

Delivery vehicles:

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Total delivery vehicle loading and unloading spaces required and provided = 2

An Access permit from the Town of Ludlow has been approved, No. A17-002.

The existing entrance has been enlarged to provide for emergency and commercial vehicle entry requirements. Internal driveway and parking areas create ample access to building.

The board concludes that the project will not adversely affect impacts upon the traffic on roads and highways in the vicinity.

4. This project is in compliance with the Regulations.

The project has been planned to increase the density and uses of an existing developed parcel which is served by an existing road, existing driveway and existing utilities. The new building is planned to include a portion of the footprint of the existing building and expand onto the previously developed and disturbed parking area, which coincides with the direction of greater protection for the existing adjacent sensitive areas. The building envelope has been established within a carefully selected which complies with the local zoning setbacks, is outside the adjacent special flood hazard and outside the wetland and

the protective wetland buffer. The proposed mixed use building will provide clustered residential living space on the second floor and commercial uses below, thus for example this will allow the Town, via the approval of the Development Review Board, to "Encourage a mix of compatible uses at higher development densities..." (Land Use Policy #4) and "Support the use of compact development techniques throughout Ludlow...." (Land Use Policy #5).

Part of the project is located in the Special Flood Hazard Area, FIRM 50027C0587E and the State of Vermont Flood Plain Management has reviewed the project. Please see letters dated, February 17, 2017 and email from April 11, 2017.

The character of the area is considered residential commercial 1 which is to provide for limited commercial uses in areas where there is residential development to serve primarily the needs of those residents. The character of the area should be protected and enhanced with the provision of shopping facilities.

As stated above, the board concludes that the project does meet the requirements of the Zoning Regulations and the Municipal Development Plan.

BOARD ORDER

The Development Review Board for the Town of Ludlow, Vermont, Approves the application for the described project.

The Board has imposed the following conditions on this project:

1. All activities authorized by this decision and its issuance shall be started within one year of approval and completed within two years of its date of issue, or the Conditional Use Permit shall become null and void and re-application to complete any activities shall be required.
2. Copies of all information requested from the State of Vermont will be filed with the Town Administrative Officer before construction commences, including permits from the State of Vermont Fire Marshalls.
3. Any changes, additions, modifications, or improvements to this project are not permitted, unless an amendment has been granted by the Development Review Board.
4. By acceptance of this permit, the permittee agrees to allow the Administrative Officer of the Town of Vermont access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with the Town of Ludlow's Zoning and Flood Hazard Regulations {Amended December 7, 2015}, and conditions required by the "Notice of Decision".
5. A final set of 'as built' plans for this project must be presented to the Administrative Officer when upon completion of the project, and at least three (3) days prior to the occupancy of any structure involved, the Applicant must notify the Town Administrative

Officer of such completion. The Administrative Officer shall conduct a site review of the project, issuing a report and a "Certificate of Occupancy" certifying that this project has been completed as required by this "Notice of Decision," and has complied with all existing Town zoning regulations and subject to meeting the requirements of the State of Vermont. Any violations that are found shall be subject to the penalties listed in Title 24, sections 4444 and 4445, of the Vermont Statutes Annotated.

6. This "Notice of Decision" shall be recorded in the Ludlow Town Land Records, within thirty days, and the Applicant shall pay all recording fees.
7. A Vermont Commercial Building Energy Standards Certificate is due at the time of granting the Certificate of Occupancy.
8. Fire Equipment Fund Fee and The Ludlow Enterprise Fund Fee must be paid at the time of the granting of the Certificate of Occupancy.

Appeals from decisions of the Development Review Board shall be taken to the Vermont Environmental Court, in accordance with the requirements of Title 24, Chapter 117, of the Vermont Statutes Annotated, and The Vermont Rules of Civil and Appellate Procedure.

Dated at Ludlow, Windsor County, State of Vermont, this 23
May 2017



Phil Carter, Chairperson
Development Review Board