

**NOTICE OF ACTION OF THE PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT
TOWN OF ROCKINGHAM, VERMONT**

INTRODUCTION:

Application #4262-16 is for a commercial property that requires Non-Conforming Use and Nonconforming Structure approval under Section 2600 of the Rockingham Zoning Bylaws. The applicant is Eric Clark. The property is located on 81 Atkinson Street in the Residential 7 zoning district.

This Notice of Action is produced by the Rockingham Planning Commission and Zoning Board of Adjustment. The Notice of Action is presented in separate sections called; Introduction, Findings, Conclusions, and Decision. In making its decision, the Planning Commission and Zoning Board of Adjustment held a public hearing on June 22, 2016 to collect testimony from the Town of Rockingham staff, the applicant, property abutters, and to review the zoning application and project plan sheets. The Notice of Action, with the application and plan sheets, is filed with the Town Clerk's office and Planning & Zoning's digital land use records.

FINDINGS:

- F1. The applicant submitted a zoning application to change from an existing nonconforming use as a bank to a new nonconforming use as a beauty salon. The property is located at 81 Atkinson Street within the Residential 7 zoning district. The drive through teller operation ceased on May 2015 while the bank retained the operation of a drive-through ATM machine. The proposed nonconforming use is a beauty salon. The drive-through ATM machine is to remain in operation.
- F2. The applicant states that the building footprint will remain unaltered. The east-side drive-through facility will be walled in with 324 square feet reallocated to interior commercial space. The existing ATM machine will be moved 23 inches outward to remain under the roofline and to match the proposed exterior wall.
- F3. The applicant states there will be no changes to existing site lighting. The lighting fixtures will be upgraded with LED lighting technology, but otherwise there is no change in the distribution or intensity of site lighting.
- F4. The applicant states that the existing landscaping, parking, walkways, trash storage, utilities, ground sign location, and all other site plan features will remain unchanged.
- F5. The applicant states that 2-4 employees will be on site and that beauty salon operations will be conducted Monday-Friday 9:00am to 8:00pm, Saturday 9:00am to 2:00pm, and closed on Sunday.

CONCLUSIONS:

The Planning Commission and Zoning Board of Adjustment shall base its decision by applying the relevant criteria allowable under the Zoning Bylaws Section 2600 Non-Conforming Uses and Structures.

Under nonconforming uses, the Zoning Board of Adjustment finds that:

C1. The proposed beauty salon does not increase the intensity of the existing non-conforming use and will not result in a greater detriment to the neighborhood as found under the review criteria listed in Section 2600 Section 1(II).

Under non-conforming structures, the Planning Commission finds that:

C2. There are no proposed changes to the site or building that would increase the level of non-compliance or increase the detrimental impact to the neighborhood or abutting properties under the review criteria listed in Section 2600 Section 2 (II).

C3. The singular change to the building is the removal of the drive-through facility to allow for a walled-in space that matches the rest of the building. Under Section 2600 Section 2 (II) #7, this proposed elimination of a drive-through reduces the appearance of a commercial-style building within a residential zoning district. The fully-enclosed building lowers the level of noncompliance.

DECISION:

Based upon the Findings and Conclusions, the Planning Commission and Zoning Board of Adjustment approves the request for a reuse of the commercial building located on 81 Atkinson Street.

Approved by the Planning Commission on July 22, 2016.



Alan LaCombe, Chair
Planning Commission

Planning Commission members approving decision:

Alan LaCombe, Pat Moyna, Vincent Cherico, Renee Vondle, Kath Martin

Appeals:

Interested persons have the right to appeal this decision to the Vermont Environmental Court within 30 days of the date this decision is issued (24 V.S.A. §4471). The decision becomes final after the appeal period has passed (24 V.S.A. §4472).

Copies to:
Applicants (Certified Mail) , Town Clerk , Posted , Webpage

WISTARS *JH*

**TOWN OF ROCKINGHAM
APPLICATION FOR ZONING PERMIT**

Date filed: <u>8 June 2016</u>	(OFFICE USE ONLY)
Fee Paid: <u>yes</u>	Applicant: <u>Clark</u>
Zoning District: <u>R-7</u>	Owner: <u>Chittenden Bank</u>
Referred to:	Parcel Map# <u>23-4010081</u>
<input type="checkbox"/> Planning Commission	W/in 100 yr. floodplain? <u>no</u>
<input checked="" type="checkbox"/> Board of Adjustment <u>20 June</u>	W/in Regulated Wetland? <u>no</u>
Date: _____	PLOT PLAN ATTACHED & APPLICATION COMPLETE ()

COMPLETE ALL ITEMS OR APPLICATION WILL BE RETURNED. COMPLETE IN INK. DO NOT USE PENCIL. NO CONSTRUCTION OR USE IS TO BE STARTED WITHOUT AN APPROVED PERMIT. IF CONSTRUCTION OR USE BEGINS WITHOUT A PERMIT, A LATE FEE (See Fee Schedule Information) IS ASSESSED.

**PART I
(ALL APPLICANTS MUST COMPLETE Part I)**

Owner & Applicant Information

- PROPERTY OWNER(s) Names Eric Clark
(List Names of all Property Owners as shown on deed.)
Mailing Address: 3 Forest St Bellows Falls, VT Zip Code 05101
Tel. No.: (Daytime) (802) 376-5377 (FAX) _____ Email: eclarklandscaping@gmail.com
- APPLICANT(s) Names: _____
(If different than Landowners)
Mailing Address: _____ Zip Code _____
Tel. No.: (Daytime) _____ (FAX) _____ Email: _____
- Contact Person: Eric Clark (Daytime Tel.) 376-5377

Property Information

- PROPERTY LOCATION: Street Number 81 Street Name Atkinson St
- Property Owner's Deed is recorded in Book _____ Page _____ Date of Sale _____
(Information available in Town Clerk's Office)
- Is this lot recorded on a survey or subdivision map in the Town Clerk's Office? Yes No
If yes, provide Book _____, Page _____, and Date Recorded _____
- DIMENSIONS of LAND:
Area of Lot: 1.11 Acres (Square Feet or Acres)
Lot Frontage on Road/Right-of-way 251 ft. Lot Depth (front to rear) 210 ft.

Use of Property Information

8. **CURRENT USE:** Describe What the Property Is Used for Now. If there is more than one use, describe them all.
Residential: Single-family () Two-Family ()
Multiple-family () Number of Apartments _____

Describe:
Commercial (X) Bank Branch with Drive up ATM

Industrial (): _____

Other (): _____

9. **PROPOSED USE**
Residential:
Single family () Multiple-family () Number of Existing Apartments: _____
Two-family () Number of Proposed Apartments: _____
Total Number of Apartments: _____

Non-residential: Describe the Products You Will Be Making and Activities You Intend to Conduct.
Commercial (X) Beauty Salon with Drive up ATM

Industrial () _____

Other () _____

10. What, if any, Current Uses Will Continue (List): Drive up ATM

11. Prior Zoning Permits. Has this parcel of land been the subject of any prior Town Zoning Permits or Subdivision Permits? If yes, indicate for what: _____

Proposed Construction Activity

12. Describe Briefly
New Construction () _____
Remodeling/Addition (✓) Close in Canopy to add more useable space
Has construction started? _____ Yes No. Describe: _____

For property within the **Design Review & Historic Districts**, see Part III for additional information to submit with application.

13. Residential: Current Number of Bedrooms _____ Number of bedrooms after remodeling/addition: _____

14. Approximate Construction Costs: \$15,000

15. SIZE OF PROPOSED STRUCTURE OR ADDITION: Width 27 ft. Length 12 ft.

Height _____ ft.

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Plot Plan

16. **PLOT PLAN:** All applications must provide a plot plan of the property, drawn to scale. Graph paper is provided for drawing a plot plan. If the graph paper is too small, please use a larger sheet. If you have a survey of the property, this may be used and is preferred.

PLOT PLAN ATTACHED (✓). Please check to indicate that the following information is shown on the plot plan. If the information is not complete, the application will be returned.

Required of All Applications: (See example on pg. 2 of Information Sheet)

- a. (✓) Property lines of the Lot where the project is located
- b. (✓) Adjacent roads or streets and names and sidewalks
- c. (✓) Location, size and shape of any existing or proposed structures, including porches, decks, pools, fences, and accessory structures
- d. (✓) **MEASUREMENTS from existing and proposed structures to Lot lines, Road Center, Sidewalks**
 - (✓) TO FRONT LOT LINE 60 ft. TO ROAD CENTER 120 ft.
 - (✓) TO SIDE LOT LINES 85 ft. 165 ft.
 - (✓) TO REAR LOT LINE 80 ft.
- e. (✓) Driveway Location and Width, and whether paved or unpaved.
- f. (✓) Parking Spaces. Show all parking spaces, and whether paved or unpaved. Indicate each parking space individually by lines. Each space is required to be 9 ft. X 22 ft. Show parking for employees, customers, and deliveries, if applicable.
- g. (✓) All rights-of-way and/or easements
- h. (✓) Indication of the plan's scale (example 1" = 20 ft.)
- i. (✓) Arrow showing North.

Required for Home Businesses, Multi-family Residences, All Non-residential Uses.

- j. (✓) Landscaping. Show lawn area, trees, bushes, planters, etc. Show trees and other landscape features which are to be installed, removed or changed by the proposed work. The size at planting and type of landscape material must be noted on the plan.
- k. (✓) Exterior Lighting. Existing and Proposed. The location, height, intensity, and bulb type of all external lighting fixtures.
- l. (✓) Service Area Locations such as trash storage, fuel tanks, mechanical equipment, and other outside storage.
- m. (✓) Screening of waste storage areas, condensers, etc. Show height, and what type of screening will be utilized and location.
- n. (✓) Drainage Patterns and natural features on site (e.g. steep banks, swales, waterways etc.). Show plans for drainage control and existing drainage structures and flow.
- o. (✓) Traffic Circulation. Show ingress and egress and interior traffic circulation pattern.

- p. () Loading areas
- q. () Pedestrian walks
- r. () All changes to the physical features of the site. Include soil removal or filling areas.

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Signatures

Signatures: All Landowner(s) and Applicant(s) must sign the application.

By signing below, I certify that all information on this application and all supporting forms, plans, and documents are true and accurate and agree that, if any such information is found to be false or misleading, any permit or other approval granted on the basis of such information shall be deemed null and void.

Property Owner(s) Signature(s)	_____	Date: _____
	_____	Date: _____
	_____	Date: _____
Applicant(s) Signature(s)		Date: <u>6-22-16</u>
	_____	Date: _____
	_____	Date: _____

10. **Trash Storage.** Will trash storage be _____ inside
_____ X _____ outside.
How will the trash storage area be screened? _____

Show trash storage location and screening on plot plan.

11. **Outside Storage.**
Will there be any outside storage of materials? NO. If yes, describe and show the location on the plot plan.

Will there be any outside storage of equipment? NO. If yes, describe and show location on the plot plan.

12. **Emissions.** Will your operations emit smoke, gas, or other vapors? NO. If yes, please describe.

13. **Fans/Vents.** Will there be any exterior fans or vents? NO. If yes, please describe and show location. Submit information on noise levels and hours of operation.

14. **Exterior Noise.** Will there be any exterior noise from equipment or other operations of the business? Explain.

15. **Regulated/Hazardous Materials.** Aside from heating fuel, will there be any regulated or hazardous materials used in the business? If yes, describe.
NO

16. **Water/Sewer**
Water is ✓ _____ public or _____ private.
Sewer is ✓ _____ public or _____ private.

Estimate your water and sewer needs based on the type of process/activity and number of employees.

17. Additional information provided by applicant/owner:

PART III

DESIGN REVIEW – HISTORIC DISTRICT APPLICATION

Part III must be completed for all properties within the Design Review District or Meeting House Historic District when there are any changes to the exterior of the structure(s) or site. Part I must also be completed.

1. PROJECT DESCRIPTION. Written explanation of all proposed work to be done at the property.

Close in existing Canopy (27'x12') To make more
Sq Footage to useable space

2. A. Current Color Photographs. Submit color photos showing existing conditions at time of application of the following:

- () The site
- () Structure(s) which is the subject of the application.
- () All sides of the Structure(s)
- () Photos of neighboring structures with the subject property in the photo.

B. () Elevation drawings showing all sides of the structure(s) where work will take place. Must be drawn to scale, and include architectural details.

C. () Specifications and descriptions of all proposed materials (siding, roofing, trim, soffits, doors, windows, grills, handrails, light fixtures, awnings, site furniture, exterior mechanicals, fuel tanks, and accessories).

D. () Physical samples of building materials (where helpful for review).

3. Optional Materials. The Planning Commission may require an applicant to submit additional information including samples or pictures of roofing, siding, windows, etc. that might be relevant for a clear understanding of a project.

4. Demolition of Non-Historic Structures (Design Review District Only). In addition to the information required above, the following shall be submitted:

- () Written statement from applicant indicating the reasons the applicant is seeking to demolish the structure;
- () Information on the age and prior uses or renovations to the building;
- () Demolition and site restoration plan which
 - a. describes the intended use of the site,
 - b. the manner in which the site is to be restored to grade, surfaced, landscaped and/or screened to minimize adverse visual impacts, and
 - c. secured to prevent hazards to public safety and adjoining properties.

5. Demolition of Historic Structures or portion of one Listed on the National Register of Historic Places (Design Review District Only).

In addition to the information required above, the following shall be submitted:

- () a. Demolition and site restoration plan which
 - 1. describes the intended use of the site,
 - 2. the manner in which the site is to be restored to grade, surfaced, landscaped and/or screened to minimize adverse visual impacts, and
 - 3. secured to prevent hazards to public safety and adjoining properties.

- () b. Documentation that rehabilitation of the structure would cause undue financial hardship to the owner, or that demolition is part of a development plan that would provide clear and substantial benefit to the community.

- () c. Materials to evaluate undue financial hardship showing that:
 - i. the structure is not capable of providing any reasonable return.
 - ii. efforts to sell or lease the structure have been fruitless.
 - iii. costs to rehabilitate the structure are such that any reasonable return on such investment is not achievable.

- () d. Additional Information. An applicant seeking financial hardship determination may be requested to provide the following information:

Financial Information:

- () Purchase Price: \$129,000
- () Date of Purchase _____
- () Seller and relationship of seller to owner _____
- () Copy of current deed _____
- () Current Assessed Value of land & improvements _____
- () Annual Gross Income of property _____
- () Operating and Maintenance Expenses _____
- () Real Estate Taxes _____
- () Annual Cash Flow from Property _____
- () Other Federal Income Tax Deductions _____
- () Any and All Appraisals _____
- () All Listings for Sale or Rent in past Two Years _____
- () Prices Asked and Offers Received, including Broker's Testimony _____
- () Profitable and Adaptive Reuses Considered _____
- () Tax Returns on or relating to Property _____

Determination of Reasonable Return & Feasibility of Beneficial Uses:

- () Report from Licensed Architect or Engineer regarding Condition of Structure _____
- () Identification of Alternative Uses _____
- () Cost Estimates Associated with Rehabilitation for Reasonable Uses, including the scope of work upon which the cost estimate is based _____
- () Pro Forma of Projected Revenue and Expenses for Use or Reuse of Existing Improvements, including the use of any tax credits _____
- () Estimate of Current Market Value of Property with Land and Existing Improvements, as is _____
- () Estimate of Internal Rate of Return Based on Pro Forma of Income and Expenses, including tax credits and estimate of equity investment _____
- () Such other information as the Planning Commission may request.

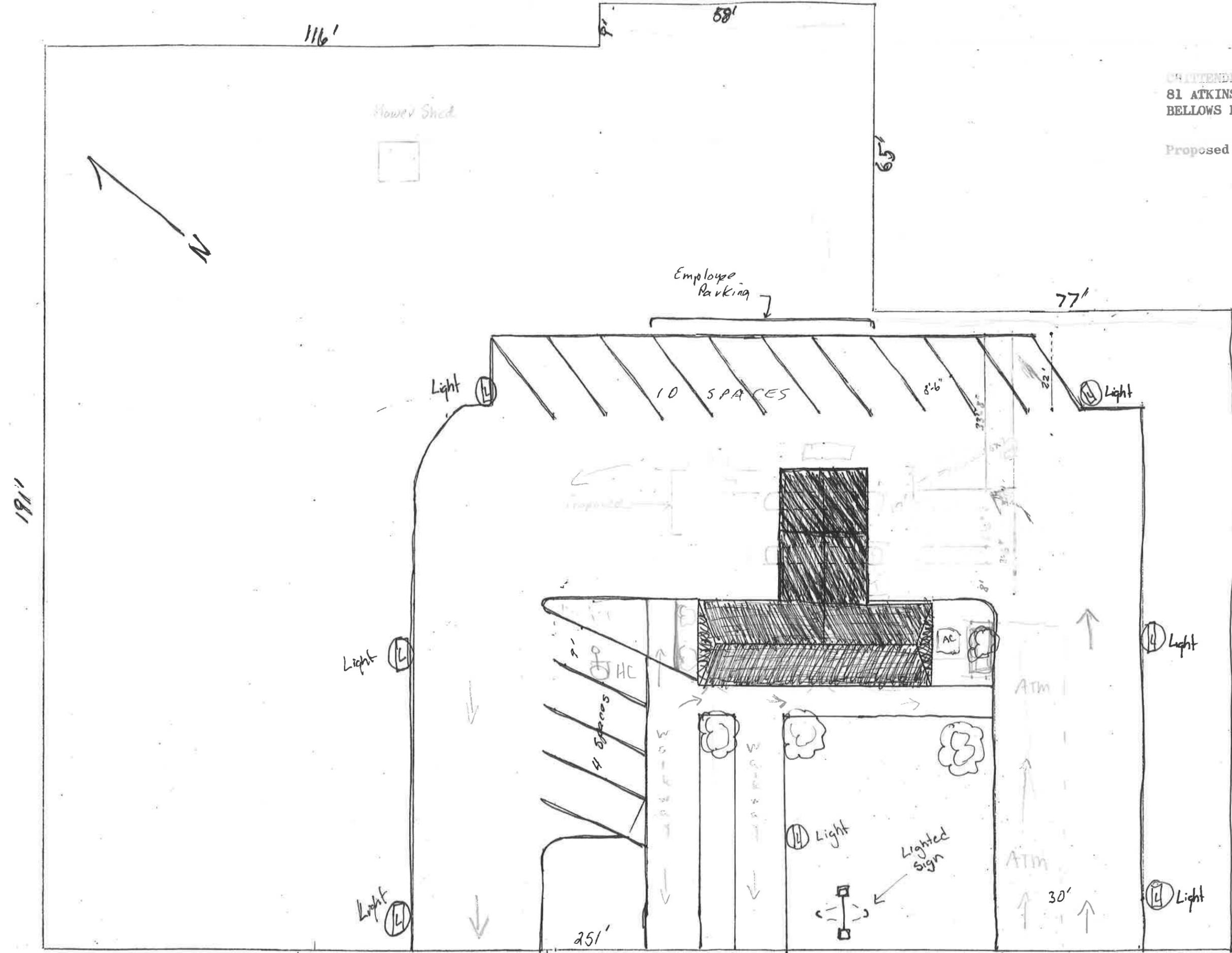


CHITTENDEN BANK
81 ATKINSON ST
BELLOWS FALLS VT

SCALE: 1" = 20'

Proposed ATM installation addition

#2382-93



- Ⓛ EXISTING POLE LIGHTS
- + RECESSED LIGHTING UNDER CANOPY ADDITION

OAK ST.

Sidewalk
ATKINSON ST.