

Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Meeting Minutes
Tuesday, November 27, 2007

I. CALL TO ORDER: Brian Shupe, Chair, called the meeting to order at 7:05 p.m. at the Waitsfield Town Office.

MEMBERS PRESENT: Gib Geiger, Jr., Michael Kingsbury, Brian Shupe (Chair), Hallie Tamez, Mark Sinclair. A quorum was present.

MEMBERS ABSENT: Eleanor D'Aponte, Jamey Fidel.

STAFF PRESENT: Blaine Laskowski, Planning and Zoning Administrator.

OTHERS PRESENT: Kathy Rose, Patrick Thompson, Lisa Loomis, Mark Peal.

II. INITIAL PUBLIC HEARING

#3146-CU, Jackie Rose d/b/a The Store, conditional use review for change of use from retail to mixed use to allow cooking classes. The Store is located at 5275 Main Street within the Irasville Village District (§2.03). The application does not involve any exterior construction. The property is identified as Parcel #99139.000, consisting of approximately 2.5 acres.

Kathy Rose appeared for the applicant. She described the proposal to take a room in the back of the store and install cooking equipment for classes and demonstrations. Representatives will show how to use their cookware and conduct classes. Events will be held during the day and on weekends, with occasional nighttime classes.

Mr. Shupe described a technical point, that a school is defined as an entity certified by the Department of Education, and the proposal appears to be more of an adjunct to a retail operation. Mr. Shupe announced that he is an abutting landowner and had been notified of the proposal as such. He volunteered to recuse himself if anyone saw a conflict of interest. No one did.

There was discussion of whether parking would be an issue. The Store has several spaces for employees by the hardware and video stores and more parking alongside their own building, abutting the Waitsfield Inn property. The applicant has spoken with the inn owners, who have not expressed any concern. In fact, there have been discussions with them about using the inn as lodging for event participants. The Store and the inn own the lot across the street by the Northfield Savings Bank and share the spaces there.

The septic system holds 2,100 gallons and sits at the bottom of the hill on the property.

The Zoning Bylaws definition of a Retail Store was cited as including the phrase, “. . . and rendering services incidental to the sale of such goods.” The applicants will not be selling large appliances or anything that they are not already selling. They have no intent to seek any kind of educational certification. Classes will typically be for a few hours in the afternoon. Eventually, the applicants may conduct events for up to three days in conjunction with the inn. The only permit on record for the property is from 1976 for a 100-seat restaurant and outside amphitheatre, and the definition of a Retail Store excludes restaurants and food service. Retail activity on the property predates the 1976 permit.

The Board determined that the property has a pre-existing retail use. The proposal is not a change in use, and no action on the proposal is required by the Board. The Zoning Administrator is to write a letter stating that the Board considers the application withdrawn. The letter should state that the cooking classes are associated with the sale of cooking equipment on a limited basis as represented to the Board, and if cooking classes become a principal use, a permit will be required.

III. CONTINUATION OF PRIOR PUBLIC HEARINGS

A. #3138-CU, William Maclay, conditional use review for expansion of an office building and other modifications within the Village Residential District (§2.02). Applicant plans to build a 670 sq. ft. addition and a 220 sq. ft. porch; add a cupola, expand parking, and relocate a shed. The property is identified as Parcel #99111.000 at 4509 Main Street.

The Board has a letter from the applicant requesting a continuance. The applicant says that the Historical Society prefers to attend a meeting of the Board rather than meet individually with the applicant. He is working on additional ideas and gathering information on the architectural history of Waitsfield Village, which he intends to share with the town.

The question was raised as to whether the barn on the property is a historical structure because of its extensive remodeling. An old building can no longer be a contributing structure if it is altered. Nevertheless, compatibility with historic buildings applies to everything. Ms. Laskowski has contacted Chris Cochran of the Vermont Division for Historic Preservation. They give guidance in a general sense on compatibility issues, but it is not appropriate to ask them to review specific applications.

It was noted that the Waitsfield Historical Society has no particular authority over an application, other than that of any group of 10 or more individuals who sign in as an interested party to participate and appeal. On instruction from the Board, Ms. Laskowski had invited them to comment. There are precedents for such an invitation when a group has interest or expertise, such as Fish and Wildlife in the Marcelle application and the Historical Society in the Kingsbury canopy application. There was discussion about whether it is appropriate for the Board to invite local parties to become involved, as they may have a vested and sometimes adversarial interest. Local organizations can provide a supporting and consulting role that aids the Board's deliberations and benefits the community, but the Board gives them no authority. Parameters may need to be set on such an invitation, so that the applicant has adequate opportunity to review and respond to a group's comments.

Mr. Kingsbury moved to recess the hearing to December 11. Mr. Geiger seconded. There was no discussion. All members voted in favor.

B. #3143-VAR, Lisa & Frank Koncewicz, request for a variance from district setback requirements within the Agricultural-Residential District (§2.07). Applicant seeks to expand a single-family residence by 593 sq. ft. The front setback standard for this district is 75 feet, and applicants would like to build within approximately 40 feet. The property is identified as Parcel #45003.000 at 151 Pinebrook Road.

At the site visit, the applicants were advised that they did not need to attend this hearing. Ms. D'Aponte and Messrs. Geiger, Kingsbury, and Shupe participated in the site visit, where the

plans for the building were explained. The main point is that the existing entrance leads directly to the stairs, and the plans provide for an entrance mud room. The expansion would provide another bedroom. It was noted at the visit that the level ground behind the house may be even less than five feet, and the bank then drops off quite steeply to a brook at about 60°. Building out in that direction is not viable. In addition, good maple trees would need to be cut. The ground on one side of the house also slopes, and the only workable space on the lot is the other side of the house and the front. To limit expansion to the front would result in a room about eight feet wide. The house is an upside-down house, with the kitchen and living areas upstairs and bedrooms downstairs.

Mr. Geiger moved to adjourn the hearing. Mr. Kingsbury seconded. There was no discussion. All members voted in favor.

C. #3139-CU, Brothers Graves Management Corp. conditional use review for addition to an existing retail/office building (Bisbee's Hardware) within the Irasville Village District (§2.03). Applicant plans to build a 4,046 square foot addition. The property is identified as Parcel #99152.000 at the Mad River Green Shopping Center on Main Street.

It was noted that the building did not get conditional use approval or site plan approval at the time of the master plan. Section 5.04 B 4 of the Zoning Bylaws was cited, and there was discussion that this proposal is not exempt from current conditional use determinations unless they are inconsistent with the PUD. A second story does not need to be residential. The provision allowing expansion up to 50% of the nonconformance does not apply to this building because of its size.

Mr. Thompson said he did not see the purpose of having two stories. It is not in the master plan or in the PUD worked out with the town. It was noted that unless the PUD is inconsistent with the two-story requirement, the application is not exempt from that requirement, and the Board has little discretion. The definition of two-story is clear, and the requirement is not satisfied simply by a higher structure. It could be possible to revise the master plan and PUD. A second floor that is a mezzanine or balcony opening out to the lower floor could fit the two-story requirement. Mr. Thompson noted that a second story in this application could not be connected to the second story in the phase one part of the building. He said that the planned use for the new space is display of appliances and carpets, a use that does not work well on a second story. A store employee would have to be present on that floor.

Mr. Thompson remained concerned about available water and sewer. He said that his water and sewer are based on 4,000 square feet of space. A greater size will require the installation of more water storage and affect septic capacity on the other lots. He was uncertain about the likelihood of a municipal sewer system becoming available to the complex.

Members will discuss their decision-making process to find ways to continue the discussion without the need for a final application.

Mr. Kingsbury moved to recess the hearing to January 22. Mr. Geiger seconded. There was no discussion. All members voted in favor.

IV. APPROVAL OF MINUTES

Mr. Geiger moved to approve the minutes of the November 13 meeting. Mr. Kingsbury seconded. There was no discussion. All members voted in favor.

V. OTHER BUSINESS

The Planning Commission will hold a hearing on the subdivision regulations on December 4 to discuss changes to the language.

VI. ADJOURNMENT

Mr. Kingsbury moved to adjourn at 8:50 p.m. Mr. Sinclair seconded. There was no discussion. All members voted in favor.

Respectfully submitted,

Mark Peal
Minute Taker