

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3 is to write a letter stating that the Board considers the application withdrawn.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

7 **III. CONTINUATION OF PRIOR PUBLIC HEARINGS**

8 **A. #3138-CU, William Maclay, conditional use review** for expansion of an office building and
9 other modifications within the Village Residential District (§2.02). Applicant plans to build a
10 670 sq. ft. addition and a 220 sq. ft. porch; add a cupola, expand parking, and relocate a shed.
11 The property is identified as Parcel #99111.000 at 4509 Main Street.

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

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

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

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

35 **B. #3143-VAR, Lisa & Frank Koncewicz, request for a variance** from district setback
36 requirements within the Agricultural-Residential District (§2.07). Applicant seeks to expand a
37 single-family residence by 593 sq. ft. The front setback standard for this district is 75 feet, and
38 applicants would like to build within approximately 40 feet. The property is identified as Parcel
39 #45003.000 at 151 Pinebrook Road.

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

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

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

12 **C. #3139-CU, Brothers Graves Management Corp. conditional use review** for addition to an
13 existing retail/office building (Bisbee's Hardware) within the Irasville Village District (§2.03).
14 Applicant plans to build a 4,046 square foot addition. The property is identified as Parcel
15 #99152.000 at the Mad River Green Shopping Center on Main Street.

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

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

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

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

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

40 **IV. APPROVAL OF MINUTES**

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

3 **V. OTHER BUSINESS**

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

6 **VI. ADJOURNMENT**

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

9 Respectfully submitted,

10 Mark Peal
11 Minute Taker