



Hand-delivered 7/11/17
X Cami Gook
DRB Chair

TOWN OF WAITSFIELD NOTICE OF APPLICATION

To: Blue Stone, Inc.; Abutting Property Owners; Development Review Board members
From: Susan E. Senning, PZA
Date: July 11, 2017
Re: Minor amendment & administrative approval application

The enclosed is a notice of application required by Waitsfield Zoning Bylaw Section 6.07(F)(3) for Administrative Review. I have determined that Blue Stone Holding Inc's recent application (#3766-AA) to extend their outdoor seating area is a minor amendment to a conditional use which qualifies for administrative approval pursuant to Section 6.07(F)(1)(v) and (F)(2).

The proposal adds 24 seats, a wooden post and metal chain link fence, and five (5) downcast lights to extend the existing outdoor seating area. Parking and wastewater demands are met.

According to Section 6.07(F)(3), at least fifteen (15) days prior to the issuance of an administrative amendment:

- a. Notice of an application for an administrative amendment shall be posted in three (3) or more public places in the municipality, including posting within view of the public right(s)-of-way nearest to the property for which the application is being made;
- b. Written notification of the application shall be mailed by the applicant to the owners of all properties adjoining the property subject to subdivision or development, without regard to public rights-of-way, to every person or body appearing and having been heard in related proceedings before the Development Review Board, and to the Development Review Board members. The applicant shall also demonstrate proof of delivery to those persons listed above, either by certified mail, return receipt requested, or by written notice hand-delivered or mailed to the last known address, supported by a signed, sworn statement of service;
- c. Prior to the issuance of the administrative amendment, any interested person, including any Development Review Board member, may file a written request that the application be heard by the Development Review Board, rather than being acted upon by the Administrative Officer. Such request shall be filed with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, and by filing a copy of the request with the Administrative Officer. A request filed with the Development Review Board under this section shall be in writing and shall include:
 - i. The name and address of the requesting party;
 - ii. A brief description of the property with respect to which the request is

made;

- iii. A reference to applicable provisions of these regulations;
- iv. The request that the application be heard by the Development Review Board, rather than being acted upon by the Administrative officer; and
- v. The alleged grounds for why such application should not be acted upon by the Administrative Officer by rather heard by the Development Review Board. The matter shall then be scheduled and heard by the Development Review Board in its ordinary course of business.

Town of Waitsfield
ZONING ADMINISTRATOR
APPLICATION NOTICE
MINOR AMENDMENT TO CONDITIONAL USE
Waitsfield Town Offices, 4144 Main Street

Application #3766-AA by Chris Fish, on behalf of Blue Stone Inc., at 5351 Main Street. The applicant requests approval to extend the restaurant's existing outdoor seating area on the parking lot side. He proposes to install a 28' x 28' fence to contain four (4) new picnic tables (an additional 24 outdoor seats). The proposed fence is made of wooden posts with black metal chain between each. The proposal replaces existing impervious surface (pavement) with gravel within the fenced area. The applicant proposes five (5) downcast, shielded lights be installed on alternating posts for pedestrian safety. A wastewater permit from 1975 demonstrates that the maximum seating capacity is 100; currently, they have 48 seats inside and 22 outdoor seats to total 70 seats. Parking is adequate at 45 parking spaces; only 31-33 parking spaces are required for this use. The property is identified as #99141.000 in the Irasville Village Zoning District.

The above application is available for review in the Town Office. If you wish to request that the application be heard by the Development Review Board, you must submit a request, in writing and within 15 days of this notice, to the Zoning Administrator pursuant to Section 6.07(F)(3)(c). If no request is received, then the Administrative Approval will be issued on or after the sixteenth day.

Please contact the Zoning Administrator at 496-2218 or pza@gmavt.net for additional information.

Application #: 3766-AA Date Received: JUL 06 2017 Fees: Zoning \$80
Parcel #: 99141.000 Zoning District: TOWN OF WAITSFIELD DRB: 75
Special Zoning Areas: N/A Newspaper: 25
☐ Approved (or ☐ Denied) by ZA on: Total: \$180
☐ Referred to DRB because: Pd \$3999
Meeting Date(s):
Decision:
Comment: Notice of App. posted + mailed 7/11/17

Owner: Blue Stone Inc. Phone: 802-585-5691
(If not owner, letter from owner authorizing agent status is required) E-mail:
Mailing Address: 79 Main St. Apt. #1 Montpelier, VT Easements? NO
Location of Property (E-911 address): 5351 Main St. - Waitsfield Flood Plain? NO
Existing Use and Occupancy: Full Service Restaurant Wetlands? NO
Name of Business (if applicable): Blue Stone Inc. Public Building? YES

Application is made to
☒ erect ☐ one family dwelling ☒ Enclosed
☐ repair ☐ commercial/bus ☐ On next page
☐ alter ☐ light industrial (Show dimensions listed
☒ extend ☐ accessory building below on the site plan)
☐ remove ☐ industrial
☐ change use ☐ sign
☐ other ☒ other
Description of proposed use and/or structure: Fence for outdoor seating
Roads: (some have restrictions)
☐ Private ☐ Town ☐ State
☒ Scenic Route 100
☐ Not Applicable

Type of Construction:
Foundation: N/A
Exterior Walls: Fence / Tables
Roofing:
Estimated Cost of Construction:
\$1,800.00

Lot Size/Acreage of Lot: 0.7 Acre Frontage along Road: 200
(i.e., 100x200; 20,000 sq.ft.; 1/2 acre, etc.)

After construction of the proposed structure, what will the setback be on the
Front Side (from road centerline): 50' Left Side: NO Change 20'
Right Side: 25' Rear: NO Change 20'
Nearest streambank/riverbank/pond: 800' % grade/slope from development to bank: 0

Existing Structures/Use:
Existing square footage: 800 SF / NO Change
Height of tallest structure: 28' Post
Total:

Proposed Structures:

Proposed use: (ie, garage, shed, barn, etc.)
Fenced Area Height: 4'-8"
800 SF
Square footage: (exclude attics < 7 1/2' high and below-grade basements):
1st floor: 28' x 28' 2nd floor: 3rd floor: Total:
1st floor: 2nd floor: 3rd floor: Total:
1st floor: 2nd floor: 3rd floor: Total:
Total proposed square footage: 800 SF

Building Coverage % (perimeter of floor space including porches, balconies, roof overhangs > 30")
Lot coverage % (all ground cover including driveways, walkways, etc.)
Parking spaces have: 45 need: 45 - NO change

Site Plan: The box below represents your property. Draw your existing buildings and proposed buildings here. Identify all existing and proposed buildings and all front, back, and side measurements from all buildings. Please provide a separate sketch showing the height of the building.

* See Attached Drawings

THIS SECTION PERTAINS ONLY TO THOSE REQUESTS REQUIRING CONDITIONAL USE REVIEW BY THE DEVELOPMENT REVIEW BOARD:

(Refer to Sections 5.2 and 5.3 of the Waitsfield Zoning Bylaws)

1. Application Requirements (5.2)
2. Conditional Use Review Criteria: Submit responses to each of the review criteria listed.
3. Stamped addressed envelopes for all abutters (list below)

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THIS SECTION PERTAINS TO THOSE REQUESTS FOR DIMENSIONAL VARIANCE AND THEREFORE DEVELOPMENT REVIEW BOARD REVIEW:

(Refer to Section 6.5 of the Waitsfield Zoning Bylaws)

1. Submit narrative with application.
2. Stamped addressed envelopes for all abutters (list below)

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Other facts for the Development Review Board to consider:

No Certificate of Occupancy/Compliance shall be issued for any use and/or structure unless constructed and completed in conformity with the representations contained in the application for the zoning permit.

The undersigned hereby applies for a Zoning Permit to be issued on the basis of the representations contained here, and to the best of his/her knowledge believes them to be true.

PLEASE NOTE THAT THIS APPLICATION DOES NOT AUTOMATICALLY QUALIFY YOU FOR A STATE PERMIT. CONTACT THE STATE PERMIT SPECIALIST AT (802) 476-0195.

Signature..... ..... Phone(s) 802-585-5694 Date 6/1/17

Please print your name legibly..... Chris Fish.....

If this request is to be reviewed by the Development Review Board, then the completed application must be received 25 days in advance of the meeting.

TOWN OF WAITSFIELD, VERMONT**APPLICATION FOR A ZONING PERMIT****INSTRUCTIONS**

Fill in all the blanks, preferably in ink. Applications can be acted upon by the Administrative Officer only if complete.

- All fees must be paid at the time of submittal. Site plans must accompany the application.
- If a question is not applicable, write N/A.

Application forms are considered self-explanatory; however, the following clarification may be of use:

Location of Property: E911 addresses or official street names (not P.O. Box, RD, or RR).

Mailing Addresses: Provide entire current mailing address including town and zip code.

Name of Business: If a customer is looking for you, what he or she will reference.

Application is made to: Check one from each column.

Road: Scenic, Route 100, Private, Town, State: may have special restrictions.

Lot Size/Acreage of Lot: Square feet or acreage (1 acre = 43,560 square feet or 208' x 208').

Street Frontage: The road/street the building faces.

Setbacks: Side and rear measured from the existing/proposed building(s) to the property lines or top of streambank, front measured from centerline of road.

Dimensions of building(s): Length and width.

Building coverage %: Total square feet of structures divided by square feet of lot. See by-laws for exemptions.

Site Plan/Plot Plan: Space available on last page, or attach:

- | | |
|---|---|
| ✓ Draw to scale and show scale. Show north arrow. | ✓ Show parking area. |
| ✓ Show dimensions of lot. | ✓ Show well/connection to town water. |
| ✓ Show location & dimensions of all buildings. | ✓ Show septic system. |
| ✓ Differentiate proposed buildings. | ✓ Show distance between buildings. |
| ✓ Show distances from all buildings to lot lines. | ✓ Show natural features: waterways, slopes, woods, etc. |
| ✓ Show landscaping plans. | ✓ Show driveway location & width |

QUESTIONS? Call the Planning & Zoning Administrator at 802-496-2218

Or e-mail: pza@madriverv.com

Tuesday through Friday, 9:00 a.m. - 4:30 p.m.

Fee Schedule**Zoning Permit Applications***

Residential additions, alterations, or accessory structures

less than or equal to 250 sq. ft.

\$45

Residences, residential additions, alterations, or

accessory structures more than 250 sq. ft.

\$.10 per sq. ft., \$65 minimum

* Commercial structure, structural alterations, or other development

\$.10 per sq. ft., \$75 minimum

Change of Use with no structural alteration

\$75

Change of Use with structural alteration

\$75 + \$.10 per sq. ft. of alteration

Ponds (require proof of State Permit if > 500,000 cubic feet of water)

\$50

Home Occupation

\$40

Quarry, Sand, Soil or Gravel Pit Excavation; Water Extraction

\$160

Parking lot with 10 or fewer spaces

\$75

Parking lot with 11 or more spaces

\$125

Pools

\$50

Sign

\$50

Boundary Line Adjustment

\$75

Renew permit prior to expiration

\$25

Amend existing permit

\$25

Certificate of Occupancy

\$25

Development Review Board Applications**

Conditional Use/Non-Conforming Use (Residential)

\$75

Conditional Use/Non-Conforming Use (Commercial)

\$100

Variance (Residential)

\$60

Variance (Commercial)

\$85

Appeals of ZA Decision

\$60

Home Business

\$50

Amendment to Site Plan

\$75

Subdivision Sketch Plan Review

\$25

Major Subdivision (Preliminary & Final Review)

\$175 per lot

P.U.D./P.R.D. (including site plan review) \$175

Minor Subdivision (Final Plan Review)

\$150 per lot

Amendment to P.U.D./P.R.D.

\$75

****All DRB applications are subject to an additional flat fee of \$25 for warning in the newspaper.**

800 SF x .1
= \$80.00

Town of Waitsfield Conditional Use Permit Application

Town of Waitsfield . 9 Bridge Street, Waitsfield, Vermont . 802-496-2218

(Please complete both front and back portions of this form and submit to the Zoning Administrator)

Owner/Applicant: Blue Stone Inc Telephone #'s: 802-585-5694
(If not owner, letter from owner authorizing agent status is required.)

Mailing Address: 79 Main St. Suite #1 Montpelier, VT 05602

Location of Property: 5351 Main St Waitsfield, VT Parcel ID #: 99141.000

Flood Hazard Zone? NO Area/Acreage of Lot: 7 Ac

Proposed use, activity, construction, etc. (check applicable item):

- | | |
|---|---|
| <input type="checkbox"/> Access approval (see 3.02) | <input type="checkbox"/> Adaptive re-use of historic barn (see 4.02) |
| <input type="checkbox"/> Building height extension (see 3.06) | <input type="checkbox"/> Change to a non-conforming use (see 3.08.B) |
| <input type="checkbox"/> Commercial water extraction (see 4.04) | <input checked="" type="checkbox"/> Expansion of existing conditional use (structure) |
| <input type="checkbox"/> Expansion of non-conforming structure (see 3.08.A) | <input type="checkbox"/> Extraction of earth resources (see 4.05) |
| <input type="checkbox"/> Flood hazard area review (see FHA Overlay District) | <input type="checkbox"/> Home business (see 4.06.B) |
| <input type="checkbox"/> Mixed Use (see 4.07) | <input type="checkbox"/> Mobile home park (see 4.08) |
| <input type="checkbox"/> Non-residential parking in front yard (see 3.09.A) | <input type="checkbox"/> Parking or loading waiver (see 3.09.C) |
| <input type="checkbox"/> Public facility (see 4.10) <input type="checkbox"/> Sign (see 3.11.G.) | <input type="checkbox"/> Telecommunication facility (see 4.11) |
| <input type="checkbox"/> Unspecified parking approval (see Table 3.1) | <input checked="" type="checkbox"/> Other <u>Construct Fence</u> |

Please describe the proposed change: All Additional outdoor seating (+28 seats)

☐ Please attach one 11"x17" maximum site plan and all other documentation as may be required in Article V, Section 5.3. Bring three sets of 18"x 24" or larger site plans to the meeting.

☐ Please provide the names of adjacent property owners (use additional sheet if needed) and stamped addressed envelopes for each.

#99164 Bryan Smith
#99161 Mr. Lin
#38002 Suzanne Petersen
#38001 Dugway Holdings LLC
#99160 BHA-LLC
#99159 Evergreen Place Housing Ltd.
#99140 JBL Clayton LLC

(Please complete the next page of this form.)

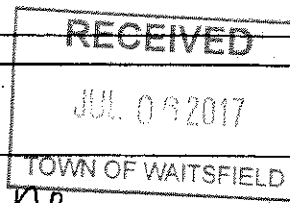
Please note that this application does not automatically qualify you for a state permit.
Contact the Permit Specialist at 802-476-0195.

I represent that the information in the application is true and that I am authorized to file this application.

Signature: C. Fish Date: 6/1/2017

Please print: Chris Fish

Office Use Only	
Application Number: <u>3746-AA</u> <small>(from Zoning Application)</small>	Date Referred: _____
Zoning District: <u>Drasville Village</u>	Curb Cut Required: <u>NO</u>
Meeting date(s): <u>n/a</u>	
Decision: _____	



15-day
notice
mailed
7/11/17

General Standards. According to Article V, Section 5.03 of the Waitsfield Zoning By-Law, the Development Review Board (DRB) shall determine and rule that such proposed conditional use will not adversely affect the following general standards. Please respond to each of the following:

1. The capacity of existing or planned community facilities:

N/A

2. The character of the area affected:

New fence in area to surround new picnic tables will be professionally built and visually appealing. It will be constructed in the same aesthetic as the rest of the property.

3. Traffic on roads and highways in the vicinity:

N/A

4. Any land use or land development regulations or ordinances of the town of Waitsfield then in effect:

N/A

5. The intrinsic capability of the land to support the use.

Adequate parking is present and historical wastewater capacity to handle the proposed seating is being documented.

6. Utilization of renewable energy resources.

N/A

Note: Each zoning district and many of the proposed uses have specific standards that must be met for a conditional use permit.

Specific Standards. In addition to the General Standards above, the DRB shall consider whether the following standards are applicable to the application due to site conditions and/or the scale and intensity of the proposed use. Please respond to the following as applicable; use additional sheets as necessary:

1. Protection of natural resources (see Section 5.03.D.1.)

N/A

2. Design and location of structures (see Section 5.03.D.2.).

"Compatible with proposed setting and context" - YES
 "Visually compatible with scale & style of buildings" - YES
 "Visually & functionally compatible with street scene" - YES

- 2.a. Village Residential and Village Business District standards (see Section 5.03.D.2.a.)

"Traditional, compact well defined style" - YES
 "orientation, texture & materials harmonious with surrounding" - YES

- 2.b. Irasville Village District standards (see Section 5.03.D.2.b.)

"Contribute to a defined streetscape" - YES

- 2.c. Agricultural-Residential and Commercial Lodging District standards (see Section 5.03.D.2.c.)

N/A

- 2.d. Route 100 and scenic roads standards (see Section 5.03.D.2.d.)

"Blended into and visually compatible with surroundings by use of landscape and topographical features" - YES

3. Traffic and pedestrian circulation (see Section 5.03.D.3.).

N/A

4. Parking, Transit & Service Areas (see Section 5.03.D.4.).

- Parking requirements are 1 space per 4 seats + 1 per employee
- Lot capacity of approximately 45 vehicles exceeds the requirement

5. Stormwater management (see Section 5.03.D.5.).

N/A

6. Lighting (see Section 5.03.D.6.).

5 down cast lights for street traffic / no visible bulbs or direct light

7. Landscaping and screening (see Section 5.03.D.7.).

Tables to be surrounded by wood fencing per Vermont liquor license requirements.

8. Water and wastewater systems (see Section 5.03.D.8.).

Historical usage prior to 2007 exceeded current usage by more than the projected increase. Hence continued use up to historical level is permitted per VT Dept of Environmental Cons.
*Confirmed w/ Rte 1000 permit specialist for state of VT

9.a. Performance standards: Fire and explosion (see Section 5.03.D.9.a.).

N/A

9.b. Performance standards: Vibration (see Section 5.03.D.9.b.).

N/A

9.c. Performance standards: Noise (see Section 5.03.D.9.c.).

N/A

9.d. Performance standards: Odor (see Section 5.03.D.9.d.).

N/A

9.e. Performance standards: Emissions and air pollution (see Section 5.03.D.9.e.).

N/A

9.f. Performance standards: Heat (see Section 5.03.D.9.f.).

N/A

9.g. Performance standards: Direct glare (see Section 5.03.D.9.g.).

N/A

9.h. Performance standards: Indirect glare (see Section 5.03.D.9.h.).

N/A

9.i. Performance standards: Liquid and solid wastes (see Section 5.03.D.9.i).

N/A

10. Utilities (see Section 5.03.D.10.).

N/A

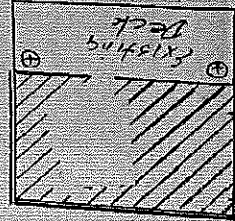
Additional Narrative or Background. You are invited to use the space below to provide additional background, information, or other details about your proposal that is not provided elsewhere on your Zoning Permit application form or this Conditional Use application form.

- We are requesting approval for the addition of a fenced area (@28'x28') containing four picnic tables which will add 24 seats.
- ~~Preference to wastewater permit for analysis of capacity is not possible. No permit exists for inquiry to State of Vermont permit specialist.~~
- New permit cannot be issued because although system has a large capacity construction specs have changed. Entire system would need to be altered to meet code in order to issue new permit.
- Vermont dept of environmental conservation states that property may continue to operate at historical capacity as of 2007 in perpetuity. Blue Stone Inc. is currently operating at a lower capacity than The Den historically did. We will demonstrate that The Den operated with more than 24 seats MORE than current Blue Stone capacity. This will confirm that the proposed additional seats still fall within the allowed capacity.
- McCann Consulting of Waterbury, VT is collaborating with the former owner/operators of the property to document the historical usage. Documentation will be forthcoming.
 - See PB-5-0037 from 1975 (NW for 100 seats max.)

Site Plan
5351 Main Street
Waitsfield, VT

Proposed 20' x 28' Fenced Enclosure
with 4 picnic tables and posts (8')
with down-cast lights

36'



Existing Building - Circa 1880

Addition - Circa 1960

Service Entrance

New 8' Cedar Hedge to be planted

Property line - 185' (woods)

Existing fence

RECEIVED

JUL 06 2017

TOWN OF WAITSFIELD

Shed

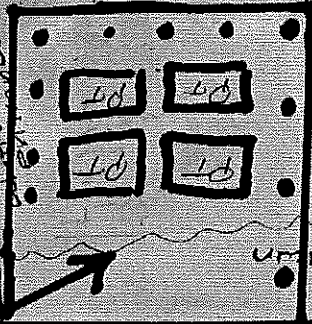
Shed (Replaced October 2005)

Pressure Tank

Storage shed for 2nd floor

Existing Building

Staff



Parking Lot

Staff

Pressure Tank

Entrance from 100

North ← Route 100 → South

Parcel # 99141
Rim Stone

On Fri, Jun 30, 2017 at 9:19 PM, Chris Fish <chrisfishvt@gmail.com> wrote:

----- Forwarded message -----

From: **George McCain** <george@mccainconsulting.com>

Date: Thu, Jun 29, 2017 at 11:45 AM

Subject: Blue Stone Permit

To: Chris Fish <chrisfishvt@gmail.com>

Chris, excellent news! It turns out there is a permit for the property, dated back in 1975, PB-5-0037. Attached is the permit that grants you 100 seats of water/wastewater capacity, as well as a reference site plan in case you'd like it for your records.

Based on our conversations that ought to be exactly what Susan is looking for and there's no longer a need for the affidavit or concurrence letter from the State. I'm happy to send that and the package over to Susan, but it seems like you have all the zoning application stuff under control and with the addition of the permit you should be all set. Just let me know how you'd like to proceed.

Thanks,

George

Zoning Administrator

From: Chris Fish <mybluestones@gmail.com>
Sent: Friday, June 30, 2017 9:00 AM
To: Zoning Administrator
Cc: Chris Fish; Vinny Petrarca
Subject: The Blue Stone - Zoning
Attachments: WW Permit - 1975.pdf; WW System Layout.pdf; Zoning App.pdf

Hey Susan,

After extensive research and digging McCain consulting was able to locate a wastewater permit from back in 1975 validating a 100 seat capacity.

Current interior seating is 48 seats with an additional 22 on the deck for a total of 70. The proposed addition of 24 picnic table seats will bring the new total to 94, so we should be good.

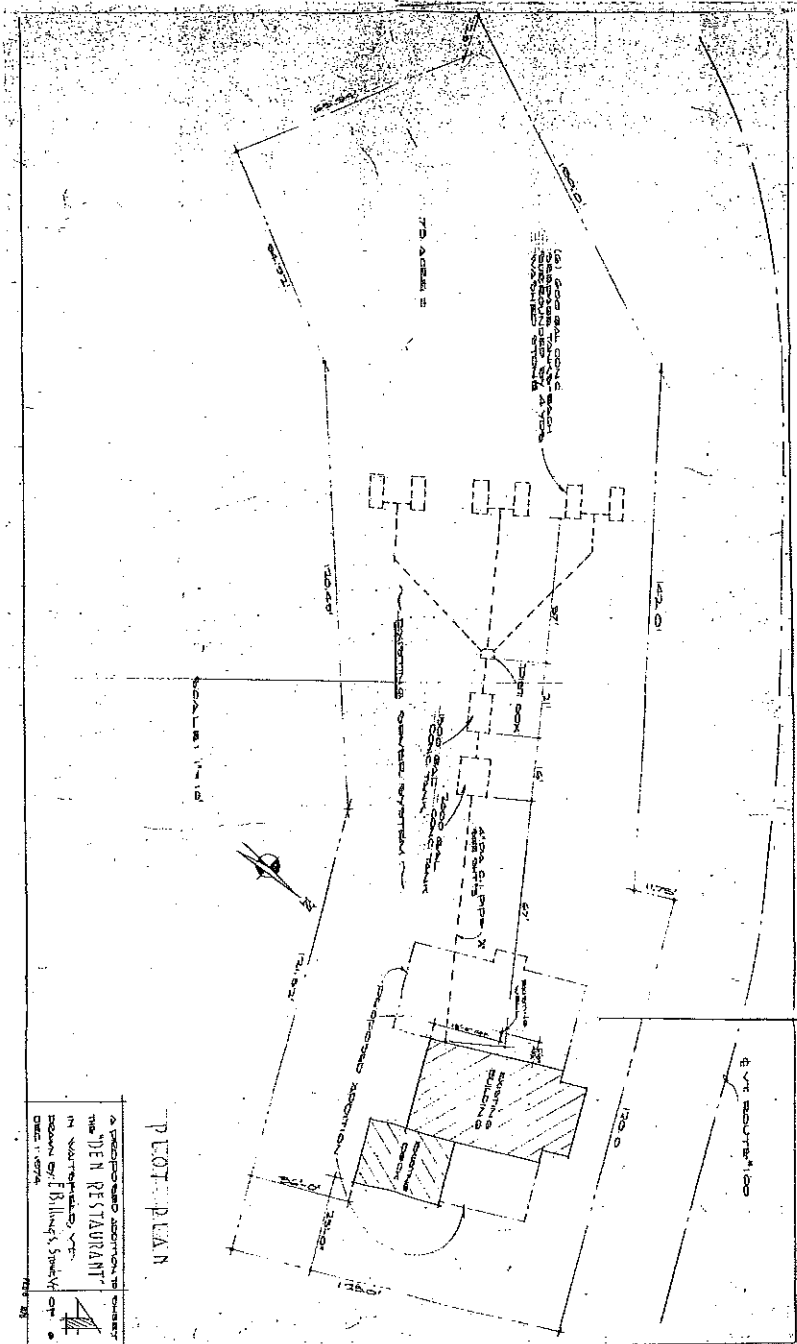
Why Pete Kopsco was not able to locate this earlier I am not sure. George McCain just sent it to us yesterday.

I have attached the permit and the application and drawing you had previously asked for. I am not in the valley the next couple of days but if this seems good to you I will have someone drop off a check for the application fee.

Please let me know how this looks.

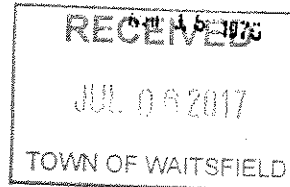
Thanks,
Chris

TOWN OF WAITSFIELD



PB-5-0037

STATE OF VERMONT
AGENCY OF ENVIRONMENTAL CONSERVATION



CERTIFICATION OF COMPLIANCE

RE: PB-5-0037 Revised) Certified to comply with Vermont State Board of Health
Mr. William Leipert) Regulations, Chapter 5, Subchapter 3, Public Buildings,
Den Restaurant) Subchapter 2, Restaurants, and Subchapter 15,
Waitsfield, Vermont 05673) Plumbing.

This project consists of the additions of a new kitchen, two new dining rooms, and two new toilet rooms to the Den Restaurant located on Route 100 in Waitsfield, Vermont. The maximum seating capacity is 100.

This project is hereby certified to satisfy the requirements of the regulations named above if the following conditions are met:

- (1) The project must be completed as shown on the plans prepared by Edward Billings February 3, 1975, revised May 6, 1975 and which have been stamped approved by the Division of Environmental Engineering.
- (2) This plan has been approved and no alteration of same shall be allowed except where written application has been made to the Agency of Environmental Conservation and approval obtained.
- (3) A copy of the approved plans and the Land Use Permit shall remain on the project during all phases of construction and, upon request, shall be made available for inspection by State or local personnel.
- (4) An air gap device, Josam 1800 series or equal, must be installed on the dishwasher waste discharge line-up stream of the trap in order to prevent backflow of sewage up into the machine.
- (5) The conditions on the January 21, 1975 memorandum to Benson Sargent and Robert L. Hood, Jr., from Harold Sargent must be adhered to. (Memorandum attached).
- (6) The Division of Environmental Engineering must be notified when all the work relating to the safety of the well is completed so that an inspection of that work may be made.

Robert L. Hood Jr.
Robert L. Hood, Jr.
Review Technician

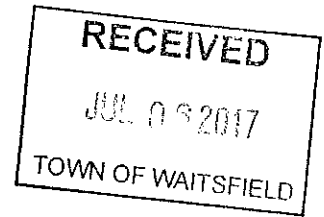
Benson Sargent
Benson Sargent, P.E.
Section Head
For the Division of Environmental Engineering

Dated at Montpelier, Vermont, this 7th day of May, 1975

CC: Department of Health
Dr. Shepard Quimby, Health Officer, Waitsfield, Vermont

Zoning Administrator

From: Chris Fish <mybluestones@gmail.com>
Sent: Thursday, July 06, 2017 2:46 PM
To: Zoning Administrator
Subject: Re: Blue Stone Permit



Attached is a close up n more detailed rendering of the proposed space.

Locations and # of lights are shown.

Posts are alternating height wooden posts with black metal chain between them as per this image.

Hours would be 11:00 AM - 10:00 PM

No music in this area

I think I addressed everything.

Thanks!

