

**WAITSFIELD DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION**

Application #:	3719-CU
Land Owner:	Peter Boynton & Regina Darmoni, dba The Skinner Barn
Property Address:	596 Common Rd.
Parcel Number:	04009.000
Meeting Dates:	September 27, October 11, 2016
Proposal/Type:	Request for conditional use approval to construct an addition (a 7.5' x 7.5' x 20' tall cupola) to the barn.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010:
 - a. Table 2.07 Agricultural-Residential Zoning District.
 - b. Section 3.06 Height Requirements.
 - c. Section 5.03 Conditional Use.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

1. On August 30, 2016, the applicant submitted a zoning permit application, a conditional use application, a site plan, a narrative cover letter, a design sketch, and two pages of plans depicting the barn's height and setbacks.
2. On September 13, 2016, the applicant submitted a signed posting sign protocol form.
3. On October 11, 2016, the applicant submitted a revised set of cupola elevations (A201-A204) dated October 10, 2016.

C. FINDINGS OF FACT

1. The property is a 4.5 acre +/- parcel with an existing barn located at 596 Common Road. The parcel is identified as 04009.000 and is located in the Agricultural-Residential Zoning District.
2. The applicant originally proposed to construct a 7.5' x 7.5' x 20' tall addition, a cupola, onto the top of the barn to increase air circulation and cool the hayloft level during the hotter seasons.

3. The applicant states that the cupola had been designed almost a decade ago to maintain the historic character and aesthetic of The Skinner Barn.
4. The barn was approved for a change in use to become a “community center for public use” in permit #2383.
5. The barn is a non-conforming structure due to its front setback; however, the cupola will be set back from the road centerline about 80 feet so will be in compliance.
6. The Zoning Bylaw allows for an exemption from district height requirements in Section 3.06(A)(3) for appurtenances to a public use.
7. The public hearing was opened on Tuesday, September 27, 2016. The abutting property owners were sent notice on September 8, 2016 and it appeared in the *Valley Reporter* the same day. The applicant presented his proposal for the cupola.
8. The board had questions about conflicting height calculations and measurements. The PZA also referred to the height exemption which caps the overall height at 50 feet.
9. The board continued the hearing to October 11, 2016 in order to allow the applicant to determine the actual height of the barn under the newly-adopted definition which includes a diagram and formula.
10. On Tuesday, October 11, 2016, the applicant and his consultant, Jay White, presented a modified design of the cupola with clarification on its actual proposed height. The proposed dimensions of the cupola are 7 feet 4 inches square, and has louvers on all four sides. The proposed pitch is 8 over 12 to match the existing barn roof.
11. Mr. White used the revised Zoning Bylaw definition of “building height” which refers to a diagram, and stated that the actual average height of the barn is 37.5 feet. The proposed height of the cupola is actually 12 feet which is to scale and considers perspective unlike the originally proposed cupola. Therefore, the overall height of the barn would then become 49.5 feet tall.
12. The board determined that the overall height of the barn, with the proposed cupola, is in compliance with the Bylaws; specifically, it meets the exemption found in Section 3.06(A)(3) and (C).
13. The proposed cupola would be constructed of heavy timber frame and have clapboard siding to match the barn.
14. The applicant proposes four lights on the cupola which would be recessed underneath the soffits; the applicant is proposing LED lights in a warm temperature. One light is proposed inside the roof to be on during maintenance of the cupola only. The members discussed the proposed in light of the conditional use standards and historic nature of the barn.
15. The board, applicant, and Mr. White discussed the meaning of “historic” in terms of an addition and reviewed the standards in the Bylaws related to this change.
16. The board closed the hearing and stated that they will issue a written decision within 45 days.

D. CONCLUSIONS OF LAW

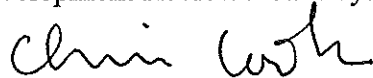
Based on its review of the application materials, submitted site plans, presented testimony, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented in accordance with the Conditions of Approval listed below, does meet the Conditional Use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

E. DECISION

Application #3719-CU is hereby APPROVED, subject to the following conditions:

1. The 7'4" square, 12' tall cupola is approved. Siding and roof pitch shall match the existing barn.
2. The applicant may install an interior light which shall only be illuminated when required maintenance is being performed.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall install only one of the four recessed, LED lights in a warm temperature, as a mockup for review during construction. The board reserves the right to require that this single light be removed once they see it installed, or they may allow the other three to be installed. These lights shall only be illuminated during events and shall go off no later than 10:30pm on those nights.
4. Any further change to this site plan shall require prior Development Review Board approval.
5. This approval is subject to any and all applicable local, state, and federal permit requirements.

Dated at Waitsfield, Vermont this 1st day of November, 2016 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chair Chris Cook, John Donaldson, Gib Geiger, Rudy Polwin, and Brian Shupe.

Abstaining: None.

Voting in the Negative: None.

Absent: Chris Jernigan.

Appeal

Pursuant to Title 24 VSA §4471 and §4472, an interested person who has participated in the review of this application may appeal this decision to the Environmental Division of the Vermont Superior Court by filing a Notice of Appeal directly to the Court, 32 Cherry Street, Suite 303, Burlington,

Vermont 05401, by certified mail within thirty (30) days of the date this decision is issued. A copy of the notice must also be sent to the Zoning Administrator or the Municipal Clerk who is required to provide a list of interested persons to the appellant within five days of receipt of the Notice. The appellant is required to send a copy of the Notice, via certified mail, to each interested person.