



**WAITSFIELD DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION-
FINAL PLAN REVIEW**

Application #:	SUB 16-04
Land Owner:	Tom & Judy Buczkowski
Property Address:	491 Old Tale Mine Road
Parcel Number:	99002.000 in the Agricultural-Residential District
Meeting Dates:	Sketch and Requested Final Plan Review September 13, 2016
Proposal/Type:	Request for subdivision approval to re-ratify decision #01-02 and ratify decision #15-07; mylar did not include site plan and survey information as required. If the DRB determines this is a "minor" subdivision, then the applicant requests Final Plan Review at the same hearing and waives the written determination from sketch plan review.

I. FINDINGS OF FACT

1. The subdivision application was considered under the following guiding ordinance and policy provisions:
 - a. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010, Table 2.07, Agricultural-Residential District (AR).
 - b. Waitsfield Subdivision Regulations, adopted January 21, 2008.
 - c. Waitsfield Town Plan, as adopted on October 22, 2012.
2. On August 26, 2016, the applicant submitted a subdivision application with a request to hold hearings for Sketch Plan Review and Final Plan Review on the same night.
 1. The property is comprised of three (3) separate lots, which were created by a 2001 subdivision (#01-02). Lot 1 is a 3.4-acre vacant parcel, Lot 2 is a 4.3-acre vacant parcel, and Lot 3 is an 11.2-acre parcel containing an existing single-family dwelling and accessory structures.
 2. The applicant requests that the board re-ratify prior decision #01-02, which approved the creation of these three (3) lots in 2001. The decision expired because the recorded mylar did not satisfy Condition 10, which required that the mylar be prepared by a licensed surveyor.
 3. The board ratified approval #01-02 with decision #15-07 on September 29, 2015. The decision included Conditions 1 & 2, among other standard conditions, that read as follows:

- 1) "Subdivision approval #01-02 is hereby ratified, notwithstanding its prior expiration due to Condition 10 not being satisfied. The mylar plat to be recorded shall meet Condition 10 from #01-02 as stated above; it shall also include the survey information from Slide #226-A and site plan information from Slide #289-A, as well as any contents required by the Waitsfield Subdivision Regulations.
- 2) All permit approvals on parcel #99002.000 granted up to and including September 24, 2015 are ratified."
4. Pursuant to decision #15-07, the applicant submitted a mylar for the board members' signatures and recording on December 18, 2015. However, the mylar did not meet the conditions in either prior approval and was found to be defective.
5. The public hearing on this application was held on Tuesday, September 13, 2016, and was warned in the August 25, 2016 *Valley Reporter* issue. The ZA mailed hearing notices to the abutting property owners on August 26, 2016.
3. The board opened Sketch Plan Review and deemed this a "minor" subdivision. The PZA requested that the board not only re-ratify the subdivision approvals, but also re-ratify all subsequent zoning permit approvals with this decision. They closed Sketch Plan Review and opened Final Plan Review. There were no further questions.
4. The board adjourned Final Plan Review. They stated that a written determination would be issued within 45 days.

II. CONCLUSIONS OF LAW

Based on its review of the application materials, submitted site plans, presented testimony, supporting materials, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes that the proposed subdivision is consistent with the purpose of the Agricultural-Residential Zoning District as defined in Waitsfield Zoning Bylaws (Table 2.07).

III. DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, FINAL PLAN APPROVAL for subdivision application #SUB 15-07 is hereby granted, subject to the following conditions:

1. Subdivision approval #01-02 is hereby ratified, notwithstanding its prior expiration due to Condition 10 not being satisfied. The mylar plat to be recorded shall meet Condition 10 from #01-02 as stated above; it shall also include the survey information from Slide #226-A and site plan information from Slide #289-A, as well as any contents required by the Waitsfield Subdivision Regulations.
2. All permit approvals on parcel #99002.000 granted up to and including September 27, 2016 are ratified.
3. In accordance with the Act [Section 4463], within 180 days of final plan approval under Section 2.4(C), the applicant shall file a copy of the final subdivision plat, for recording in the Town in conformance with the requirements of 27 V.S.A. Chapter 17. The size of

the mylar plat shall be 18" x 24" for recording. Approval of subdivision plats not filed within 180 days shall expire, unless the subdivider requests and receives a 90-day extension from the Zoning Administrator based upon a determination by the Zoning Administrator that necessary final municipal, state, or federal permits are pending but have not been issued.

4. Prior to plat recording, the plat must be signed by two members of the Development Review Board who participated in the issuing the applicable decision of approval. The mylar plat shall contain the following signature line, as required by the Subdivision Regulations:

"The subdivision depicted on this plat was duly approved, as conditioned, by the Waitsfield Development Review Board in accordance with the Waitsfield Subdivision Regulations and all other applicable laws and regulations on the ____ day of _____, 20___. Subdivision Permit # _____. Signed: _____ [for the Development Review Board]."

5. This DRB decision is subject to any and all applicable State and Federal permit approvals.

Final Plan Approval is based on the submissions and testimony provided during the Sketch Plan and Final Plan Review.

Dated at Waitsfield, Vermont this 27th day of September, 2016 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, John Donaldson, Gib Geiger, Mike Kingsbury, 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.