



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

Application #:	SUB 16-07
Land Owner:	George Carpenter
Applicant:	Rudy Polwin
Property Address:	3180 & 3330 North Road
Parcel Number:	03004.000 in the Agricultural-Residential District
Meeting Dates:	Sketch Plan Review on September 27; Final Plan Review on October 11, 2016
Proposal/Type:	Requesting Final Plan approval to subdivide the existing 126.81+/- acre parcel into two lots, consisting of a proposed 121+/- acre lot (with existing farm and single-family dwelling) and a proposed 4.82+/- acre lot (with existing trailer).

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 September 9, 2016, the applicant submitted subdivision application, and a proposed site plan.
3. On September 27, 2016, the applicant submitted photos of the existing trailer and property.
4. The property is a 126+/- acre parcel with an existing single-family dwelling (the old lodge), an accessory dwelling (1,161 square foot trailer), farm, and gravel extraction operation. The parcel is identified as #03004.000 in the Agricultural-Residential Zoning District.

5. The applicant proposed to subdivide the parcel into two lots: Lot 1 would become a 121+/- acre lot (with existing farm and single-family dwelling) and Lot 2 would become the proposed 4.82+/- acre lot (with existing trailer). The new Lot 2 contains a building envelope to accommodate a new principal dwelling and future accessory structures.
6. The applicant proposes to relocate the driveway in order to avoid the steep, curving, existing access.
7. The existing single-family dwelling (1,161 square foot trailer) will be converted to a principal dwelling once this new parcel is created; the applicant proposes to then re-designate it back to an accessory dwelling once the new principal dwelling is constructed. The converted accessory dwelling is larger than 800 square feet so it is a conditional use.
8. At the September 27, 2016 Sketch Plan Review hearing, the applicant noted that there are two existing easements on the property: one provides access to an abutting property which is used for field mowing, and one is for the power line which runs behind the trailer. The slopes were described, with one section depicted as having an average of 15%.
9. The applicant explained that there is an existing septic system which serves the trailer, and that he has completed satisfactory perc tests and plans to install a new system for the principal dwelling.
10. The applicant noted that there is no LIDAR data available for the site, and that he will need to engage a surveyor to determine 5-foot survey contours or request a waiver. The board decided that a site visit would provide a better sense of how much detail will be required.
11. At Sketch Plan Review, the board granted two waivers: one to not require a survey for the large remaining parent parcel, and one to not require profile lines for the existing driveway. The board scheduled a site visit for October 11, 2016, prior to Final Plan Review, in order to observe the property and determine if 5' contours on the survey are required. The board closed Sketch Plan Review.
12. The board performed a site visit on Tuesday, October 11, 2016 at 5:45pm. They observed the conditions on the property and walked the boundaries of the proposed Lot 2.

13. The public hearing for Final Plan Review was held on Tuesday, October 11, 2016. The abutting property owners were sent notice on September 16, 2016 and the notice appeared in the September 22, 2016 *Valley Reporter* issue.
14. The board opened Final Plan Review and noted that the site conditions did not warrant 5' contours on the survey so they voted to waive this requirement. There were no further questions.
15. 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 purposes of the Agricultural-Residential Zoning District as defined in Waitsfield Zoning Bylaws (Table 2.07) and does meet the Subdivision Regulations.

III. DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, FINAL PLAN APPROVAL for subdivision application #SUB 16-07 is hereby granted, subject to the following conditions:

1. Proposed Lot 1 and proposed Lot 2 are approved. See #3721-CU for conditional use approval for the accessory dwelling that is greater than 800 square feet.
2. Prior to submitting a mylar plat for recording, the applicant shall submit an erosion control plan for the proposed access and a final grading plan of the driveway relocation. Alternatively, if the driveway remains in its existing location, then the applicant shall submit a final grading plan for any change to the existing driveway.
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: _____
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 15th day of November, 2016 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, John Donaldson, Chris Jernigan, Michael Kingsbury, and Brian Shupe.

Voting in the Negative: None.

Absent: None.

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.