



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

<b>Application #:</b>	<b>3721-CU</b>
<b>Land Owner:</b>	<b>George Carpenter</b>
<b>Applicant:</b>	<b>Rudy Polwin</b>
<b>Property Address:</b>	<b>3330 North Road</b>
<b>Parcel Number:</b>	<b>03004.000 in the Agricultural-Residential District</b>
<b>Meeting Dates:</b>	<b>October 11, 2016</b>
<b>Proposal/Type:</b>	<b>Requesting conditional use approval to construct an accessory dwelling that is larger than 800 square feet and/or 30% of the floor area of the future principal dwelling.</b>

**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 (AR).
  - b. Section 5.03 Conditional Use Review.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

**B. MATERIALS SUBMITTED**

1. On September 9, 2016, the applicant submitted subdivision application, and a proposed site plan.
2. On September 27, 2016, the applicant submitted photos of the existing trailer and property.

**C. FINDINGS OF FACT**

1. 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.
2. The applicant received approval 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.

3. 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.
4. 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.
5. 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.
6. The public hearing for conditional use 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.
7. The board closed the hearing and stated that a written decision would be issued 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 #3721-CU is hereby APPROVED.

Dated at Waitsfield, Vermont this 1<sup>st</sup> 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.

Abstaining: None.

Voting in the Negative: None.

Absent: Gib Geiger.

**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.**

