



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

<b>Application #:</b>	<b>SUB 16-03</b>
<b>Land Owner:</b>	<b>Amy &amp; Leigh Cook</b>
<b>Property Address:</b>	<b>463 Old Talc Mine Road</b>
<b>Parcel Number:</b>	<b>99002.200 in the Agricultural-Residential District</b>
<b>Meeting Dates:</b>	<b>Sketch Plan Review July 26, 2016 and Final Plan Review August 23, 2016</b>
<b>Proposal/Type:</b>	<b>Requesting a revision to Lot 2 of an approved subdivision (#01-02) to allow for an accessory dwelling and carport in addition to the approved principal dwelling.</b>

**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 July 11, 2016, the applicant submitted a proposed site plan, preliminary landscape schematic, and architectural elevations for sketch plan review.
3. On August 1, 2016, the applicant submitted a subdivision application, narrative, fee, and revised site plans for the proposed building envelope revision.
4. The property is located at 463 Old Talc Mine Road, and consists of a 4.3-acre +/- vacant parcel. The parcel is identified as #99002.200 in the Agricultural-Residential Zoning District.
5. The proposed site plan revision for Lot 2 is to accommodate an accessory dwelling and carport in addition to the approved principal dwelling.
6. At the July 26, 2016 Sketch Plan Review, the applicant clarified that there is a newly-proposed driveway pull-off, for emergency vehicle access, which was not part of the original subdivision approval. The board unanimously voted to determine that this a "minor" subdivision.

7. On August 10, 2016, the board made the following recommendation for Final Plan Review, per Section 2.4 of the Subdivision Regulations, for which an application was submitted:
  - a. The revised site plan shall include the carport and accessory dwelling, and any future accessory structures, within the proposed building envelope. The envelope shall be depicted in a darker, more prominent line.
8. The public hearing on Final Plan Review for this application was held on Tuesday, August 23, 2016. The notice for this hearing was included in the August 4, 2016 issue of *The Valley Reporter* and was mailed to abutting property owners on August 5, 2016.
9. The board opened Final Plan Review and noted that the sketch plan review determination comments were responded to with appropriate revisions to the site plan. There were no further questions.
10. 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 16-03 is hereby granted, subject to the following conditions:

1. 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.
2. 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]."*

3. 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 7<sup>th</sup> 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, Gib Geiger, Michael Kingsbury, and Rudy Polwin.

Abstaining: None.

Voting in the Negative: None.

Absent: John Donaldson, Chris Jernigan, and Brian Shupe.

#### 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.

