



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

Application #:	3731-CU
Land Owner:	Chittenden Bank, dba Peoples United Bank
Agent:	Robin Morris, dba Mad River Food Hub
Property Address:	89 Mad River Green
Parcel Number:	99149.000
Meeting Dates:	December 13, 2016
Proposal/Type:	Request for conditional use approval to convert the existing bank and office space to a mixed use (retail, office, bar/tavern) with no exterior alterations.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
 - a. Table 2.03 Irasville Village Zoning District.
 - b. Section 3.09 Parking and Loading Standards.
 - c. Section 4.08 Mixed Use.
 - d. Section 5.03 Conditional Use.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

1. On November 21, 2016, the applicant submitted a zoning permit application, a conditional use application, a site plan, cover letter, and email authorizing Mr. Morris to act as the owner's agent.
2. On November 22, 2016, the applicant submitted the signed Posting Sign Protocol form.
3. On December 13, 2016, Valerie Welter, a nearby property owner, submitted an email to the PZA.

C. FINDINGS OF FACT

1. The property is a 0.18 acre +/- parcel with an existing structure that was formerly used as a bank and office space. The parcel is identified as 99149.000 and is located in the Irasville Village Zoning District.
2. The applicant proposes to convert the space into a mixed use comprised of retail, office, and bar/tasting room to showcase and sell local products of the Mad River Valley.

3. The applicant does not propose any exterior alterations.
4. The public hearing was held on Tuesday, December 13, 2016. The abutting property owners were sent notice on November 22, 2016 and it appeared in the *Valley Reporter* on November 23, 2016.
5. The applicant described the project, which will allow young, growing companies in the Valley to display their products for sampling and sale. The reason for a bar license and use approval is so he can provide a staff to the various vendors and have a license to serve on behalf of all suppliers.
6. The applicant stated that the property has a deeded interest in 100 parking spaces in the larger shopping center parking lot at their disposal. The existing parking capacity (12 spaces) is adequate for the change in use.
7. Valerie Welter, a property owner on Post Office Road in Fayston, emailed the PZA on December 13, 2016, with concerns that a commercial food and beverage establishment would require more septic capacity than a bank. The applicant clarified that they will not be processing food at this location; instead, the vendors will process any food product at the Mad River Food Hub or off-site at their own facilities.
8. The applicant stated that the property has a deeded wastewater allotment of 450 gallons per day to the shared septic system on the shopping center's property. The existing capacity of the septic system includes 60 gallons per day for the bank, and an excess in capacity which will serve the additional 390 gallons per day when and if it is needed for the Mad River Food Hub.
9. The change in use will be substantially similar to the bank so the demand on the septic system will not increase and the existing capacity is adequate for this change in use.
10. The applicant is maintaining the interior set up, with minor changes, and the 3-4 office spaces will serve as training or demonstration areas for the various vendors.
11. 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 #3731-CU is hereby APPROVED, subject to the following conditions:

1. There shall be no food processing on-site.
2. Any future use of the property as a conventional Bar/Tavern, rather than the tasting room proposed, will require the owner to reapply for a conditional use permit.
3. This approval is subject to any and all local, state, and federal permit requirements.

Dated at Waitsfield, Vermont this 22 day of December, 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, Chris Jernigan, Michael Kingsbury, and Brian Shupe.

Abstaining: None.

Voting in the Negative: None.

Absent: Rudy Polwin.

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.

