



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

<b>Application #:</b>	<b>3683-CU</b>
<b>Land Owner:</b>	<b>Valley Garden Center Inc. DBA Mad River Garden Center</b>
<b>Applicant:</b>	<b>Ed Read</b>
<b>Property Address:</b>	<b>4036 Main St.</b>
<b>Parcel Number:</b>	<b>99049.000</b>
<b>Meeting Dates:</b>	<b>March 8, 2016</b>
<b>Proposal/Type:</b>	<b>Request for conditional use approval to replace large greenhouse, which has been removed, with smaller greenhouse in new location. Construct new shed.</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. Section 2.03 Agricultural-Residential District (AR).
  - b. Section 5.03 Conditional Use.
2. Waitsfield Town Plan, as adopted on October 22, 2013.

### B. MATERIALS SUBMITTED

On February 12, 2016, the applicant submitted zoning permit and conditional use applications, and a proposed site plan.

### C. FINDINGS OF FACT

1. The property is a 2-acre +/- parcel with an existing commercial building (garden center and property management office) and nursery located at 4036 Main Street. The parcel is identified as #99049.000 and is located in both the Village Residential and Agricultural-Residential Zoning Districts. The proposed structures will both be located in the Agricultural-Residential District.
2. The applicant has removed a large (35' x 130') greenhouse which was a nonconforming structure. The applicant proposes to replace this with a smaller (26' x 60') greenhouse in a different location. The proposed greenhouse's location meets all dimensional and setback requirements and would be a conforming structure.
3. The proposed shed is 12' x 15' and would be used by nursery staff. It would be wood construction with a crushed stone, cement block base.

4. The public hearing was held on Tuesday, March 8, 2016. The abutting property owners were sent notice on February 18, 2016 and the notice appeared in the *Valley Reporter* issue of the same date.
5. The applicant presented the proposal. The new greenhouse would be located where one of three prior greenhouses were located, behind the store. The nursery stock would be moved closer to Route 100, on the north side of the store, in order to provide a better visual display for customers.
6. The shed is to be located where the nursery used to be arranged. The applicant clarified that he intends to have an exterior light on the Route 100 (eastern) side of the shed.
7. The applicant will store equipment and use the access on the south side of the property, from Old County Road behind the Health Center.
8. No abutting property owners or members of the public were present for the hearing on this application. 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 #3683-CU is hereby APPROVED, subject to the following conditions:

1. The proposed greenhouse and shed, in their proposed locations, are approved.
2. The exterior light on the shed shall be downcast and shielded.
3. Any further changes to this site plan shall require prior DRB approval.
4. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 22 day of March, 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, and Rudy Polwin.

Abstaining: None.

Voting in the Negative: None.

Absent: Gib Geiger 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.