



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

Application #:	3724-CU
Land Owner:	Glentoran Corp.
Applicant:	Marion & Stu Baraw
Property Address:	Village Square, 5121 Main St.
Parcel Number:	99131.000
Meeting Dates:	October 25, 2016
Proposal/Type:	Request for conditional use approval to repair and alter about 8,000 square feet of the existing flat roof with a sloped roof on the building containing Canteen Creemee.

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 Irasville Village District (IV).
 - b. Section 5.03 Conditional Use.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

1. On September 30, 2016, the applicant submitted zoning permit and conditional use applications, a site plan, and roof overbuild detail sheet.
2. On October 21, 2016, the applicant submitted photos of the roof from various vantage points.
3. On October 25, 2016, the applicant submitted a posting sign protocol form.
4. On October 25, 2016, abutting property owner Tom Mehuron submitted a photo of the side of the roof where his and the applicant's buildings meet.

C. FINDINGS OF FACT

1. The property is located at 5121 Main Street in Village Square, and is a mixed use parcel consisting of commercial and residential units.
2. The applicant proposes to repair and alter the existing flat roof with a sloped roof. The new rise should remain mostly invisible from the parking lot, except from the Canteen Creemee side.

3. The applicant proposes to install T111 siding on the new sloped area over Canteen Creemee to match the existing building siding. Mehuron's is owned separately so the roof work will not include this portion of the building; it will go from Canteen Creemee to Kinney Drugs.
4. There is no change to the existing use proposed.
5. The public hearing was held on Tuesday, October 25, 2016. The abutting property owners were sent notice on October 6, 2016 and the notice appeared in the October 6, 2016 *Valley Reporter* issue.
6. The board opened the hearing. The applicants and abutting property owner, Tom Mehuron, were present.
7. The applicant explained the repairs that were necessary and that they expected a substantial savings in heating fuel expenses when the new material was installed.
8. The applicant will install ice and water shield on the entire length of the building underneath the new roof.
9. The applicant proposes to replace the flat roof with a metal roof, probably standing seam because of the slope and load of the proposed sloped roof.
10. Mr. Mehuron inquired as to how the sloped roof will affect stormwater runoff and how they will prevent it from pooling and rotting his roof. The applicant stated that currently, the runoff from his building was directed by his roof pitch onto their flat roof and causing some of the pooling and damage that has occurred.
11. Mr. Mehuron stated that about 80% of the runoff from his roof is directed toward the cemetery, and only about 20% of the runoff from his roof went onto their roof.
12. The applicant reiterated that the roof will likely be invisible from most vantage points except on the Canteen Creemee end where the new side wall will be covered in T111 siding to match the existing building's siding.
5. The board closed the hearing and stated that they will issue a written decision 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

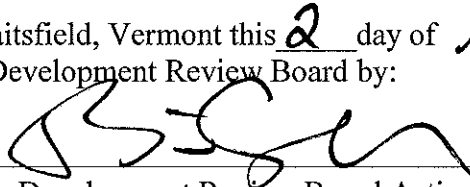
of Approval listed below, does meet the Conditional Use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

E. DECISION

Application #3724-CU is hereby APPROVED, subject to the following conditions:

1. The applicant shall design the roof to avoid ponding of water or any other adverse impact on the abutting property due to the new sloped roof.
2. Any further change to this site plan shall require prior Development Review Board approval.
3. This approval is subject to any and all applicable local, state, and federal permit requirements.

Dated at Waitsfield, Vermont this 2 day of November 2016 for the Town of Waitsfield Development Review Board by:



Brian Shupe, Development Review Board Acting Chair

Voting in the Affirmative: Chris Jernigan, John Donaldson, Gib Geiger, Michael Kingsbury, Rudy Polwin, and Brian Shupe.

Abstaining: None.

Voting in the Negative: None.

Absent: Chris Cook.

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.

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