



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

<b>Application #:</b>	<b>3749-CU</b>
<b>Land Owner:</b>	<b>Gumbo Group LLC</b>
<b>Applicant:</b>	<b>Branwell Lepp</b>
<b>Property Address:</b>	<b>4805 Main Street</b>
<b>Parcel Number:</b>	<b>99123.100 in the Irasville Village District</b>
<b>Meeting Dates:</b>	<b>May 23, 2017</b>
<b>Proposal/Type:</b>	<b>Request for change in use approval to convert the existing office space on the basement-level floor to a fourth apartment, and permission to revert back to the former mixed use approval in the future with Administrative Approval.</b>

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Waitsfield Town Plan, as adopted on October 22, 2012.
2. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
  - a. Table 2.03 Irasville Village Zoning District (IV).
  - b. Section 4.07 Mixed Uses.
  - c. Section 5.03 Conditional Use Review.

**B. MATERIALS SUBMITTED**

1. On April 26, 2017, the applicant submitted a zoning permit application, a conditional use application, proposed floor plan, and fees.
2. On April 28, 2017, the applicant submitted a revised wastewater allocation chart, a Land Use Administrative Permit for the prior change in use, and a Construction Permit Letter from the Division of Fire Safety for the prior change in use.

**C. FINDINGS OF FACT**

1. The property is a 2-acre +/- parcel located at 4805 Main Street. The parcel is identified as #99123.100 in the Irasville Village Zoning District.
2. The property contains an existing mixed use structure that is comprised of three apartments, office space, and the showroom. The building is 4700 square feet total. 1600 square feet of the downstairs (basement) space is currently used as office space and contains an existing kitchen and bathroom.

3. The applicant proposes to convert the office space to a one-bedroom apartment. No exterior structural alterations are proposed, only a change in use. The applicant proposes to add a shower stall and bedroom to the new apartment.
4. The wastewater capacity would be reallocated to allow for this change in use. The current wastewater permit allows for 4 bedrooms and 16 office employees. The applicant would reduce office employees to 6 in order to add a new bedroom and comply with the permit capacity.
5. The public hearing on this application was held on Tuesday, May 23, 2017.
6. There is adequate wastewater capacity for the proposed mixed use.
7. The board discussed the request for a future allowance to change the new apartment space back to office space with administrative approval only, and how that would work in practice.
8. The board closed the hearing on this application 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 #3749-CU is hereby APPROVED, subject to the following conditions:

1. The owner may convert the proposed square footage on the basement floor to an apartment from office space.
2. In the future, the owner may convert the space back to the allocation of uses that were in the original mixed use approval (see #3296-CU) and/or to the prior mixed use approval (#3621-CU) so long as he or she receives prior approval from the Administrative Officer and complies with all conditions in the original and/or prior approval(s).
3. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 31 day of May, 2017 for the Town of Waitsfield Development Review Board by:

  
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Brian Shupe, Development Review Board Acting Chair

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

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.**

