

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

Application #:	3734-CU-R and #SUB 17-01 PUD-R
Land Owner:	Kolin Properties, LLC; Winter Park Associates; & Quentin Pearson Trust
Applicant/Agent:	Sean Lawson, dba Lawson's Finest Liquids
Property Address:	48 & 155 Carroll Road
Parcel Number:	23003.000 (Lot 9), 23003.100 (Lot 10), 23001.001 (Lot 6) in the Irasville Village District
Meeting Date(s):	February 14, 2017 and April 25, 2017 (reconsideration)
Proposal/Type:	The applicant requests reconsideration of approvals #3734-CU and #SUB 17-01 PUD in order to modify the approved site plan (relocate crosswalk on Carroll Road) and clarify the landscaping plan and condition language related to maximum occupants. The board has authority to reconsider the approvals because the applicant filed the request within 30 days of the decision.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Waitsfield Subdivision Regulations, amended on January 21, 2008.
2. Waitsfield Town Plan, as adopted on October 22, 2012.
3. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
 - a. Table 2.03 Irasville Village District (IV).
 - b. Section 3.09 Parking Requirements.
 - c. Section 4.08 Mixed Uses.
 - d. Section 5.03 Conditional Use.
 - e. Section 5.04 Planned Unit Development (PUD) Review.

B. MATERIALS SUBMITTED

1. On January 20, 2017, the applicant submitted a cover letter, zoning permit application, conditional use application, subdivision application, letters from the Winter Park Association owners whose parcels the applicant plans to purchase authorizing the buyer as their agent, site map of PUD area, and Brewery Traffic Impact Study by RSG dated 1.16.17.

2. On January 25, 2017, the applicant submitted a written waiver request to merge all stages of review into one hearing.
3. On January 25, 2017, the applicant submitted a signed Posting Sign Protocol form.
4. On February 7, 2017, the applicant submitted a Lighting Plan and light fixture cut sheet.
5. On February 7, 2017, two abutting property owners submitted written comments supporting the proposal.
6. On February 14, 2017, the applicant submitted letters of support from the following:
 - a. Mad River Valley Chamber of Commerce, dated December 29, 2016;
 - b. Central VT Regional Planning Commission, dated February 9, 2017;
 - c. Central VT Economic Development Corporation, not dated; and
 - d. Wood & Wood, dated February 13, 2017.
7. On February 14, 2017, the VT Department of Environmental Conservation's Waste Management & Prevention Division submitted a site status update, dated February 10, 2017.
8. On Friday, March 31, 2017, the applicant submitted an email requesting reconsideration of the approvals, a revised site plan (L1.0 landscape drawing), and a marked-up draft of the original decision with clarifying revision suggestions.
9. On April 24, 2017, the applicant submitted a letter from Carolyn Orben, RLA, of Wagner Hodgson Landscape Architecture, dated April 21, 2017.

C. PROCEDURAL HISTORY

1. The original public hearing was held on Tuesday, February 14, 2017. The abutting property owners were sent notice on January 25, 2017 and the notice appeared in the January 26, 2017 issue of *The Valley Reporter*.
2. The board received letters of support for the project from three adjoining property owners and three area businesses.
3. The board members visited the site individually prior to the February 14, 2017 public hearing to observe site conditions on the property and surrounding features.
4. At the public hearing on February 14, 2017, the board opened sketch plan review and determined that this was a "major" subdivision because it amended a prior PUD. The board closed sketch plan review, opened/closed preliminary plan review, and opened/closed final plan review.
5. The board opened conditional use review and discussed further criteria in the Zoning Bylaws. The board closed conditional use review on February 14, 2017.
6. The applicant requested that the board reconsider the prior approvals (#3734-CU and #SUB 17-01 PUD) in order to relocate the Carroll Road crosswalk and make clarifying revisions to the Findings of Fact and Conditions.
7. The applicant filed the request within the 30-day appeal period so the board had authority to consider the request.

8. The public hearing on the reconsideration was held on Tuesday, April 25, 2017. The abutting property owners were sent notice on April 6, 2017 and the notice appeared in the April 7, 2017 issue of *The Valley Reporter*.
9. The board closed the reconsideration hearing on April 25, 2017 and have incorporated the revisions into this final decision, #3734-CU-R and #SUB 17-01 PUD-R. This decision restates and amends the Findings of Facts and Conditions of the March 9, 2017 decision, #3734-CU and #SUB 17-01 PUD.

D. FINDINGS OF FACT

10. The property involves several parcels which comprise the Winter Park Association: a 1-acre parcel (Lot 9) with existing building, a 1-acre parcel (Lot 10) with existing building, and a 0.84-acre parcel (Lot 6) which is a vacant lot between Carroll Road and the existing 97-space parking lot adjacent to Big Picture Theater. The parcels are identified as #23003.000, 23003.100, and 23001.001, respectively, and are located at 48 and 155 Carroll Road in the Irasville Village District.
11. The applicant proposes to amend the site plan approved in PUD #85-01, which requires major subdivision review, and conditional use approval to change the use of both structures and expand the parking area.
12. The applicant proposes to demolish the existing structure (formerly Valley Rental-All) and reconstruct a new 9,400 square foot building (“taproom”) on the existing foundation slab so no change in dimensions is proposed.
13. The proposed taproom requires change in use approval to become a mixed use space: office, retail, and bar/tavern for a tasting area with light food options. The applicant also proposes exterior improvements that include a beer garden area and new boardwalk to connect the site to the existing Mad River Path.
14. The applicant proposes to convert the existing barn-like structure on Lot 10 into a brewery (light industry). The applicant proposes minor exterior alterations to the existing 8,354 square foot structure, including roof repairs, three grain silos, and a new covered loading dock on the eastern side of the building.
15. None of the existing setback distances will be altered by this proposal.
16. The tractor trailer deliveries will occur from 7am to Noon. The taproom/retail hours of operation will be Noon to 9pm, seven days a week.
17. All proposed development complies with the Irasville Village design standards. The taproom construction will use vertical board and batten (tan with gray trim) siding and green standing seam metal roofing; the architecture draws reference from Vermont building vernacular and matches the character of nearby buildings.
18. The applicant is purchasing the adjacent parcels (Lots 7/8 and Lots 11/12) which are primarily Class II wetlands and therefore no development is proposed. Site work includes cleaning up and defining the edges of the wetlands.

19. The site includes 57 parking spaces for patrons and employees. The applicant proposes to expand the existing parking area adjacent to the Big Picture Theater, which he is purchasing, to include 40 new parking spaces. Improvements to the existing 97-space parking area are also planned, and include re-grading, striping, and new plantings.
20. This new overflow parking area will be the only portion of the plans which contains an increase in impervious surface; there will be a net reduction in impervious surface at the building site.
21. The proposed total capacity (97 spaces plus the shared 97-space lot) is adequate for the amount of parking spaces required by the Zoning Bylaws. 85% of the time, the primary parking area will be sufficient to meet the needs of the taproom customers and employees; the overflow parking area is recommended for the 15% of time when demand is at peak.
22. When there are expected busy times and the overflow lot is needed, the lot will be staffed with an attendant to ensure traffic lines are not forming along Route 100 and cars are circulated out of the lot when all spaces are full. The applicant will work with the town to install "No Parking" signs along Carroll Road.
23. During the initial hearing on February 14, 2017, the board expressed concerns regarding the Carroll Road crossing and asked if it could be relocated further west. Following that hearing, the applicant met with the Mad River Path Association board who fully support the proposed layout. The relocated crosswalk on the plan dated March 31, 2017 provides for a safer crossing for pedestrians from the remote parking area or from those on the Mad River Path.
24. The applicant submitted a Traffic Impact Study performed by RSG, dated January 16, 2017. The report concludes that the Route 100 and Carroll Road intersection is "forecast to remain acceptably operating within VTrans Level of Service policy guidelines." The report also concludes that the project "will not cause undue adverse traffic congestion or safety conditions and will not unnecessarily endanger the public investment in roads, highways, and related infrastructure." (See page 20 and February 14, 2017 DRB meeting minutes for further detail on the report and discussion.) The traffic increase predicted will not warrant a left-turn lane now or five years into the future.
25. Traffic patterns promote unobstructed flow. Pedestrian traffic will be interconnected throughout the site, between the buildings, and to various entrances. Tractor trailer deliveries will occur from 7am to Noon, prior to taproom hours (12pm to 9pm), and will therefore minimize conflicts between trucks, visitor vehicles, and pedestrians.
26. The landscaping plan aims to reduce the potential effects of noise, glare, and visual impact on adjacent properties and to screen parking and utilities from the road. The existing silver maples will remain, with honey locust trees planted on the site to add screening. It was agreed that new trees will be planted if those included in the landscaping plan die but that they can be replaced with a species other than silver maple.

27. Fencing, either wooden or composite material, will surround the outdoor beer garden which will be comprised of pervious pavers.
28. Placement of the sign on the new stone retaining wall meets the requirements in the Zoning Bylaws. All signage has been determined to require administrative approval only.
29. The lighting plan incorporates LED fixtures which are dark-sky compliant and fully shielded. The light poles are proposed in the existing and overflow parking areas only and will not exceed 12' in height. Bollard lights are proposed along the boardwalk path from the overflow parking area. The color of the bollards and poles will match each other. Bollard lights will be on motion sensors, and will have a set time to go off after employees have exited the building for the evening; this will likely be 10 pm. Other lights will be on energy-saving sensors.
30. Stormwater management on the building sites and expanded parking area will be improved; a new swale is proposed near the new parking area and there is an existing dry swale on the taproom site and pre-treatment is provided in both systems.
31. The taproom and brewery will be served by the existing municipal water system and decentralized Winter Park wastewater system. Additional wastewater pre-treatment will be constructed at the brewery to reduce the strength of the wastewater before discharge; the pre-treated wastewater will be discharged at a domestic rate of waste. Wastewater capacity is adequate for the proposed uses at about 4500 gpd, which is about half of the new Winter Park Association wastewater system's capacity.
32. Public safety guidelines for occupancy of the taproom would limit it to 199 people; the site is more limited, however, by the wastewater capacity which brings the maximum allowable seats to 80.
33. The board and members of the public had questions about traffic control and flow, so they reviewed RSG's traffic study and questioned their expert in detail. The board discussed landscaping plans, lighting plans, and the conditional use criteria.
34. A stack condenser will be installed to ensure that the brewery does not create any offensive odor.
35. The performance standards related to sound in Zoning Bylaw Section 5.03(D)(9)(c) will be met.
36. The board closed the conditional use hearing and stated that a written decision would be issued within 45 days.

E. 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.

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 PUD amendment is consistent with the purposes of the Irasville Zoning District and Planned Unit Development, as defined in Waitsfield Zoning Bylaws, and does meet the Subdivision Regulations.

F. DECISION

Application #3734-CU-R is hereby APPROVED and FINAL PLAN APPROVAL for subdivision application #SUB 17-01 PUD-R is hereby granted, subject to the following conditions:

1. The landscaping plan is approved as proposed. If any tree dies or become unhealthy at any time in the future, the trees shall be replaced, in a timely manner, with one of the same species and equal size to the caliper indicated on the site plan L1.0. Silver maples may be replaced with another hardwood species that has the potential to grow to the same size as the other surrounding trees.
2. The owner shall not install any signage, bollard lights, or any other structure within the town's right-of-way.
3. The overflow parking area on Lot 6 may be grass or gravel but shall not be paved.
4. The owner shall staff the overflow parking area with an attendant when needed and shall use reasonable efforts to prevent customers from parking on Carroll Road.
5. No tractor trailer deliveries shall occur before 7am or after 12pm. Hours of operation for the taproom and outdoor beer garden shall be from 12pm to 9pm.
6. Minor alterations to the approved landscaping, boardwalk, lighting, and design plans shall obtain prior administrative approval per the Zoning Bylaws.
7. Any material or substantive changes to the approved plans shall obtain prior Development Review Board approval.
8. 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.
9. 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:

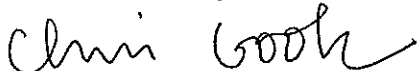
"The subdivision depicted on this plat was duly approved, as conditioned, by the Waitsfield Development Review Board in accordance with the Waitsfield Subdivision Regulations and all other applicable laws and regulations on the ____ day of _____, 20___. Subdivision Permit # ____.

Signed: _____
Signed: _____ [for the Development Review Board].”

10. This decision is subject to any and all applicable local, state, and/or federal permits.

Final Plan Approval is based on the submissions and testimony provided during the Sketch Plan and Final Plan Review.

Dated at Waitsfield, Vermont this 10th day of May, 2017 for the Town of Waitsfield
Development Review Board by:



Chris Cook, Development Review Board Chair

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

Abstaining: None.

Voting in the Negative: None.

Absent: Gib Geiger and Chris Jernigan.

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.

