



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

Application #: 3709-CU
Owner/Applicant: Wes & Suzie Lowe
Property Address: 4581 Main Street
Parcel Number: 99115.000 in the Village Residential, Historic Waitsfield Village Overlay, & Flood Hazard Area Overlay Districts
Meeting Dates: August 9, 2016
Proposal/Type: The applicant proposes to tear down and rebuild a larger (864 square foot) garage in the same location, and connect the garage and existing single-family dwelling with a 52.5 square foot breezeway. The garage is a non-contributing structure on the National Register for Historic Places in Waitsfield Village. The garage is located in the mapped floodplain and constitutes a "substantial improvement" which is a conditional use requiring state review.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010:
 - a. Table 2.02 Village Residential Zoning District (VR).
 - b. Table 2.09 Historic Waitsfield Village Overlay District (HWO).
 - c. Table 2.10 Flood Hazard Area Overlay District (FHO).
 - d. Table 2.11 Fluvial Erosion Hazard Area Overlay District (FEH).
 - e. Section 3.10 Scenic Road Standards.
 - f. Section 5.03 Conditional Use Review.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

1. On July 14, 2016, the applicant submitted a zoning permit application, a conditional use application, fee, and sketch site plans.
2. On August 3, 2016, the state floodplain reviewer submitted comments on the proposal.
3. On August 9, 2016, the applicant submitted a revised garage proposal per the floodplain reviewer's comments and site visit.

C. FINDINGS OF FACT

1. The property is a 1.7-acre lot, identified as parcel #99115.000 and contains a single-family dwelling and detached garage (12'6" x 18'6"). It is located at 4581 Main Street in the Village Residential, Historic Village Overlay, Flood Hazard Area Overlay, and Fluvial Erosion Hazard Area Overlay Zoning Districts.
2. The garage is listed as a non-contributing structure on the Waitsfield Village National Register of Historic Places Inventory so the additional design review standards do not apply to the project.
3. The original proposal is to tear down and rebuild a larger (18' x 24') garage in the same location, and connect the garage and an existing single-family dwelling with a covered breezeway (10'3" x 5'). The applicant proposes to elevate the new structure above base flood elevation.
4. The garage is located in the mapped floodplain and floodway. The proposal constitutes a "substantial improvement," which is a conditional use requiring state review.
5. The base flood elevation at this site, per the DFIRM flood profile panel 379, is between 700-702 feet. The applicant proposes to elevate the first floor of the structure to 703 feet.
6. All exterior lighting will be downcast and shielded.
7. The applicant submitted application materials on July 14, 2016.
8. On July 15, 2016, the ZA sent the public notice for the August 9, 2016 hearing on this application to *The Valley Reporter* for inclusion in its July 21, 2016 issue, and mailed it to the applicant and the abutting property owners on July 20, 2016.
9. On July 21, 2016, the ZA submitted the application packet materials to the state floodplain reviewer for comment, which were received on August 3, 2016.
10. On August 2, 2016, the ZA, the applicants, and the state floodplain reviewer met at the property for a site visit and to discuss options for the proposed garage expansion.
11. The state floodplain reviewer submitted comments on the original proposal on August 3, 2016 following the site visit. The visit revealed propane tanks located behind the existing garage, which will need to be relocated, elevated, and anchored per Zoning Bylaw Section 5.03(E)(13).
12. The replacement of the existing accessory structure (the garage) within its existing footprint must be anchored and built of materials and with methods resistant to flood damage per Zoning Bylaw Section 5.03(E)(7-8).
13. Any expansion of the structure's extent or new associated fill to elevate the structure is prohibited unless a hydraulic engineering study confirming "no rise" is provided, per Zoning Bylaw Section 5.03(E)(5)(b).
14. The garage must be anchored and, for any part below base flood elevation, constructed using flood resistant materials.
15. The original proposal had the rear side of the garage extending further toward the Mad River, which is not permissible per Zoning Bylaw Section 5.03(F)(2). The applicant

expects to have a revised site plan with the garage extended to each side versus to the rear/river ready for the public hearing.

16. The public hearing on this application was held on Tuesday, August 9, 2016. The applicant submitted a revised garage proposal to respond to the comments from the state floodplain reviewer. The proposed garage was reduced to 18' x 18'6" which would keep the rear setback to the river the same as the existing, and expand the garage's width only. The proposed breezeway would also be reconfigured to be 7'6" x 8' in order to connect the garage to the existing single-family dwelling.
17. The existing front and rear/stream setbacks are not changed by the revised proposal.
18. 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, historic overlay, flood hazard area, and fluvial erosion hazard area criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

E. DECISION

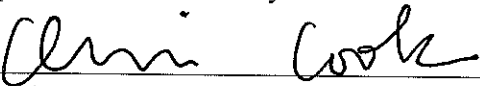
Application #3709-CU is hereby APPROVED, subject to the following conditions:

1. Prior to issuance of any zoning permit for construction, the applicant shall submit to the ZA:
 - a. A hydraulic engineering study confirming "no rise" for the expanded area and any new associated fill;
 - b. A revised site plan indicating the relocated propane tanks; and
 - c. A revised elevation of the proposed garage adjusting the roofline in order to have its appearance fit more suitably within the Historic District. The garage roof shall be constructed such that the lower (steeper pitched) gable on the Main Street elevation will be a true gable end with the dormer walls for the higher roof line (shallower pitch but no less than 6/12) set back from the main gable a minimum of 18 inches.
2. The garage shall be anchored and, for any usable area below base flood elevation, built of flood-resistant materials.
3. The garage shall not extend further toward the Mad River than the existing garage.
4. The propane tanks shall be relocated, elevated at least 1' above base flood elevation, and anchored, or anchored underground. If they remain within the Special Flood Hazard

Area, then the propane tanks should be located on the downstream side a building where they will be sheltered from floating debris.

5. Any changes to the site plan or garage elevations shall require prior Development Review Board approval.
6. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 30th day of August, 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, and Brian Shupe.

Voting in the Negative: None.

Abstaining: 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.