



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

<b>Application #:</b>	<b>SUB 17-06 &amp; #3751-CU</b>
<b>Land Owner:</b>	<b>Mad River Park Corp.</b>
<b>Applicant:</b>	<b>Laura Kingsbury, President</b>
<b>Property Address:</b>	<b>Airport Rd. (Lot 9)</b>
<b>Parcel Number:</b>	<b>06001.900 &amp; 06001.000 in the Industrial District</b>
<b>Meeting Date(s):</b>	<b>May 23 &amp; June 13, 2017</b>
<b>Proposal/Type:</b>	<b>Requesting Sketch Plan and Final Plan approval to amend a prior subdivision approval(s) and site plan to adjust a boundary so Lot 9 (recreation fields/facility) can gain 7.91 acres to become 10 acres, and the remainder lot will be reduced to 29.7 acres. The applicant is proposing to construct a 300' x 70' gravel parking area with access from Airport Road to accommodate about 80 cars for the recreation fields.</b>

### 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 2.06 Industrial District (IN).
  - b. Section 3.02 Access Management.
  - c. Section 3.09 Parking Requirements.
  - d. Section 5.03 Conditional Use.

### B. MATERIALS SUBMITTED

1. On May 1, 2017, the applicant submitted the following materials:
  - a. A completed subdivision application;
  - b. A completed conditional use application;
  - c. A preliminary site plan (C2-01) for the parking area;
  - d. A proposed boundary line adjustment plan (C1-02);
  - e. A Google Earth photo indicating the proposed parking area and recreation fields.

2. On May 15, 2017, the PZA received a Notice of Application Filing for the Act 250 permit.
3. On May 15, 2017, Mike Lorraine submitted an email to the PZA expressing concerns on behalf of the Fly-In Chalet Board and engineer.
4. On June 2, 2017, the PZA received an Act 250 Notice of Minor Application 5W0147-6093.
5. On June 13, 2017, the PZA received the following items via email:
  - a. From the applicant, a revised site plan.
  - b. From Mike Lorraine, comments on the revised site plan proposal from their engineer and the Fly-in Chalet Board.

### **C. FINDINGS OF FACT**

1. The property involves two parcels located in the Mad River Park: Lot 9 (currently 2.09 acres) and remainder land from the original subdivision (currently 37.62 acres). They are identified as #06001.900 and #06001.000, respectively, in the Industrial Zoning District.
2. The applicant proposes a minor subdivision to amend a prior subdivision site plan approval(s) to decrease the remainder land parcel and increase Lot 9 by 7.91 acres.
3. The applicant requests that the board hold Sketch, Preliminary, and Final Plan Reviews on the same night, thus waiving her right to written determinations between each phase of review.
4. The applicant requests conditional use approval to construct a 300' x 70' gravel parking area which would accommodate about 80 cars and be accessed off of Airport Road. A curb cut application has been approved by the Selectboard.
5. The applicant also requests that the board formally approve the recreation fields that have existed on this property for the past 12 years.
6. Existing screening for the proposed parking area is provided by trees along Airport Road, although two trees will be either pruned or removed to allow for the access drive.
7. Michael Lorraine submitted written comments via email on May 15, 2017, on behalf of adjoining property owner, Fly-In Chalet Board of Directors and their engineer.
8. The public hearing was held on Tuesday, May 23, 2017. The abutting property owners were sent notice on May 3, 2017 and the notice appeared in the May 4, 2017 issue of *The Valley Reporter*.
9. The board opened Sketch Plan Review, clarified the boundary line adjustment, and deemed this a "minor" subdivision. The board then opened Final Plan Review and the conditional use hearing.
10. The Recreation District was represented by Michael Nucci who explained that the parking area is located as proposed to keep traffic on Airport Road and away from the fields, thus improving safety concerns and alleviate the issue of children running into the road.

11. Several Fly-In residents attended the hearing to express concerns about the proposal. One is the increased traffic on the dirt road which is already experienced in that area, and the potential aesthetic impact the parking area would have if it were directly across from the condominiums.
12. The Fly-In residents and engineer expressed concern about their water line that is indicated on the plan, which runs underneath the proposed gravel parking area site. The depth of the PVC line must be verified to determine if it is at risk of damage, or it must be insulated in order to prevent damage from the traffic in the parking area. If it is 5' down, then it is more at risk than if it is 7' down. There is a curb stop in one of the parking spaces and the applicant did not address how it would remain accessible. Finally, there is a designated septic area identified on the plan about which there were questions.
13. The board decided to continue the hearings (for Final Plan and conditional use review) to receive more information in light of the attendees' questions. They scheduled a site visit for Tuesday, June 13, 2017 at 6:15pm and requested that the PZA coordinate the following with the applicant:
  - a. Flagging the proposed property lines for the recreation field parcel;
  - b. Flagging the corners of the curb cut for access;
  - c. Determination of depth of water line (Mr. Lorraine volunteered to arrange this);
  - d. Plan for protecting the water line and curb stop;
  - e. Plan and detail for the proposed bridge;
  - f. Construction details about the gravel parking area; and
  - g. Proposed location(s) for the existing Port-o-Lets.
14. The PZA, Liza Walker (Land Trust), Rebecca Baruzzi (Recreation District), Michael Nucci, and Laura Kingsbury met at the Town Office on Friday, June 2, 2017 to discuss the board's questions. The applicant clarified that the community septic fields are both installed, and the recording studio is tied in to one currently. The group decided to visit the site that morning following a brief discussion.
15. At the site, the group could not clearly identify the proposed boundary lines on-site so Ms. Kingsbury stated that she would arrange for the survey crew (via John Pitrowiski) to flag the boundary lines and curb cut well before the June 13, 2017 site visit at 6:15pm. The group also determined that a culvert on a less-steep slope would be easier to install and maintain and also provide ADA access from the parking area to the fields so it was preferable.
16. The survey crew flagged the proposed property boundaries on Tuesday, June 6, 2017.
17. Ms. Kingsbury, Mr. Nucci, Mr. Lorraine, Dick Kingsbury, and Carol Wheelock met at the Park on Monday, June 5, 2017. They agreed on a plan to determine the depth of the water line and will prepare a detailed plan for protecting it during and following construction of the parking area, if needed. The group also agreed that Mr. Pitrowiski will prepare a revised site plan to detail the culvert and regrading for the June 13, 2017 site visit and hearing.

18. The public hearing (for Final Plan and conditional use review) was continued, following a site visit immediately prior, on Tuesday, June 13, 2017 at 7pm.
19. The board re-opened the hearing on June 13, 2017. They explained that a site visit had been held at the property prior to the meeting to observe site conditions and the proposed parking area layout. The proposed boundary lines of the parcel and parking area, as well as the corners of the curb cut were staked.
20. The applicant's representative, John Pitrowiski, presented the revised site plan proposal. The footbridge in the original proposal was removed; instead, the applicant proposes a grassed swale with culvert be installed to provide a walkway across the swale which is part of the infrastructure included in their state stormwater permit.
21. Mr. Pitrowiski confirmed that the parking area will be 88 feet x 300 feet. The applicant is also proposing some split-rail fencing to provide definition of the parking area, a two-way driving section between the first two rows of parking, and a one-way section in the back portion of the lot. Directional signage will be installed.
22. The applicant's representative agreed to designate two ADA-compliant parking spaces near the walkway.
23. The attendees discussed the water line; the depth of the water line will be confirmed and appropriate protection measures will be taken. They also discussed the curb stop located within the parking area. The applicant's representative and Mr. Lorraine will determine the most satisfactory treatment of the curb stop once all relevant information is determined.
24. The Board understands the abutters concerns regarding potential increased traffic on Airport Road, potential on street parking, the speed of traffic flow and additional dust that may be created. While it is not in the Board's authority to deal with such concerns, the Board supports any efforts by the applicant, any subsequent owner, and/or the abutters to request the Waitsfield Selectboard to address these concerns.
25. The existing trees between the proposed parking area and the road create too much of a canopy to allow for successful planting of shrubbery along the border. The state has approved the removal of two trees in the parking area, close to the curb cut on Airport Road; however, further tree removal would trigger state permit amendment requirements. The applicant's representative agreed to clearing lower limbs of trees along Airport Road to provide a better line of sight for pedestrians and vehicular traffic.
26. The board closed Final Plan Review and the conditional use 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.

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 site plan amendment is consistent with the purposes of the Forest Reserve Zoning District, as defined in Waitsfield Zoning Bylaws, and does meet the Subdivision Regulations.

#### **E. DECISION**

Application #3751-CU is hereby APPROVED and FINAL PLAN APPROVAL for subdivision application #SUB 17-06 is hereby granted, subject to the following conditions:

1. The owner shall reach out to the abutting property owners and the Waitsfield Selectboard, if necessary, to determine how to best address the following concerns:
  - a. the need to prohibit on street parking and appropriate signage,
  - b. additional traffic and speed calming measures, and
  - c. controlling dust.
2. The owner and Mr. Lorraine shall deal with the curb stop as follows:
  - a. If the curb stop is a shutoff for an unused section of the pipe, then it shall be safely removed and the unused line shall be terminated.
  - b. If the curb stop is determined to be part of the main line, then it shall be maintained for shutoff purposes. In this case, it shall be moved outside of the parking area or placed within a curb box below the surface of the parking area.
3. If the water line under the parking area is determined to be less than 6' deep (after final grading), then the owner shall cover the line with two layers of blue board. If the water line is determined to be more than 6' deep, then a minimum of one layer of blue board shall be installed.
4. The owner shall trim the overhanging branches along Airport Road on the adjacent property on the west (right side, parcel #06001.000) of the exit ramp of the parking area to improve the sight lines as much as possible. Such trimming shall continue over time by the property owner to maintain the sight lines, as appropriate.
5. If activities are scheduled that will significantly overflow the parking lot, the owner or other entity scheduling the activity shall provide satellite parking.
6. The owner shall provide clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements.
7. 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.

8. 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]."*

9. 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 21 day of June, 2017 for the Town of Waitsfield Development Review Board by:

  
\_\_\_\_\_  
Brian Shupe, Development Review Board Acting Chair

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

Voting in the Negative: None.

Recused: Michael Kingsbury.

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.**

