



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

Application #:	3730-CU
Land Owner:	James Donahue, dba Inn at the Round Barn
Property Address:	1661 East Warren Road
Parcel Number:	01060.600
Meeting Dates:	December 13, 2016
Proposal/Type:	Request for conditional use approval to construct a 30' x 60' x 35' tall equipment storage shed.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
 - a. Table 2.07 Agricultural-Residential Zoning District.
 - b. Section 5.03 Conditional Use.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

On November 16, 2016, the applicant submitted a zoning permit application, a conditional use application, and two copies of the proposed site plans.

C. FINDINGS OF FACT

1. The property is a 44 acre +/- parcel with an existing inn and barn, containing a cultural facility, located at 1661 East Warren Road. A portion of the property is enrolled in Current Use. The parcel is identified as 01060.600 and is located in the Agricultural-Residential Zoning District.
2. The applicant proposes to construct a 30' x 60' x 35' tall equipment storage shed on the northern end of the property. The owner currently stores mowing and haying equipment in the abutting property owner's barn across the road.
3. The PZA referred the applicant to the Secretary of Agriculture to inquire about whether or not it would qualify as a "farm structure." The Chief Policy Enforcement Officer, Stephanie Smith, determined that it does not meet the definition because the owner does not personally hay the property but leases the work out.
4. The proposed shed would be located on an existing cleared lot which is surrounded by woods. It is screened from East Warren Road by existing trees and vegetation, which will

remain as-is. The existing agricultural curb cut off East Warren Road will be maintained for access.

5. The public hearing was held on Tuesday, December 13, 2016. The abutting property owners were sent notice on November 22, 2016 and it appeared in *The Valley Reporter* on November 23, 2016.
6. The applicant presented the shed proposal.
7. The applicant submitted digital photos of examples of shed materials he would use, although he clarified that he is proposing dark colors and not the red roof depicted in one of the photos.
8. The proposed exterior lights will be downcast, shielded, and on a timer to limit light pollution in this rural area.
9. The applicant is not proposing any window or door openings on the East Warren Road side of the shed to limit the amount of light pollution that is visible to abutting property owners.
10. The abutting property owner, Sue Dillon, had a question about the access and visibility of such curb cut. The applicant stated that it is an existing agricultural curb cut and only a couple of trees within this driveway path, on the north side of the driveway, will need to be removed.
11. The applicant will need a curb cut approval from the Selectboard, and the Road Foreman will check visibility and sight distances from the access point prior to its approval. The second access is allowable per Zoning Bylaw Section 3.02(C)(1).
12. The tree buffer between the East Warren Road and proposed shed (about a 200' setback area) will remain.
13. 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 criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

E. DECISION

Application #3730-CU is hereby APPROVED, subject to the following conditions:

1. Prior to the issuance of a zoning permit for the shed's construction, the applicant shall receive a curb cut approval for the shed access from the Selectboard. If the Road Foreman requires the applicant relocate the second access, then the applicant shall submit the proposal to the PZA for prior administrative approval.
2. There shall be no window or door openings on the East Warren Road side of the shed.
3. The shed shall be constructed of natural materials, board and batten siding, metal roof, and use dark, neutral or earth colors.

4. The exterior lights shall be downcast, shielded, and on a motion detector with a 5-minute timer.
5. This approval is subject to any and all local, state, and federal permit requirements.

Dated at Waitsfield, Vermont this 22 day of December, 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, Michael Kingsbury, and Brian Shupe.

Abstaining: None.

Voting in the Negative: 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.

