



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

Application #: 3701-CU
Land Owner: SOCA Building
Representation: David Olenick, Esq. as agent
Property Address: 6163 Main Street
Parcel Number: 99188.000 in the Agricultural-Residential District
Meeting Dates: June 14, 2016
Proposal/Type: Request for approval to change the use from a vacant non-conforming, mixed use (restaurant/bar) to another mixed use (light industry/retail/bar). The proposed light industry use would be a wool mill with 200 square feet of incidental retail space in the former restaurant portion of the building. The bar/tavern portion would be leased as a restaurant.

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 2.07 Agricultural-Residential Zoning District.
 - b. Section 3.08(B)(3) Non-conforming Use.
 - c. Section 5.03 Conditional Use.
2. Waitsfield Subdivision Regulations, amended on January 21, 2008.
3. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

1. On May 20, 2016, the applicant submitted a zoning permit application, a conditional use application, and a narrative.
2. On June 14, 2016, the applicant submitted a handout with a description of the processing mill and photos of the equipment they use.

C. FINDINGS OF FACT

1. The property is located at 6163 Main Street and is currently a vacant, mixed, non-conforming use comprised of a restaurant and bar/tavern.
2. The mixed use was established prior to adoption of the Zoning Bylaw. The property has had a number of different mixed uses over its duration, including restaurant, deli, retail, and bar/tavern.

3. The applicant proposes to change the use from this existing non-conforming mixed use to another non-conforming mixed use. The 50-seat restaurant in the southern portion of the building would become a wool mill (light industry) with an incidental retail use in 200 square feet of space. The 75-seat restaurant/bar in the northern portion would remain as such and be leased.
4. The current parking area is more than adequate to accommodate the number of spaces required by the Bylaw for the proposed mixed use. The restaurant use required 28 parking spaces; the light industry and retail uses would require only 9 spaces total.
5. No large trucks are expected as part of the clientele for this operation, and traffic should be reduced overall by this change in use.
6. The non-conforming use section of the Zoning Bylaw allows for the change to another non-conforming use if the board finds that the new use will be of the "same or a more restricted nature." A wool mill with 2 full-time employees will significantly restrict the nature of the use of this property versus a 50-seat restaurant.
5. The public hearing was held on Tuesday, June 14, 2016. The abutting property owners were sent notice on May 27, 2016 and the notice appeared in the May 26, 2016 issue of *The Valley Reporter*.
6. There were no abutting property owners or members of the public present.
7. 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 #3701-CU is hereby APPROVED.

Dated at Waitsfield, Vermont this 6th day of July, 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 Rudy Polwin.

Abstaining: None.

Voting in the Negative: None.

Absent: Brian Shupe.

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.