



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

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| Application #: | 3700-CU |
| Land Owner: | Spring Hill School, Inc. |
| Applicant: | Kira Harris and Madhurii Barefoot |
| Property Address: | 63 Spring Hill Rd. |
| Parcel Number: | 03084.000 in the Agricultural-Residential District |
| Meeting Dates: | June 14, 2016 |
| Proposal/Type: | Request for approval to reconstruct an existing play structure, replace and add fencing, install an in-ground slide, remove stumps, and regrade the preschool's property that abuts Cassius Ridge Road. |

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 (AR) District.
 - b. Section 5.03 Conditional Use Review.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

On May 20, 2016, the applicant submitted zoning permit and conditional use applications, and site plans of proposed work, and photos.

C. FINDINGS OF FACT

1. The property contains a child care facility and playground, and is located at 63 Spring Hill Road. The parcel is identified as #03084.000 in the Agricultural-Residential District. The private preschool is a conditional use in the District.
2. The proposal involves newly acquired land that abuts Cassius Ridge Road. The land contained a play structure but was recently logged for timber by the former owner before the land transfer occurred.
3. The applicant proposes to perform cleanup of this site by de-stumping and regrading the land to making it safe again for the children.
4. The proposal is to reconstruct the existing 10' x 10' x 12' play structure which was damaged, except that it will be reduced to a 9' x 9' size. The new play structure will be located in the same place as the existing one.
5. The applicant proposes to install a 12' x 5' in-ground slide to the east of the play structure.

6. All proposed structures comply with setback and height requirements.
7. The applicant proposes to repair and extend the existing wooden fence, and install two new gates; one will be at the north end and one will be at the west end which open to Cassius Ridge Road. The property must be fenced in per state licensing requirements.
8. The public hearing on this application was held on Tuesday, June 14, 2016.
9. The abutter notices were mailed on May 27, 2016, and the notice appeared in the May 26, 2016 issue of *The Valley Reporter*.
10. There were no abutting property owners or members of the public present.
11. The board closed the hearing and stated that a written decision would be issued within 45 days.

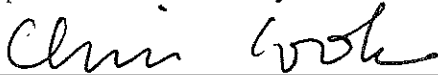
D. CONCLUSIONS OF LAW

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 #3700-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.