



**WAITSFIELD DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION-
FINAL PLAN REVIEW**

Application #:	SUB 17-03
Owner/Applicant:	Barbara Tardiff
Property Address:	41 Sugarhouse Lane
Parcel Number:	42008.000 in the Agricultural-Residential District
Meeting Date(s):	February 28, 2017
Proposal/Type:	Request for sketch and final subdivision approval to revise the building envelope in order to allow for inclusion of an addition on the north side of the existing single family residence.

I. FINDINGS OF FACT

1. The subdivision application was considered under the following guiding ordinance and policy provisions:
 - a. Waitsfield Subdivision Regulations, amended on January 21, 2008.
 - b. Waitsfield Town Plan, as adopted on October 22, 2012.
 - c. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016, Table 2.07 Agricultural-Residential Zoning District (AR).
2. On January 31, 2017, the applicant's representative, McCain Consulting Inc., submitted the following materials:
 - a. A cover letter dated January 23, 2017;
 - b. A subdivision application and fee;
 - c. Copies of the proposed site plan; and
 - d. Copies of the proposed floor plan.

3. On February 7, 2017, the applicant's representative submitted certificate of service for notification to abutters.
4. The property is located at 41 Sugarhouse Lane, and consists of a 5-acre +/- parcel with an existing single-family residence.
5. The applicant proposes to revise the building envelope in order to allow for inclusion of an addition on the north side of the existing single-family residence.
6. The proposed addition will be used as a personal yoga studio.
7. The proposed addition will be constructed on a plateau and will connect to the existing structure via a glass hallway.
8. On July 26, 2016, the Development Review Board denied a prior application (#SUB 16-02) to revise the building envelope to allow an accessory structure to be constructed on the northwest side of the existing single-family residence. The prior proposal located the accessory structure on a steep slope which Section 3.3(D)(1-2) of the Subdivision Regulations state "shall be avoided." The decision included Finding of Fact #26 which reads as follows:
 - "26. The site visit revealed multiple alternative sites within the existing building envelope, as well as locations outside of the existing envelope, that would accommodate the proposed structure without encroaching onto steep slopes."
9. Proposed clearing related to the project will be limited so that the addition will not be visible from off-site.
10. The applicant has requested that the board hold Sketch Plan Review and, if deemed a "minor" subdivision, that Final Plan Review occur on the same evening.
11. The public hearing was held on Tuesday, February 28, 2017. The applicant's representative mailed the abutting property owners' notices on February 6, 2017 and the public notice appeared in the February 9, 2017 issue of *The Valley Reporter*.
12. The site visit performed in July 2016 under the prior application revealed multiple alternative sites within the existing building envelope, as well as locations outside of the existing envelope, that would accommodate the proposed structure without encroaching onto steep slopes. The proposed location in this application was one of the preferred sites.

13. The board opened sketch plan review and Gunner McCain presented the proposal. No one else attended the hearing. There were no questions. The board deemed this a “minor” subdivision and closed sketch plan review.
14. The board opened Final Plan Review and clarified that the septic tank is located further east of the proposed site and the concept of the glass hallway connector.
15. The board closed Final Plan Review and stated that they would issue a written decision within 45 days.

II. CONCLUSIONS OF LAW

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 building envelope revision is consistent with the purposes of the Agricultural-Residential Zoning District, as defined in Waitsfield Zoning Bylaws, and does meet the Subdivision Regulations.

III. DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, FINAL PLAN APPROVAL for subdivision application #SUB 17-03 is hereby granted, subject to the following conditions:

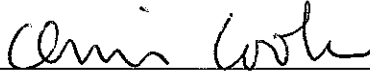
1. In accordance with the Act [Section 4463], within 180 days of final plan approval under Section 2.4(C), the applicant shall file a copy of the final subdivision plat, for recording in the Town in conformance with the requirements of 27 V.S.A. Chapter 17. The size of the mylar plat shall be 18” x 24” 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.
2. 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].”

3. This DRB decision is subject to any and all applicable State and Federal permit approvals.

Final Plan Approval is based on the submissions and testimony provided during the Sketch Plan and Final Plan Review.

Dated at Waitsfield, Vermont this 9th day of March, 2017 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, Chris Jernigan, Rudy Polwin, and Brian Shupe.

Abstaining: None.

Voting in the Negative: None.

Absent: John Donaldson, Gib Geiger, and Michael Kingsbury.

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.