



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

Application #:	3650-CU
Land Owner:	Town of Waitsfield
Applicant:	Town Administrator, Valerie Capels
Property Address:	4144 Main Street
Parcel Number:	99046.050 in the Village Residential Zoning District.
Meeting Dates:	September 13, 2016
Proposal/Type:	Conditional use approval requested to amend approval #3560-CU and #3650-CU for the new Town Offices (a public facility) in order to revise the parking area.

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 2.02 Village Residential District (VR).
 - b. Section 3.09 Parking & Loading Standards.
 - c. Section 3.10 Scenic Road Standards.
 - d. Section 5.03 Conditional Use Review.
 - e. Section 7.02 General Definitions; see PUBLIC FACILITY.
2. Waitsfield Town Plan, as adopted on October 22, 2012.

B. MATERIALS SUBMITTED

1. On August 12, 2016, the applicant submitted a zoning permit application, a conditional use application, and an amended site plan.
2. On August 31, 2016, the applicant submitted a signed posting sign protocol form.

C. FINDINGS OF FACT

1. The property is a 0.85 acre parcel with a public facility (Town Offices) located at 4144 Main Street. It is identified as parcel #99046.500 in the Village Residential and Waitsfield Historic Village Overlay Zoning Districts.
2. The proposal is to amend approval #3560-CU and #3650-CU in order to revise the paved parking area. The original approval included 19 parking spaces, two of which were ADA-compliant; the parking area was to be grey gravel or paved. The parking area was located behind the building because Route 100/Main Street is a scenic road and therefore was required.

3. The proposal for the as-built parking area is to remove one ADA-compliant parking space and expand the striped spot next to it, and to remove one parking space from the field side.
4. The public notice for the September 13, 2016 hearing on this application was included in the August 25, 2016 issue of *The Valley Reporter*. The PZA mailed the notice to the abutting property owners on August 26, 2016.
5. The public hearing on this application was held on Tuesday, September 13, 2016. The applicant presented the proposal.
6. According to the applicant, the paver measured the parking area as being consistent with the measurements of the original plan. The line striper, however, could not accommodate the 19 parking spaces and only was able to fit 17 parking spaces. The situation presented an unanticipated change in circumstances from those that existed at the time of the original approval.
7. The Zoning Bylaw only requires 11 parking spaces for this public facility use, and ADA only requires one ADA-compliant parking space per 25 parking spaces, so the as-built parking area complies with the regulations.
8. The board closed the hearing on this application 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 #3715-CU is hereby APPROVED, subject to the following conditions:

1. Any modifications, revisions, or additions to the approved site plans shall receive prior conditional use approval from the Development Review Board and a zoning permit from the Administrative Officer, as required by the Waitsfield Zoning Bylaws.
2. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 5th day of October, 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, Michael Kingsbury, Rudy Polwin, and Brian Shupe.

Voting in the Negative: None.

Abstaining: None.

Absent: Chris Jernigan.

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.