

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

Application #: 3671-CU-R
Land Owner: Plum Creek Holdings (dba True North)
Representative: Geoffrey Hand, Esq.
Property Address: 1732 Dana Hill Rd.
Parcel Number: 29032.000 in the Agricultural-Residential and Forest Reserve Districts
Meeting Dates: November 17, 2015 and January 26, 2016
Proposal/Type: Request for approval to move the existing yurt/yome, move the existing composting toilet, and build a tent platform. The applicant received prior approval for a site plan in #3333-CU, which decision #3671-CU amended. This decision makes technical corrections to #3671-CU.

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 District (AR).
 - b. Table 2.0 Forest Reserve District (FR).
 - c. Section 5.03 Conditional Use Review.
2. Waitsfield Town Plan, as adopted on October 22, 2013.

B. MATERIALS SUBMITTED

1. On October 23, 2015, the applicant submitted a zoning permit application, conditional use application, cover letter, site plan, and wastewater permit via email. On October 28, 2015, the abutter envelopes and fee arrived in the mail.
2. On November 17, 2015, the applicant submitted revised application materials.

C. FINDINGS OF FACT

1. The property is a 25.3-acre parcel that is used for True North Wilderness Programs at 1732 Dana Hill Road. The parcel is identified as #29032.000 and is located in the Agricultural-Residential and Forest Reserve Zoning Districts.
2. The applicant proposes to amend #3333-CU pursuant to a settlement agreement reached with an abutting landowner in an Act 250 appeal related to this project. The amendment

would involve moving an existing yurt and composting toilet, and constructing a tent platform.

3. The public hearing on this application was held on Tuesday, November 17, 2015.
4. The abutter notices were mailed on November 4, 2015 and the notice appeared in the October 29, 2015 issue of *The Valley Reporter*.
5. The applicant's representative discussed the proposed site plan, and the history of permitting on this parcel.
6. An abutting property owner, Russell Shalom, submitted a narrative with concerns about the existing use of the property and proximity to his property, which he read aloud for the record.
7. The board addressed Mr. Shalom's concerns by stating that they were specific to the overall use of the property, which was approved without appeal in 2011, and not specific to the site plan criteria under review with this application.
8. The proposed structures meet the dimensional and setback requirements contained in the Zoning Bylaws. The proposed site plan does not constitute a change or increase in use.
9. Zoning Bylaw § 3.07(B)(4) requires that parcels of land with two primary uses be held in common ownership.
10. The board closed the hearing on this application and stated that a written decision would be issued within 45 days.
11. The board withdrew its prior decision dated December 29, 2015, #3671-CU, and re-issued a revised decision on January 26, 2016, in order to correct minor, technical errors. This action was taken within the 30-day appeal period for the original decision, #3671-CU.

D. CONCLUSIONS OF LAW

The Waitsfield Development Review Board hereby withdraws decision #3671-CU and issues this decision (#3671-CU-R) in order to correct minor, technical errors in the prior decision dated December 29, 2015.

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

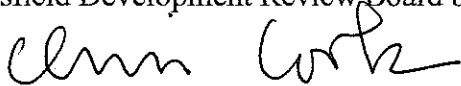
Application #3671-CU-R is hereby APPROVED, subject to the material representations set forth in the application materials and the following conditions which shall constitute critical permit conditions under the Stowe Club Highlands/Hildebrand "flexibility versus finality" analysis:

1. The following shall replace Condition 1 in approval #3333-CU:

“The subject parcel of land and associated approved uses shall remain in common ownership managed by the same individuals and entities. If the property owner, the member manager of the property owner, the operator of True North Wilderness programs or the member manager of the operator of True North Wilderness programs changes, then Development Review Board approval of either a new conditional use or a new subdivision application shall be required to resume this use.”

2. Usage.
 - a. There shall be a maximum of 20 students and staff on site for overnight use of the property. Additional staff may be present briefly during the daytime hours and for operational purposes. Student ages range from 13–18 years in the adolescent groups and 18–22 years in the young adult groups. Both adolescent and young adult groups may be present.
 - b. So-called “Winter use” may be full time. “Winter use” shall be defined as November 1 through May 1.
 - c. During the remainder of the year, overnight usage shall be limited to the periods each week commencing Monday at noon to Friday at 3:00 p.m., with no limits on consecutive night usage within such period.
3. Spatial Representation of Use.
 - a. Overnight use of the property shall be limited to a portion of the property set forth on attached Exhibit A, also referred to herein as the “green zone.” As illustrated on Exhibit A, it is the area surrounded in green. No structures shall be constructed for use by True North outside of the overnight use area, and the existing yome and composting toilet outside of this designated overnight area shall be removed and relocated to an area inside the overnight usage area upon True North obtaining necessary permits to do so. Additionally, no structures or overnight camping activities shall be permitted within 100 feet of the creek in the “Creekside” area of Exhibit A. The entirety of property may be used for daytime use.
 - b. The True North-related structures on the property shall be limited to two tent platforms, three composting toilets, and one yome or yurt-like structure. No catholes shall be permitted on the property.
4. Any further changes to this site plan shall require prior DRB approval.
5. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 26th day of January, 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.

Voting in the Negative: None.

Absent: None.

Recuse: 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 Vermont Environmental Court by filing a Notice of Appeal directly to the Environmental Court, 255 North Main Street, Barre, VT 05641, 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.