



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

<b>Application #:</b>	<b>3685-CU</b>
<b>Land Owner:</b>	<b>Troy Kingsbury, dba The Village Grocery</b>
<b>Applicant:</b>	<b>Troy Kingsbury</b>
<b>Property Address:</b>	<b>4348 Main St.</b>
<b>Parcel Number:</b>	<b>99069.000</b>
<b>Meeting Dates:</b>	<b>March 22 and April 26, 2016</b>
<b>Proposal/Type:</b>	<b>Request for conditional use approval to install a gas canopy over the existing pumps, which will be replaced. One diesel pump will be removed and not replaced. The canopy will allow for future signage space.</b>

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010:
  - a. Section 2.01 Village Business District (VB).
  - b. Section 3.11 Sign Requirements.
  - c. Section 5.03 Conditional Use.
2. Waitsfield Town Plan, as adopted on October 22, 2013.

**B. MATERIALS SUBMITTED**

1. On February 25, 2016, the applicant submitted zoning permit and conditional use applications, a narrative, a proposed site plan, spec sheets, and the prior DRB approval for a canopy which has since expired.
2. On March 8, the applicant submitted details on the proposed lights and a larger site plan and survey.

**C. FINDINGS OF FACT**

1. The property is a 0.5-acre +/- parcel with an existing mixed use structure (retail business and apartment) located at 4348 Main Street. The parcel is identified as #99069.000 and is located in the Village Business Zoning District.
2. The application is to replace and expand an existing accessory structure.
3. The applicant proposes to install a new 20' x 30' x 19' tall canopy over the existing gas pumps, which would include space for signage. The existing sign will be removed during the sidewalk construction. The applicant hopes to coordinate this construction with the sidewalk project to reduce repeated work.

4. The applicant proposes to replace the existing gas tanks and pumps, which are 25 years old, and remove the existing diesel pump.
5. The applicant received approval #3060 in 2007 for a new custom canopy which was never constructed, due to its cost, and therefore has expired. The proposal is based on the site plan that was approved in #3060, except the overall height of the canopy and the fascia for signage will be increased slightly.
6. The public hearing was held on Tuesday, March 22, 2016. The abutting property owners were sent notice on February 26, 2016 and the notice appeared in the March 3, 2016 *Valley Reporter* issue.
7. The applicant presented the application to the board. He explained that the flat-roofed canopy would be designed from options in a standard kit versus the expensive custom design that was previously approved.
8. The applicant proposes downcast, recessed, LED lights underneath the roof to provide a spotlight on the pumps.
9. The bottom of the proposed canopy would be 15 feet tall and the fascia would be an additional 3 feet in height to hide the 12 inch steel girders; these are both industry standards.
10. Stormwater runoff would be caught internally by this proposed canopy design.
11. The applicant proposes the canopy fascia to be dark in color; a black or maroon to match the façade of the building.
12. The board continued the hearing to April 26, 2016, and scheduled a site visit for 6:30pm that same evening.
13. On April 26, 2016, the board members, the applicant, and the Kaminskis met on-site to see how tall the proposed canopy would be compared to the existing structure.
14. The board continued the hearing and the applicant presented a modified design of the proposed iron canopy. The fascia siding would be shiny with aluminum brackets and square corners; there would be a bronze pan underneath with the same proposed colors of maroon or black to match the building.
15. The proposed height of the canopy was also reduced to 16 feet; the previously approved canopy was 15 feet, 9 inches. The clearance must be 13 feet, 6 inches for trucks and 6 inches for leeway is suggested.
16. The proposed signage would be lettering painted on the fascia in the neutral, cream tone and in the same font as the existing sign which is to be removed.
17. The board discussed the appearance of smooth, unbroken fascia. The applicant needs room for signage but they discussed options for creating or fabricating a stepped look either with an attachment to the canopy around the top or with a different, dark color paint band.
18. The applicant proposed a reduced height of the canopy; instead of 3 feet tall it would be 2 feet in height. The signage lettering would be 18 inches, maximum, per the Bylaws.
19. Mr. Kaminski raised concerns over stacking of cars with the current configuration of entrances and pumps; he requested that the applicant be required to perform a traffic study as he stated that he was required to perform when the Irasville Country Store application was reviewed.
20. The ZA suggested that the applications were not the same; the Village Grocery is an existing gas station and convenience store, whereas the Irasville Country Store traffic study was required when it was a new gas station.

21. The board discussed Mr. Kaminski's request; they stated that there is some traffic slowing in this portion of Route 100 because of Bridge Street and the village setting versus the busier, faster traffic flow of the Irasville section of Route 100.
22. There was no evidence presented to lead the board to determine that the standard in the Zoning Bylaw, which is 100 more trips per day, was met in order to require a traffic study.
23. The applicant reiterated that he is expecting his business to decrease because he is eliminating one pump.
24. The board closed the hearing and stated that a written decision would be issued within 45 days.

#### **D. CONCLUSIONS OF LAW**

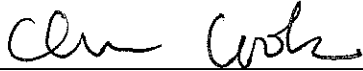
Based on its review of the application materials, submitted site plans, presented testimony, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented in accordance with the Conditions of Approval listed below, 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 #3685-CU is hereby APPROVED, subject to the following conditions:

1. The proposed 16 foot tall, 20 foot by 30 foot canopy shall include:
  - a. A black or crimson fascia to match the dark color of the existing building.
  - b. A steel trim (4 to 6 inches tall x 2.5 inches deep) around the top of the 2 foot canopy. The applicant is encouraged to use the underside of the stepped trim as a place to illuminate only the signage lettering with a simple strip LED in lieu of gooseneck light fixtures attached to the top of the canopy.
  - c. Lettering not to exceed 18 inches in height affixed to or painted on the fascia, in a font to match the existing sign which is to be removed.
  - d. Six LED lighting fixtures recessed in the underside of the canopy to illuminate the gas pumps, which are as close to 4000K color temperature as is feasible. Once installed, the Development Review Board may require the applicant to reduce the total number of fixtures to four if six is found to be too bright. No large or visible fixtures are permissible.
2. Prior to issuance of any zoning permit for this canopy, the applicant shall submit final design detail of the trim, proposed lighting for the signage, and paint color to the ZA for approval.
3. The applicant shall submit a separate zoning permit application for the signage.
4. Any further changes to this canopy design 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 19<sup>th</sup> day of May, 2016 for the Town of Waitsfield  
Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, Gib Geiger, Chris Jernigan, Rudy Polwin, and Brian Shupe.  
Abstaining: None.  
Voting in the Negative: None.  
Absent: John Donaldson.

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.