



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

Application #: SUB 17-08
Owner/Applicant: Jeff Alberghini
Property Address: 349 Old Talc Mine Rd.
Parcel Number: 99032.001 in the Agricultural-Residential District
Meeting Date(s): September 12, 2017
Proposal/Type: Request for sketch and final subdivision approval to revise the approved building envelope (#15-04) in order to allow for inclusion of a garage.

I. FINDINGS OF FACT

1. The subdivision application was considered under the following guiding ordinance and policy provisions:
 - a. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010, Table 2.07, Agricultural-Residential District (AR).
 - b. Waitsfield Subdivision Regulations, adopted January 21, 2008.
 - c. Waitsfield Town Plan, as adopted on October 22, 2012.
2. On August 17, 2017, the applicant submitted a subdivision application and revised site plan along with a request to hold hearings for Sketch Plan Review and Final Plan Review on the same night.
3. The property is located at 349 Old Talc Mine Road, and consists of a 34-acre +/- parcel with an existing single-family residence.
4. The applicant proposes to revise the building envelope approved in #SUB 15-04 in order to allow for a garage for residential use.
5. The proposed building envelope is not visible from any other property or public road.
6. 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.
7. The PZA recommends that the board deem this application a "minor" subdivision because it is a proposed amendment to a previously-approved subdivision.
8. The proposed building envelope revision complies with all setback and no-build buffers required by prior approvals.

9. The public hearing was held on Tuesday, September 12, 2017. The abutting property owners were mailed notice on August 22, 2017 and the public notice appeared in the August 24, 2017 issue of *The Valley Reporter*.
10. The board opened Sketch Plan Review and deemed this a “minor” subdivision. The PZA reiterated that the garage will be used only for residential purposes, and the applicant confirmed this statement.
11. The members closed Sketch Plan Review and opened Final Plan Review. There were no further questions.
12. The board adjourned Final Plan Review and stated that a written determination would be issued 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 subdivision is consistent with the purpose of the Agricultural-Residential Zoning District as defined in Waitsfield Zoning Bylaws (Table 2.07).

III. DECISION

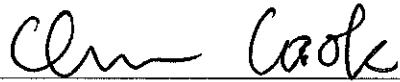
Based on the foregoing Findings of Fact and Conclusions of Law, FINAL PLAN APPROVAL for subdivision application #SUB 17-08 is hereby granted, subject to the following conditions:

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: _____
[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 28th day of September, 2017 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, John Donaldson, Chris Jernigan, and Mike Kingsbury.

Abstaining: None.

Voting in the Negative: None.

Absent: Rudy Polwin and 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.

