



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3791-CU
Land Owner:	Mad River Park Corp.
Applicant:	Jenneth Fleckenstein, Clear Water Filtration
Property Address:	264 Mad River Park
Parcel Number:	06001.100 in the Industrial Zoning District
Meeting Dates:	November 28, 2017 and January 9, 2018
Proposal/Type:	Request for approval to construct an addition on the rear of the existing building, and to add storage warehouse to the existing mixed use (residential and office). Replace signage.

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
 - a. Table 2.06 Industrial Zoning District.
 - b. Section 3.03 Conversion and Change of Use
 - c. Section 3.09 Parking & Loading Standards.
 - d. Section 4.08 Mixed Use.
 - e. Section 5.03 Conditional Use Review.
2. Waitsfield Subdivision Regulations, amended on January 21, 2008.
3. Waitsfield Town Plan, as adopted on December 18, 2017.

B. MATERIALS SUBMITTED

1. On November 7, 2017, the applicant submitted a zoning permit application, a conditional use application, an email authorizing the applicant as the owner's agent, a proposed site plan, and a narrative explaining the project.
2. On December 11, 2017, the applicant submitted revised elevations and site plans for the proposed addition.
3. On January 9, 2018, the applicant submitted a signed Posting Sign Protocol form.
4. On January 16, 2018, the applicant submitted a final proposed site plan and sketch of the addition to confirm square footage of the addition.

C. FINDINGS OF FACT

1. The property is located at 264 Mad River Park, and is a mixed use parcel consisting of a structure with residential and office space. The parcel is identified as #06001.100 in the Industrial Zoning District.
2. The applicant proposes to construct an addition (originally 36' x 60' x 32' tall) on the rear of the existing building to house the inventory associated with the business, Clear Water Filtration. The style of the proposed warehouse will match the existing building and will not be visible from Route 100.
3. The applicant proposes to add storage/warehouse to the existing mixed use, comprised of residential and office space.
4. The operation will use the existing gravel access drive, with delivery of goods 1-2 times per week and deployment of three service vehicles five days per week. The gravel drive will lead to the warehouse, where there will be loading at grade to an entrance with overhead door.
5. The hours of operation will be Monday through Friday, 7:30am to 4:30pm.
6. The applicant proposes to remove several crab apple trees in the rear of the existing building.
7. Traffic associated with the existing office and residential uses will not change.
8. There is existing lighting on the existing building. New exterior lighting on the warehouse structure will be downcast and shielded.
9. The public hearing was held on Tuesday, November 28, 2017. The abutting property owners were sent notice on November 13, 2017 and the notice appeared in the November 9, 2017 *Valley Reporter* issue.
10. The applicant presented the proposal. No abutting property owners or members of the public were in attendance.
11. The use is consistent with the allowable uses in the Industrial District, number of uses on one property per the Zoning Bylaws, and the purpose of the Industrial District.
12. The existing 10-12 parking spaces on-site are adequate for the new mixed use. The driveway access will allow for truck traffic and parking for the other uses.
13. The board discussed the site details with the applicant, including the materials, size, and design of the proposed addition. The setback distances provided on the site plan did not add up properly. The board members requested details on the following elements of the proposed addition: elevations (massing), materials, setbacks, roofline, traffic flows, geometry of the addition's footprint. The board continued the hearing to December 12, 2017 at 7pm in order for the applicant to prepare these plans.
14. On December 11, 2017, the applicant submitted revised details and site plans. The revised proposal was for a 46' x 60' x 32' tall addition.
15. The continued hearing scheduled for December 12, 2017 was canceled due to inclement weather. The PZA re-warned this hearing for January 9, 2018.

16. On January 4, 2018, the applicant visited the site and took measurements of on-the-ground setbacks to the proposed addition.
17. The public hearing will be continued on Tuesday, January 9, 2018, and was warned in the December 21, 2017 issue of *The Valley Reporter*.
18. No one attended the hearing besides the applicants.
19. The applicant clarified that the rear setback from the property line to the proposed addition will be 25 feet, not 100 feet as stated in the original application. The front setback is unchanged by the proposed addition; the side setbacks will be reduced slightly from the current setback distances by this proposed addition. The left setback will be approximately 75 feet and the right setback will be approximately 30 feet. All proposed setback distances comply with the district standard.
20. The applicants discussed future plans to potentially expand the warehouse, if necessary, by adding 10' to either side. They stated that the total envelope for the addition would be approximately 40 feet x 60 feet.
21. The warehouse will have the potential for a future fit-up of a second story for office space. The PZA stated that any future renovation and change/additional uses would likely trigger further review by the board and the applicants stated that this was expected.
22. The board closed the hearing on this application and stated that a written decision would be issued within 45 days.
23. During deliberations, the board members discovered that the proposed dimensions did not appear to total the same as those presented. They requested that the PZA confirm with the applicants the total proposed dimensions of: the warehouse and connector, and any potential future expansion. On January 16, 2018, the applicants submitted final proposed dimensions and clarified that this figure included any future expansion.

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 below, does meet the conditional use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

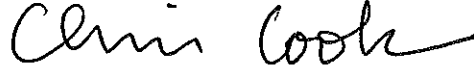
E. DECISION

Application #3791-CU is hereby APPROVED, subject to the following conditions:

1. The proposed warehouse addition as detailed on the site plan dated January 16, 2018 is approved. The total allowable dimensions of the warehouse shall be 64 feet x 40 feet x 32 feet tall, with an additional roof overhang on the rear side up to 10 feet so long as the 25 foot rear setback is maintained. The connector is approved to total 16 feet x 14 feet.
2. Any proposed changes to the details stated above (truck traffic, parking, mixed use, hours of operation, etc.) shall receive prior approval as required by the Zoning Bylaws.

3. This approval is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 23rd day of January, 2018 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: Michael Kingsbury 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.