



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

<b>Application #:</b>	<b>3780-CU</b>
<b>Land Owner:</b>	<b>Glentoran Corporation</b>
<b>Applicant:</b>	<b>Molly Ciminello</b>
<b>Property Address:</b>	<b>5081 Main Street, Village Square</b>
<b>Parcel Number:</b>	<b>99131.000 in the Irasville Village Zoning District</b>
<b>Meeting Dates:</b>	<b>September 26, 2017</b>
<b>Proposal/Type:</b>	<b>Request for approval to change the use from a vacant restaurant (formerly China Fun) to a juice bar (small scale processing) with retail. The space is a unit within Village Square, a mixed use commercial/residential property.</b>

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Waitsfield Town Plan, as adopted on October 22, 2012.
2. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
  - a. Table 2.03 Irasville Village Zoning District.
  - b. Section 3.03 Conversion and Change of Use
  - c. Section 4.08 Mixed Use.
  - d. Section 5.03 Conditional Use Review.

**B. MATERIALS SUBMITTED**

1. On September 1, 2017, the applicant submitted a zoning permit application, a conditional use application, a floor plan sketch, and a narrative.
2. On September 5, 2017, the PZA received a Project Review Sheet from the Department of Environmental Conservation.

**C. FINDINGS OF FACT**

1. The property is located at 5081 Main Street in Village Square, and is a mixed use parcel consisting of commercial and residential units.
2. The applicant proposes to change the use from a vacant restaurant space (formerly China Fun) to a juice bar (small scale processing of food products) and retail space. The applicant plans to prepare and serve juice, granola bars, trail food, salads, smoothies, and sandwiches. Vitamins and other natural food items in bulk will be available for retail sale.
3. There will be up to 3 employees maximum at any one time on-site, and the hours of operation are scheduled to be Tuesday through Saturday, 10am to 5pm.

4. No seating is proposed; the items are for take-out only.
5. The proposed exterior changes involve installation of a hood vent on the northern side of the building and replacing the existing/former signage.
6. The public hearing was held on Tuesday, September 26, 2017. The abutting property owners were sent notice on September 7, 2017 and the notice appeared in the September 7, 2017 *Valley Reporter* issue.
7. The applicant presented her proposal. She clarified that the hood would not be installed now but would like the option to install it in the future.
8. There were no further questions.
9. 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 #3780-CU is hereby APPROVED, subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 9<sup>th</sup> day of October, 2017 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 Michael Kingsbury.

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.