



## WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISIONS

<b>Application #:</b>	<b>SUB 17-11 PUD &amp; #3796-CU</b>
<b>Land Owner:</b>	<b>Lawson's Finest Liquids</b>
<b>Applicant:</b>	<b>Sean Lawson</b>
<b>Property Address:</b>	<b>155 &amp; 157 Carroll Road</b>
<b>Parcel Number:</b>	<b>23003.000 (Lot 9), 23003.100 (Lot 10), 23001.001 (Lot 6) in the Irasville Village Zoning District</b>
<b>Meeting Date(s):</b>	<b>January 9, 2018</b>
<b>Proposal/Type:</b>	<b>Requesting Sketch Plan, Final Plan, and conditional use approval to amend the site plan approved in #3734-CU-R and #SUB 17-01 PUD-R in order to reconfigure the interior of the taproom, relocate various structures on the property (e.g. grain silos), expand and screen the existing shed containing the pre-treatment system controls, relocate underground utilities, and extend the Mad River Path to Route 100.</b>

### **A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Waitsfield Subdivision Regulations, amended on January 21, 2008.
2. Waitsfield Town Plan, as adopted on December 18, 2017.
3. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
  - a. Table 2.03 Irasville Village District (IV).
  - b. Section 5.03 Conditional Use.
  - c. Section 5.04 Planned Unit Development (PUD) Review.
  - d. Section 7.02 General Definitions, specifically "Story."

### **B. MATERIALS SUBMITTED**

1. On December 15, 2017, the applicant's representative, P. Mark D'Angelo, submitted a cover letter, a zoning permit application, a conditional use application, a subdivision/PUD application, a depiction of a sample shed, and the following revised site plan sheets:
  - a. C-2 Site Plan,
  - b. C-4 Remote Parking Site Plan,
  - c. C-2 Site Plan as previously approved,
  - d. C-4 Remote Parking Site Plan as previously approved,

- e. C-1 Path Site Plan,
  - f. L1.0 Overall Landscape Plan as previously approved,
  - g. 5 sheets of previously approved elevation schematics,
  - h. A3.10 First Floor Plan,
  - i. A3.13 Second Floor Plan (future),
  - j. A6.10 Building Sections,
  - k. A5.10 Elevations,
  - l. Pre-Treatment System Building Options Scheme B, and
  - m. C-2 Pre-Treatment System Site Plan.
2. On December 19, 2017, the applicant's consultant, Wilcox & Barton, submitted a revised C-4 Remote Parking Site Plan.
  3. On January 9, 2018, the applicant submitted the signed Posting Sign Protocol form.

### **C. FINDINGS OF FACT**

1. The property involves several parcels which comprise the Winter Park Association: a 1-acre parcel (Lot 9) with existing building, a 1-acre parcel (Lot 10) with existing building, and a 0.84-acre parcel (Lot 6) which is a vacant lot between Carroll Road and the existing 97-space parking lot adjacent to Big Picture Theater. The parcels are identified as #23003.000, 23003.100, and 23001.001, respectively, and are located at 155 Carroll Road in the Irasville Village District.
2. The applicant proposes to amend the site plan approved in #3734-CU-R and #SUB 17-01 PUD-R in order to reconfigure the interior of the taproom, relocate various structures on the property (e.g. grain silos), expand and screen the existing shed containing the pre-treatment system controls ("shed"), relocate underground utilities, and extend the Mad River Path to Route 100. Detail is provided in the cover letter, application, and site plans.
3. The proposal complies with Section 5.04 Planned Unit Development Review, specifically subsections (A), (C(3 and 11)), and (E). Section 5.04(C)(8) allows the Development Review Board to modify certain district standards in its review under these provisions.
4. The applicant has requested that the board hold Sketch and Final Plan reviews on the same night, if the board deems this a "minor" subdivision, thus waiving his right to written determinations between each phase of review.
5. The public hearing was held on Tuesday, January 9, 2018. The abutting property owners were sent notice on December 15, 2017 and the notice appeared in the December 21, 2017 issue of *The Valley Reporter*.
6. The board opened Sketch Plan Review and the applicant's representative, Mark D'Angelo, presented the proposal.
7. The grain silos are being relocated to the north side of the brewery building from the previously approved east side. The trash dumpsters are being relocated to the west side of the brewery, building from the previously approved east side, because of fuel siting needs at the former location. Spent grain will be kept in a sealed dumpster so the previously

approved silo will not be constructed; spent grain will not be stored on-site but removed up to once daily.

8. The existing loading dock will not be expanded; it will instead become a small entry door. The existing 16' door on the west side of the brewery building will be used for loading.
9. Wetland and site restrictions adjacent to the brewery building resulted in the pretreatment wastewater system (two buried tanks and two buried bio-clear units) being relocated. The Selectboard expanded the existing easements for the Winter Park wastewater system to allow for the new system to be located near the existing system. The existing shed will be removed and a larger 16' x 32' x 16' tall shed will be constructed in that same location (on the pond parcel).
10. The proposed landscaping plan will sufficiently screen the shed from Route 100 and Carroll Road.
11. The board discussed the proposed shed's minimum roof pitch and the applicant was open to recommendations on design detail from the board.
12. The taproom mechanical equipment was originally located in an approximately 2,000 square foot space on the second floor. This location became unfeasible when an elevator requirement was triggered so they are proposing to relocate it outside on the first story roof between the two buildings (on the west side). The board determined that screening of the mechanical equipment was necessary.
13. The proposed elevation changes maintain and enhance the overall design of the previously approved taproom building and do not alter the character of the area. Screening will be necessary for the mechanical equipment.
14. The two previously approved utility crossings under Carroll Road for industrial waste, emergency power generation, and water, will be merged to the lower crossing location.
15. Extending the Mad River Path to Route 100 will improve pedestrian access and safety in this area. The path extension is located entirely on Lawson's property which has a dog-leg along the pond property and Carroll Road to meet Route 100. The path will be elevated and boardwalk material in this extended portion because of the terrain. The portion of the path that is over the grass and parking areas will remain gravel, as previously approved.
16. The board deemed this application a "minor" subdivision because it is an amendment to an approved site plan without substantive changes to the nature of the prior approval.
17. The board closed Sketch Plan Review, granted the waiver request by the applicant to not receive a written determination, and opened Final Plan Review.
18. The board reviewed the Zoning Bylaw definition of "story" in Section 7.02, which reads as follows:

"STORY: A story is that portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor or ceiling above it.

For the purposes of these regulations, a basement shall be counted as a story if the front exterior wall of the basement is a minimum of 50% above the finished grade.”

19. To meet the Irasville Village requirement (Table 2.03) of a two-story minimum building, a portion of the taproom building will include a second story. This second story provides an option for future fit-up for use as storage or office space. The shed is an accessory structure totaling 512 square feet so it does not trigger the two-story minimum requirement.
20. The board closed Final Plan Review 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.

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 PUD amendment is consistent with the purposes of the Irasville Zoning District and Planned Unit Development, as defined in Waitsfield Zoning Bylaws, and does meet the Subdivision Regulations.

#### **E. DECISION**

Application #3796-CU and #SUB 17-11 PUD are hereby APPROVED, subject to the following conditions:

1. Prior approvals #3734-CU-R and #SUB 17-01 PUD-R remain in full force and effect, except as changed herein.
2. The expanded shed shall have wooden siding and a metal roof pitched between 6/12 and 12/12. It shall be screened as proposed on the landscaping plan entitled “Pre-Treatment System Building Options, Scheme B” and dated November 9, 2017.
3. The applicant shall install screening, such as lattice boards, to effectively hide the mechanical equipment from clear view. Prior to issuance of a zoning permit, the applicant shall submit the screening proposal to the Zoning Administrator.
4. Minor alterations to the approved landscaping, boardwalk, lighting, and design plans shall obtain prior administrative approval per the Zoning Bylaws.
5. Any material or substantive changes to the approved plans shall obtain prior Development Review Board approval.
6. 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.

7. 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: \_\_\_\_\_*

*Signed: \_\_\_\_\_ [for the Development Review Board]."*

8. This decision is subject to any and all applicable local, state, and/or federal permits.

Final Plan Approval is based on the submissions and testimony provided during the Sketch Plan and Final Plan Review.

Dated at Waitsfield, Vermont this 31 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.**