



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

Application #: 3795-CU
Land Owner: Our Lady of the Snows Catholic Church
Applicant: Kristy Haapala, The Waitsfield Children's Center
Property Address: 6307 Main St.
Parcel Number: 99187.000 in the Agricultural Residential District
Meeting Dates: January 9, 2018
Proposal/Type: Request for approval to expand the existing child care facility into the second story of the structure which is currently used by the church/owner. There is no exterior alteration to the structure or increase in attendees proposed at this time.

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 2.07 Agricultural Residential Zoning District.
 - b. Section 3.03 Conversion and Change of Use.
 - c. Section 3.09 Parking & Loading Standards.
 - d. Section 4.04 Child Care Facilities.
 - 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 December 13, 2017, the applicant submitted a complete conditional use application and fee.
2. On January 9, 2018, the applicant submitted a signed Posting Sign Protocol form.

C. FINDINGS OF FACT

1. The property is located at 6307 Main Street, and is a mixed use parcel which consists of a church and a mixed use building containing a child care facility and a second story used by the church. The parcel is identified as #99187.000 in the Agricultural Residential Zoning District.

2. The applicant proposes to expand the existing child care facility into the second story of the existing building. Currently, the child care facility is located on the first floor and the church uses the second floor.
3. The conversion from a conditional use (mixed use/church and child care facility) to another conditional use (child care facility) requires approval by the Development Review Board.
4. No exterior alterations are proposed.
5. The parking requirements for the structure will be reduced by this proposal; the building is going from a mixed use structure to only a child care facility and the number of enrollees is not changing at this time. The capacity of the existing parking area is therefore adequate.
6. 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 *Valley Reporter* issue.
7. The applicant presented the proposal. Ms. Haapala explained that the church does not use the upstairs space much and the child care facility has infants and one-year-olds together, so this would provide more room for these groups. There is no change or additional enrollment as a result.
8. No one attended the hearing besides the applicant.
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, 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 #3795-CU is hereby APPROVED, subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 19th 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.

