



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3808-CU
Land Owner:	DR Investments LLC
Property Address:	5274 Main Street
Parcel Number:	99158.000 in the Irasville Village District
Meeting Dates:	March 27, 2018
Proposal/Type:	Request for approval to convert a former retail space into a personal service (optometrist office) space and convert an existing sign into a multi-business sign for this condominium property with two units.

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 Irasville Village District.
 - b. Section 3.03 Conversion and Change of Use.
 - c. Section 3.09 Parking & Loading Standards.
 - d. Section 3.11 Sign Requirements.
 - e. Section 5.03 Conditional Use Review.
 - f. Section 7.02 General Definitions; "Personal Service."
2. Waitsfield Subdivision Regulations, amended on January 21, 2008.
3. Waitsfield Town Plan, as adopted on December 18, 2017.

B. MATERIALS SUBMITTED

On March 1, 2018, the applicant submitted a conditional use application, two proposed site plans, an email explaining the signage proposal, and a permit from the Fire Marshal.

C. FINDINGS OF FACT

1. The property is located at 5274 Main Street and contains an existing two-unit condominium building. The parcel is identified as #99158.000 in the Irasville Village Zoning District.

2. The applicant proposes to convert a vacant, former retail space (Unit 1) into a personal service space for an optometrist office. The maximum use will be for two optometrists and three employees, serving four clients potentially at one time.
3. The applicant proposes to convert the existing business sign (on the north end of the property) to a multi-business sign to accommodate the two units. The proposal does not change the location or size of the existing sign, but would add stone pillars around the white steel base to match the Mad River Green Shopping Center signs.
4. The applicant proposes to remove three large maples on the west side of the building; they pose a threat to the building and obstruct use of five parking spaces approved in a prior plan.
5. The only exterior alterations proposed are painting the building and window replacement. The existing lighting is adequate.
6. The public hearing was held on Tuesday, March 27, 2018. The abutting property owners were sent notice on March 9, 2018 and the notice appeared in the March 8, 2018 issue of *The Valley Reporter*.
7. The applicant presented the proposal. Mr. Graves clarified that the landscaping plan was part of a prior PUD approval for the Shopping Center so removing the trees was amending that plan.
8. The members discussed the tree removal. The applicant agreed to the members denying the tree removal as part of this application to give members a chance to view the site prior to the Unit 2 change of use hearing. The tree removal would be included in that application hearing on April 24, 2018.
9. The members asked for clarification on the location of the property boundaries.
10. The parking requirements are met by the number of parking spaces on-site. The former retail use and the proposed personal services use (for both units) require the same amount of parking (approximately 15 parking spaces).
11. Mr. Graves noted that the title search on the property revealed that a multi-business approval exists for the existing sign so no further approval is necessary to allow for his proposed sign replacement. The applicant explained that he plans to hang a metal graphic (glasses) from the existing sign bracket on the front façade of the building; the PZA stated that 33 square feet of wall-graphic signage exists because the frontage is 69 linear feet.
12. 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

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 #3808-CU is hereby APPROVED IN PART and DENIED IN PART, as follows, and is subject to any and all applicable local, state, and federal permit approvals:

1. The tree removal is denied, but recommended to be included as part of the change of use application for Unit 2 which will be heard at the April 24, 2018 meeting.
2. The change of use to a personal service space (optometrist office) for Unit 1 is approved.

Dated at Waitsfield, Vermont this 25 day of April, 2018 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, Gib Geiger, Rudy Polwin, and Brian Shupe.

Voting in the Negative: None.

Absent: John Donaldson, Chris Jernigan, and Michael Kingsbury.

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.

