



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3813-CU
Land Owner:	DR Investments LLC
Property Address:	5274 Main Street, Unit 2
Parcel Number:	99158.000 in the Irasville Village District
Meeting Dates:	April 24, 2018
Proposal/Type:	Request for approval to convert a former retail space into a personal service/wellness space (acupuncture and yoga studio) space and remove trees on site.

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 5.03 Conditional Use Review.
 - e. 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 22, 2018, the applicant submitted a conditional use application, and a proposed site plan indicating parking and the trees to be removed.

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 2) into a personal service wellness space (acupuncture and yoga studio).

3. The applicant proposes to remove three large maples on the northwest side of the building; they pose a threat to the building and obstruct use of five parking spaces approved in a prior plan.
4. The only exterior alterations proposed are painting the building and window replacement. The existing lighting is adequate.
5. The change of use for Unit 1, parking for both units' changes of use, and signage were discussed and deemed adequate in #3808-CU.
6. The public hearing was held on Tuesday, April 24, 2018. The abutting property owners were sent notice on April 5, 2018 and the notice appeared in the April 5, 2018 issue of *The Valley Reporter*.
7. The applicant presented his proposal. Mr. Graves clarified that the southern-most tree (closest to the bank) is healthier than the other two and could remain.
8. The board members individually visited the site prior to the hearing to observe the trees and surroundings. They agreed that the two trees should be removed to allow for parking and to protect the building. The members discussed the proposed drip edge, the traveled way, and the parking and decided that no other plantings could fit there instead of the trees. The space is too small.
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

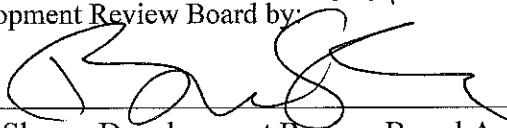
Based on its review of the application materials, submitted site plans, presented testimony, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented in accordance with the conditions below, does meet the conditional use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

E. DECISION

Application #3813-CU is hereby APPROVED, as follows, and is subject to any and all applicable local, state, and federal permit approvals:

1. The two larger trees to the northwest side of the building may be removed; the smaller one near the Northfield Savings Bank can be cleaned up but shall remain.
2. The change of use to a personal service space (acupuncture and yoga studio) for Unit 2 is approved.
3. This decisions is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 8th day of May, 2018 for the Town of Waitsfield
Development Review Board by:



Brian Shupe, Development Review Board Acting Chair

Voting in the Affirmative: John Donaldson, Gib Geiger, Michael Kingsbury, Rudy Polwin, and Brian Shupe.

Voting in the Negative: None.

Absent: Chris Cook and Chris Jernigan.

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.

