



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3807-CU
Land Owner:	Charles Goodman IV
Property Address:	441 Riverview Road
Parcel Number:	47027.036 in the Agricultural-Residential District
Meeting Dates:	March 27 & May 8, 2018
Proposal/Type:	Proposal to construct a 40' x 30' x 24' tall accessory structure (garage) to serve as home business and residential storage space. The applicant requests a second access for the property because of a stream running the length of the property.

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 3.02 Access Management.
 - c. Section 3.12 Surface Water Protection Standards.
 - d. Section 4.07 Home Businesses.
 - 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

On February 28, 2018, the applicant submitted a conditional use application, a site plan, and elevations of the proposed garage.

C. FINDINGS OF FACT

1. The property is located at 441 Riverview Road and consists of a single-family dwelling. A stream flows down the length of the property along the middle of the parcel. The parcel is identified as #47027.036 in the Agricultural-Residential Zoning District.
2. The applicant proposes to construct a 40' x 30' x 24' tall garage to be lightly used primarily for home business storage, namely for materials, equipment, and tools. The garage may also be used for residential storage, but will not contain office space associated with the business.

3. 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*.
4. Abutting and neighboring property owners attending the March 27, 2018 hearing to voice their concerns and raise questions about the project, which included the following subject matters:
 - a. Stream buffer maintenance and prior, unpermitted clearing;
 - b. Stormwater management;
 - c. Water quality; and
 - d. Future use of the structure for increased or other commercial activity.
5. The applicant agreed to flag the driveway location, the garage footprint, and all trees to be removed. The board continued the hearing to Tuesday, May 8, 2018, with a site visit held at 6:15pm that same evening.
6. The board opened the continued hearing on Tuesday, May 8, 2018, at 7pm. The chair summarized that the property owners, board members, PZA, and neighbors attended the site visit to observe the conditions on the property.
7. The proposed garage will include two garage doors, one pedestrian door, and eight windows. It will have a metal roof and painted shiplap siding.
8. The applicant presented the proposal. Mr. Goodman sited the garage in the proposed location because it was the flattest spot on the property.
9. The proposed garage removes the need for outdoor storage; all business-related equipment will be located inside the garage.
10. The garage will not be connected to wastewater or potable water systems.
11. The topography of the proposed site is mostly flat and slopes toward the garage from the top of the streambank which is preferable for drainage purposes. There is little concern for erosion but the applicant plans to use silt fencing, as needed, during construction.
12. The proposed second access point off of Wallis Drive satisfies the standards in Zoning Bylaw Section 3.02(C)(1)(b). While the residential driveway is off of Riverview Road, there is a stream which runs the length of the property and divides the two building areas. A curb cut approval from the Selectboard will be required.
13. The garage will not be used on a daily basis for access or on-site activities; its use will be limited to storage and very occasional commercial activity, such as painting boards.
14. No heavy equipment will access this garage. The applicant stated that traffic to the garage will be the same as what traffic is generated to the property currently.
15. There is no change to the character of the area; the majority of uses in the neighborhood are for residential purposes. Limited commercial activity also occurs at neighboring properties. No increase in existing use of this property for home business purposes will result from construction of this garage. However, it will result in a tidier appearance because there will be no outdoor storage of the construction trailer, scaffolding set, and

other equipment on the property. The applicant also agreed to not have outdoor storage of residential items or equipment on the garage site, either.

16. Zoning Bylaw Section 3.12 requires a 50' streambank buffer. The applicant has proposed a 90' setback distance to the garage from the streambank, with proposed removal of trees up to 75' from the streambank. This provision is satisfied so long as the 75' buffer is maintained.
17. The applicant proposes to clear trees and shrubs only in the area needed for the structure and driveway, as flagged for the site visit on May 8, 2018. Although the grade of the buffer area is low and there are no erosion concerns, the applicant will install silt fencing, as needed.
18. Abutting property owners raised concerns about the clearing of the stream buffer along the northern side of the property during site development related to the single-family dwelling. The PZA will determine whether or not the clearing constitutes a violation of the Zoning Bylaw; however, this potential violation has no bearing on this hearing or proposed development.
19. The drainage ditch along Wallis Drive and the culvert underneath the road near the proposed driveway location does not constitute a stream or trigger related setback requirements. Zoning Bylaw Section 2.01(D) states that the official zoning map "shall be the final authority as to the zoning status of any lands or waters in the town." The map does not indicate any stream, perennial or intermittent, in this vicinity.
20. 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 #3807-CU is hereby APPROVED subject to the following conditions:

1. No trees beyond the flagged perimeter, as observed on May 8, 2018, may be removed.
2. The applicant may only remove trees up to 10' off either side of the driveway centerline that was flagged at the May 8, 2018 site visit.
3. No vehicles shall enter the property or garage that are too large to fit within the garage doors, except for vehicles making deliveries to or pickups from the garage.
4. There shall be no outdoor storage of equipment related to the home business on the property or outdoor storage of personal items on the garage site.
5. The applicant shall install a stone drip line at the eaves of the garage roof.
6. A 75' wide, undisturbed, naturally vegetated buffer strip from the top of the streambank shall be maintained.

7. If any drain daylight, then appropriate riprap shall be installed.
8. The garage is primarily for storage use and shall not be accessed on a daily basis for on-site work or activity.
9. All exterior lights shall be shielded and downcast.
10. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 31ST day of May, 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, Mike Kingsbury, Rudy Polwin, and Brian Shupe.

Voting in the Negative: None.

Absent: 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.