



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3833-CU
Land Owner:	M5 LLC
Applicant:	Waitsfield Children's Center
Property Address:	340 Mad River Park
Parcel Number:	06001.300 in the Industrial Zoning District
Meeting Dates:	July 24, 2018
Proposal/Type:	Request for approval to convert an existing office building to a mixed use building to include a child care facility and install a fenced-in playground.

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 Industrial 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 4.08 Mixed Use.
 - f. 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 June 29, 2018, the owner submitted a zoning permit application, a conditional use application, proposed site plans, and an email authorizing the applicant to serve as agent for purposes of this permit approval process.
2. On July 24, 2018, the owner submitted the signed Posting Sign Protocol form, the construction permit from the Fire Marshal, and a revised fenced-in area site plan.

C. FINDINGS OF FACT

1. The property is a 2.46-acre parcel located at 340 Mad River Park and contains a 19,200 square foot office building. The parcel is identified as #06001.300 in the Industrial Zoning District.
2. The applicant proposes to convert 3,420 square feet of the interior to a child care facility, and to install a fenced-in playground area. The originally proposed fence is 143 lineal

feet, configured in a connected 80' x 15' space and 33' x 15' space. No exterior changes to the building are proposed.

3. One of 43 standing trees will be removed to accommodate a playground structure and three trees will be removed to prepare the additional parking spaces.
4. In 2001, conditional use approval #2519 included a parking site plan. The 69 approved parking spaces were not fully developed due to lack of demand by the office use. The remaining office space will total 15,780 square feet which requires 53 parking spaces. The child care facility will have 23 enrollees which will require 8 parking spaces, and 8 parking spaces will be available for parent parking during drop off and pick up times. Therefore, 69 parking spaces is adequate for the mixed use. Eight parking spaces that were approved in #2519 but are currently grass will be stabilized with stay mat.
5. The wastewater system capacity for the mixed use property is 100 occupants. The current occupancy of the office space is 41 people; the child care facility will have 7 staff and 23 enrollees. Therefore, the wastewater capacity is adequate for this change of use.
6. The Fire Marshal and state Permit Specialist for this region have been consulted. On July 19, 2018, the PZA received a Project Review Sheet from the specialist and on July 24, 2018, the owner submitted the construction permit from the Fire Marshal.
7. The public hearing was held on Tuesday, July 24, 2018. The abutting property owners were sent notice on July 6, 2018 and the notice appeared in the July 5, 2018 issue of *The Valley Reporter*.
8. The owner and applicants presented the proposal. The owner submitted a revised playground area and fence site plan. The dimensions changed slightly and were closer to a connected 40' x 68' space and 56' x 40' space, which added about 10' in width to the entire "L" shaped play area.
9. The applicant clarified that the proposed fence is the same one at their existing location, which is a natural wooden picket fence, and is about 5' tall. They also clarified that they are licensed for 23 children but may want to expand in the future, which would trigger state licensing changes. The existing free-standing sign (36" x 24") would be relocated to this property, and a replacement plank on the existing multi-business sign would be installed (to replace the Northern Reliability sign plank).
10. 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 #3833-CU is hereby APPROVED, subject to the following conditions:

1. The fence may be constructed at the larger size depicted in the revised site plan received on July 24, 2018, so long as the front setback from all lot boundaries is at least 25 feet.
2. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 9th day of August, 2018 for the Town of Waitsfield
Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, Gib Geiger, Chris Jernigan, Mike Kingsbury, Brian Shupe, and Brian Shupe.

Voting in the Negative: None.

Absent: John Donaldson.

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.

