



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

<b>Application #:</b>	<b>3828-CU</b>
<b>Land Owner:</b>	<b>Glentoran Corp.</b>
<b>Applicant:</b>	<b>Joey Nagy &amp; Kit Perreault, The Mad Taco</b>
<b>Property Address:</b>	<b>5123 Main Street Unit 5</b>
<b>Parcel Number:</b>	<b>99131.000 in the Irasville Village District</b>
<b>Meeting Date(s):</b>	<b>July 10, 2018</b>
<b>Proposal/Type:</b>	<b>The applicant requests change of use approval to convert a former personal service space (hair salon) to light industry (storage) in order to expand the storage space in Unit #4 (permitted previously in #3741-CU).</b>

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Waitsfield Town Plan, as adopted on December 18, 2017.
2. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 26, 2016:
  - a. Table 2.03 Irasville Village District (IV).
  - b. Section 4.08 Mixed Uses.
  - c. Section 5.03 Conditional Use.

**B. MATERIALS SUBMITTED**

On June 13, 2018, the applicant submitted a completed zoning permit application, conditional use application, interior floor plan sketch, and fee.

**C. FINDINGS OF FACT**

1. The property is a 3.8-acre lot identified as parcel #99131.000 and located at the Village Square shopping center on Route 100/Main Street. The property is a mixed use shopping center with residential units.
2. The applicant proposes to change the use of the existing vacant Unit 5 from personal service (formerly Appearances hair salon) to light industry in order to expand the prep kitchen and storage space for The Mad Taco that was approved for Unit 4 (in #3741-CU).
3. There are no exterior alterations proposed. Interior alterations include a doorway to connect this unit to the existing kitchen prep/storage space and installation of a walk-in freezer, compressor, and walk-in cooler.
4. The proposed change of use will not increase the existing restaurant or catering operations and the space will only be accessed by employees only, not the general public.
5. Parking, water, and wastewater demand will decrease from the prior use.

6. The hours the existing prep kitchen and storage space is used are 8am to 8pm.
7. The PZA determined that repairing the outdoor seating area decking was exempt under the Zoning Bylaws, so long as the total number of seats or dimensions of the seating area did not increase.
8. The public hearing was held on Tuesday, July 10, 2018. The abutting property owners were sent notice on June 23, 2018 and the notice appeared in the June 21, 2018 issue of *The Valley Reporter*.
9. The applicant was not present for the hearing and no members of the public attended.
10. The board clarified that there would be no exterior alterations; the walk-ins will be installed with an interior compressor and a permit from the Fire Marshal is pending.
11. 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 #3828-CU is hereby APPROVED, subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 24<sup>th</sup> day of July, 2018 for the Town of Waitsfield Development Review Board by:

  
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Brian Shupe, Development Review Board Acting Chair

Voting in the Affirmative: John Donaldson, Gib Geiger, Mike Kingsbury, and Brian Shupe.

Voting in the Negative: None.

Absent: Chris Cook, Chris Jernigan, and Rudy Polwin.

#### **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.