



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

<b>Application #:</b>	<b>3827-CU</b>
<b>Land Owner:</b>	<b>Mavis, LLC</b>
<b>Applicant:</b>	<b>TJ Kingsbury</b>
<b>Property Address:</b>	<b>182 Mad River Park</b>
<b>Parcel Number:</b>	<b>06001.000</b>
<b>Meeting Dates:</b>	<b>July 10, 2018</b>
<b>Proposal/Type:</b>	<b>Request to allow another 2 years of extraction of earth resources (gravel), on a 3.2-acre area of the larger 37-acre parcel which was previously approved in #3684-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. Section 2.06 Industrial District (IN).
  - b. Section 4.05 Extraction of Earth Resources.
  - c. Section 4.07 Mixed Uses.
  - d. Section 5.03 Conditional Use.

### **B. MATERIALS SUBMITTED**

On June 12, 2018, the applicant submitted a zoning permit application, a conditional use application, and a site plan.

### **C. FINDINGS OF FACT**

1. The property is a 27-acre +/- parcel with existing commercial buildings located at 182 Mad River Park. The parcel is identified as #06001.000 and is located in the Industrial Zoning District.
2. The project area is a smaller, 3.2-acre +/- portion of the total parcel. The applicant proposes to continue gravel extraction for another two years. Gravel is proposed to be stock-piled on-site and will be removed at a rate not to exceed 10,000 cubic yards per year.
3. The details of the gravel extraction operation will not change from those approved in 2016 (#3684-CU) under previous ownership. The prior approval required landscaped screening, which has been installed and maintained.

4. The public hearing was held on Tuesday, July 10, 2018. The abutting property owners were sent notice on June 21, 2018 and the notice appeared in the June 21, 2018 issue of *The Valley Reporter*.
5. The applicant presented the proposal and informed the board there is limited extraction left so they need a couple more years; they want to move the material as it is sold.
6. According to Jeff and Bri Skoldberg, the abutters, the screening is currently meeting their expectations in the summer time but the wintertime screening is less sufficient. There are a few trees that were planted in the previous season that are now dead and they have requested those trees to be replaced.
7. Gravel extraction hours are Monday – Friday, 7:30 am – 5:00 pm or earlier, so long as there is daylight. The applicant clarified that weekend extraction cannot happen. The current noise ordinance decibel limit is reduced if activity is outside the range of 7 am to 7 pm. The applicant clarified that the hours of extraction are only for extraction and not other activities on-site.
8. The members asked about dust control at the site. The applicant stated that water is used and calcium chloride has not been used in a while. The current permit for extraction has expired and this approval will take it to 2020; the applicant is confident it will be completed by then.
9. The applicant has started the reclamation of the area and it is about 75% complete. There is an Act 250 reclamation plan for the site but the prior local approval did not detail one. The topsoil has been stripped and stored; the reclamation includes returning the topsoil to the site, then seeding, grading, and mulching. Once extraction is finished the area will be for commercial development. The board agreed that there will be a reclamation date upon completion of extraction.
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 #3827-CU is hereby APPROVED, subject to the following conditions:

1. All conditions from #3684-CU remain in full force and effect.
2. This approval shall expire two (2) years from the date this decision is issued.
3. The reclamation plan approved by Act 250 permitting shall be completed within 45 days of the date this approval expires.

4. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 2 day of August, 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.**

