



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

<b>Application #:</b>	<b>3830-CU</b>
<b>Land Owner:</b>	<b>Skatium, Inc.</b>
<b>Applicant:</b>	<b>Ned Farquhar, Mad River Path Assn.</b>
<b>Property Address:</b>	<b>40 Slow Road</b>
<b>Parcel Number:</b>	<b>99146.001 in the Irasville Village District</b>
<b>Meeting Date(s):</b>	<b>July 10, 2018</b>
<b>Proposal/Type:</b>	<b>The applicant proposes to improve 278' of existing footpath by extending the 5' wide boardwalk that exists on the adjacent parcel (Lawson's Finest Liquids).</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 15, 2018, the applicant submitted a completed zoning permit application, conditional use application, site plan sketches, email from owner authorizing agent status, and fee waiver request.

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

1. The property is a 5.42-acre lot identified as parcel #99146.001 at 40 Slow Road. The property contains an ice rink and several accessory structures.
2. The applicant proposes to improve an existing 278' footpath by extending the 5-foot wide boardwalk from the adjacent parcel (owned by Lawson's Finest Liquids).
3. The proposal was not eligible for administrative approval because the additional impervious surface exceeds the 1,000 square foot limitation.
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 submitted a revised site plan to include a proposed sign kiosk as part of the Valley-wide trailhead signage effort. The location was chosen so Skatium signs are not impeded.
6. The proposed sign is an accessory structure to the principal use (trail) on the site plan. The sign is closely related to the trail proposal so re-warning a new hearing was not required.
7. 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 #3830-CU is hereby APPROVED, subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 2nd 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.**