



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

<b>Application #:</b>	<b>3831-CU</b>
<b>Land Owner:</b>	<b>Watermark Holdings, LLC</b>
<b>Applicant:</b>	<b>Jenneth Fleckenstein, Clear Water Filtration</b>
<b>Property Address:</b>	<b>264 Mad River Park</b>
<b>Parcel Number:</b>	<b>06001.101 in the Industrial Zoning District</b>
<b>Meeting Dates:</b>	<b>July 10, 2018</b>
<b>Proposal/Type:</b>	<b>Request for approval to convert a portion (640 square feet) of the warehouse to light industry (a small brewery).</b>

### **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 4.08 Mixed Use.
  - d. 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 June 15, 2018, the applicant submitted a conditional use application and a narrative explaining the project.

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

1. The property is located at 264 Mad River Park, and is a mixed use parcel consisting of a structure with residential, office, and a warehouse addition that was approved in #3791-CU. The parcel is identified as #06001.101 in the Industrial Zoning District.

2. The applicant proposes to convert a portion of the not-yet-constructed warehouse (640 square feet) to light industry, a small brewing operation to produce and self-distribute kegs of beer.
3. Expected traffic increase will be minimal. The brewery will generate light commercial delivery truck traffic once a week, between 8am and 5pm. A Ford Transit van will distribute product from the facility to customers; there will be no visitor access at this location.
4. Odor from the brewing process will be minimized by using proper venting methods and a 2-3 day per week brew schedule.
5. Solid wastes will be contained in above-ground storage tanks and taken off-site by a local farmer. Liquid waste will be contained in a tight tank for removal by a municipal wastewater department; it will not be managed by the on-site septic system.
5. 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*.
6. The applicants presented the proposal. No one else attended the hearing.
7. The brewery will not be connected to the on-site wastewater system, so no permit amendment is required. However, state wastewater permit will be required for the tight tank system.
8. 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 #3831-CU is hereby APPROVED, subject to the following conditions:

1. A zoning permit to convert the interior space to a brewery shall not be issued until a wastewater permit is granted for the tight tank.
2. This approval 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.**

