



WAITSFIELD DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	3829-CU
Land Owner:	Crosspoint/Mad River Green Shopping Center
Applicant:	Worthy Burger Waitsfield
Property Address:	114 Mad River Green
Parcel Number:	99152.000 in the Irasville Village Zoning District
Meeting Dates:	July 10, 2018
Proposal/Type:	Request for approval to increase the restaurant's seating capacity from 60 to 90.

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 2.03 Irasville Village Zoning District.
 - b. Section 3.03 Conversion and Change of Use.
 - c. Section 3.09 Parking & Loading Standards.
 - 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 14, 2018, the applicant submitted a conditional use application, and an authorization to apply on behalf of the owner.

C. FINDINGS OF FACT

1. The property is located at 100 Mad River Green, a mixed use property, and the unit is a vacant, former restaurant space. The parcel is identified as #99152.000 in the Irasville Village Zoning District.
2. The applicant proposes to increase the restaurant's seating capacity from 60, as approved in #3549-CU and #3549-CU-b, to 90. The brewery component that was approved in the same decision will be abandoned but the retail component will remain.
3. The shared parking lot has adequate capacity for the proposed increase in use. The additional 30 seats require 8 additional parking spaces. A prior condition in a 2015 approval, Condition 2a in #3573-CU, included a requirement for a parking assessment for the shopping center parcel. There were 265 available parking spaces in this shared lot

and, after The Butchery 40-seat restaurant changed its use, there were an excess of 3.3 parking spaces. The Mad River Taste Place and Product Think Tank changes of use freed up an additional 5 parking spaces. These 8.3 parking spaces will be used for this increase in seats. Unless a future proposed change of use reduces the required number of parking space, the parking lot has no additional capacity.

4. The terrace with outdoor seating was constructed according to the approved plans per #3549-CU. The applicant will maintain all on-going conditions related to outdoor seating, lighting, and noise, none of which are revised by this proposal.
5. No exterior alterations are proposed, except signage which will require administrative approval or be exempt. The interior work and wood fired grill are being installed according to state code; the Fire Marshal has been consulted.
6. The restaurant is served by the municipal water system and was granted an increase in allocation from the Water Commission. Administrative amendment #5W0036-27A for their state wastewater system and potable water supply permit was issued on June 22, 2018.
7. The public hearing was held on Tuesday, June 26, 2018. The abutting property owners were sent notice on June 7, 2018 and the notice appeared in the June 7, 2018 issue of *The Valley Reporter*.
8. The applicant presented the proposed increase in seats. Mr. Merrill clarified that the outdoor terrace seated about 25 people and that no live music is planned for the restaurant.
9. A resident on Post Office Road, Valerie Welter, sent an email concerning the capacity of the wastewater system that she and other residents share with Crosspoint. The property manager from Crosspoint, Rebecca Finley, was in attendance and stated that a consultant was hired to verify the capacity of the system and that a wastewater permit amendment had been obtained for the increased seats. The board agreed that the permit approval is sufficient evidence that they have complied with applicable laws.
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 #3829-CU is hereby APPROVED, subject to the following conditions:

1. Prior approvals #3549-CU and #3549-CU-b remain in full force and effect, except as changed herein.
2. This decision is subject to any and all applicable local, state, and federal permit approvals.

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



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.

