

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

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Application #: #3796-CU (amend to), SUB 17-11-PUD
Land Owner: Lawson's Finest Liquids
Representative: Sean Lawson
Property Address: 155 & 157 Carroll Road
Parcel Number: 23003.00 (Lot 9), 23003.100 (Lot 10), 23001.001 (Lot 6) in the Irasville Village Zoning District
Meeting Dates: October 9, 2018
Proposal/Type: Requesting approval to amend prior approval related to the hours of operation for the taproom, enabling opening to occur at 10:00 a.m. rather than 12:00 p.m. as proposed, and to relocate a portion of the Mad River Path connecting to Route 100 within the Town's right-of-way.

I. GUIDING ORDINANCE and POLICY PROVISIONS

1. Waitsfield Subdivision Regulations, amended on January 21, 2008.
2. Waitsfield Town Plan, as adopted on December 18, 2017.
3. 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 5.03 Conditional Use.
 - c. Section 5.04 Planned Unit Development (PUD) Review.

II. MATERIALS SUBMITTED

1. On September 18, 2018, the applicant's representative, P. Mark D'Angelo, submitted an email to the interim Zoning Administrator requesting a change in hours of operation for the taproom.
2. On October 3, 2018, the applicant submitted the sketch showing the proposed relocation of a section of the Mad River Path along Carroll Road.

III. PROPOSED FINDINGS OF FACT

1. The public hearing was held on October 9, 2018. The abutting property owners were sent notice on September 21, 2018 and notice appeared in the September 25, 2018 issue of *The Times Argus*.
2. At the hearing, the applicant explained his rationale for the change in operating hours of the taproom to 10:00 a.m. to 9:00 p.m., rather from 12:00 p.m. to 9:00 p.m. The Board had no questions on this request.
3. The applicant then discussed the rationale for the proposed change in the path location – i.e. the original location would require spanning a large low spot and would be more costly. A very general outline of how the new path would be constructed was presented, however no engineering drawings or other details were submitted. The Board was informed that the Road Commissioner, Town Administrator and Selectboard had all approved the new location.
4. The applicant also disclosed his desire to pave the parking areas by the buildings at 155 and 157 Carroll Road instead of leaving them as gravel. He stated that sufficient storm water infrastructure has been built to accommodate this. Since this matter was not warned it could not properly come before the Board for a decision at this time. The Board did comment that both gravel and paving are considered impervious surfaces and a paved lot would probably drain into the stormwater system better than a gravel surface would.
4. The Board closed the hearing and stated a written decision would be issued within 45 days.
5. During the deliberative session, the Board questioned the feasibility, aesthetics and safety of building the path in the new proposed location. Subsequently some members of the Board visited the site and shared photographs with the other members.
6. On October 23, 2018 the Board Chairperson received an email from the Applicant which included a conceptual plan for the path and indicated engineering drawings would be forthcoming.

IV. CONCLUSIONS OF LAW


Based on its review of the application materials, presented testimony, supporting materials, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes that the proposed new hours of operation of the taproom do meet the conditional use provisions of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

Based on its review of the application materials, presented testimony, supporting materials, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes that the information provided to date regarding the proposed new path location is not sufficient to resolve feasibility, aesthetic and safety concerns.

V. DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the application is approved only with regard to the change of operating hours for the taproom. The hearing should be reopened once additional information is provided by the Applicant regarding the request to change the path location.

Dated at Waitsfield, Vermont this 29th day of October, 2018 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, John Donaldson, Gib Geiger, Mike Kingsbury, Rudy Polwin, and Brian Shupe

Abstaining: None.

Absent: Chris Jernigan.

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.

