



TOWN OF WAITSFIELD

ZONING PERMIT

PERMIT #: SUB-20-10 DATE OF ISSUE: 2/8/21
Prelim. Plan

PROPERTY OWNER: Mavis, LLC

APPLICANT: Mavis, LLC (TJ Kingsbury)
(If other than owner)

PROPERTY LOCATION: south of Airport Road (parcel #06001.000)

APPROVED FOR: Estes Landing PRD Preliminary Plan (Final Plan to be submitted by 8/6/21)
and subject to conditions

Provided that the person accepting this permit shall in every respect conform to the terms of the application files and conditions of approval granted, and to the provisions of applicable Vermont statutes and the Waitsfield Zoning Ordinance.

THIS PERMIT GRANTED BY THE ZONING ADMINISTRATOR IS SUBJECT TO APPEAL FOR 15 DAYS FROM THE DATE OF ISSUANCE IN ACCORDANCE WITH 24 V.S.A. § 4464.

THIS PERMIT GRANTED BY THE DEVELOPMENT REVIEW BOARD IS SUBJECT TO APPEAL FOR 30 DAYS FROM THE DATE OF ISSUANCE IN ACCORDANCE WITH 24 V.S.A. § 4471.

THIS POSTER MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES AND VISIBLE FROM THE ROAD DURING THE APPEAL PERIOD AND THROUGHOUT CONSTRUCTION.

BY: , Waitsfield Zoning Administrator



DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	SUB20-10 (Preliminary Plan) Estes Landing
Landowner:	Mavis, LLC
Property Address:	south of Airport Road (access to the west of 149 Airport Rd)
Parcel Number:	06001.000 (the proposed ~28 acres included in the project site located in the Agricultural Residential District)
Meeting Dates:	Sketch Plan Review on November 10, 2020 Site Visit & Preliminary Plan Hearing on January 12, 2021
Proposal/Type:	Preliminary Plan for Planned Residential Development proposed on 28-acre project site. The application is an amendment of a previously approved PRD (SUB04-06) for which an updated Sketch Plan application was also submitted in 2018.

A. GUIDING ORDINANCE and POLICY PROVISIONS:

1. Waitsfield Subdivision Regulations, amended on January 21, 2008.
 - a. Article 3 (Subdivision Planning & Design Standards)
2. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 28, 2020.
 - a. Table 2.07 Agricultural Residential District Standards
 - b. Section 5.04 (Planned Residential Development Review)
3. Waitsfield Town Plan, as adopted on September 26, 2016.

B. MATERIALS SUBMITTED

1. On December 14, 2020, the applicant submitted a complete Preliminary Plan Application form, fee, project narrative (including detail on vehicle trips), draft declaration of condominium, project site plans, stormwater plan, and building elevations/floor plans.

C. PROPOSED FINDINGS OF FACT:

1. The project area includes 28 acres south of Airport Road, currently part of parcel #06001.000 and located in the Agricultural-Residential District.
2. The property owner received Final Plan approval for the original 8 parcel, 24-unit PRD from the Waitsfield Planning Commission on June 21, 2005 (SUB04-06).
3. The project included the subject 28-acre project site, subdivided into 8 parcels, 6 identified for residential development, parcel 7 identified as open space (~13.28 acres), and parcel 8 as the location for wastewater disposal for the entire development (7.48

- acres). The 6 residential parcels were intended to each have 4 residential units. The project received Act 250 approval, including a project amendment, on March 8, 2007.
4. The 28-acre project area includes deer wintering area on most of the site as well as prime agricultural soils. The original subdivision was approved with these factors in mind as the open space was found to help protect the wildlife habitat onsite and the Act 250 decision considered the presence of agricultural soils and required as a condition of approval (condition #14 in the amendment) that an “off-site mitigation agreement” be submitted to the District Environmental Commission before any of the original lots were conveyed. The access road to the development was installed and exists onsite.
 5. In 2018 the applicant submitted an updated Sketch Plan application that included modifications to this proposed project site for more residential units. The DRB determined the project would require Major Subdivision Review. A Preliminary Plan application was never submitted for the change.
 6. The applicant is now requesting an amendment to the original SUB04-06 project for 20 single family residential units to be clustered on a common lot and sold for condominium units. The project retains a similar layout to the original subdivision including 13.5 acres of protected wooded forest land to the west and 7.5 acres preserved to the east which will also include the wastewater system for the development. The new project includes about 6 acres of total residential development land and about 22 acres of protected land.
 7. A Sketch Plan meeting was held on November 10, 2020 and the DRB determined that the project would be reviewed as a Major Subdivision.
 8. A Site Visit was held on January 12th, attended by the Development Review Board, the applicant (TJ Kingsbury), the applicant’s engineer (Chris Austin with Grenier Engineering), and the PZA.
 9. A Preliminary Plan public hearing was held on January 12, 2021. The abutting property owners were sent notice on December 18, 2020 and the notice appeared in the December 24, 2020 issue of *The Valley Reporter*.
 - a. A public comment was received via phone before the hearing and read onto the record by the PZA. Mary Lynn Percy, an abutting resident, was concerned about the impacts of increased traffic on the condition of Airport Road as she finds the road already gets too dusty.
 - b. Kevin Anderson and Peter Harrison, both residents on Bertha Springs Road, provided public comments at the public hearing. Kevin Anderson requested confirmation that no development was proposed to the west of the access road, on the 13 acres of deer yard. The applicant confirmed that no development or trails were proposed in this area. Mr. Anderson recommended that the final plan include a note stating that the conservation area shall remain forested and that the applicant and DRB consider whether an easement granting future connection to the Mad River Path may be appropriate on the eastern portion of the property. Mr. Anderson also had questions about the current condition of the surfacing of Airport Road. Mr. Harrison inquired if the project was still intended as an

affordable housing development for seniors. The applicant explained that the development will not be explicitly affordable housing for any demographic.

10. PRDs are subject to review under Section 5.04 of the Zoning Bylaws and Article 3 of the Subdivision Regulations. This project is also subject to the standards found in Table 2.07 which apply to development in the Agricultural Residential District.
11. The applicant proposes 20 residential units on the 28-acre project site and has not requested any density bonuses for the proposed PRD. The density and project area comply as proposed.
12. The uses proposed include 20 single family dwellings and the draft Declarations of Condominium also allow for home occupation uses. The open space includes a plan for recreation trails, to be coordinated with the VT Department of Fish and Wildlife. The uses proposed are permitted in the Ag-Res District and within PRDs.
13. There are 21 total acres of open space proposed, totaling ~73% of the project site. The minimum required is 60%. The leach field is in the eastern 7.5 acres of open space, as included with the previously approved PRD. The leach field takes up less than half of this area. The 60% open space requirement requires at least 16.8 acres of open space for this project which is still met.
14. Section 3.9 of the Subdivision Regulations requires that a long-term ownership and maintenance plan be identified for any open space and that all costs associated with maintaining this land is the responsibility of the application and subsequent landowners. The applicant provided a draft "Declaration of Condominium" for the PRD identifying all open space as common land to be maintained/managed by the condo association.
15. The buildings as proposed are located within an identified development envelope, bound by the setbacks of the district as well as wetlands and their associated buffers. The plan includes the 20 specific building footprints for the condo units. The development envelope maintains a ~100ft front setback, 300+ ft on both sides, and a 25ft rear setback (Unit 12 is the closest). The condo units would be considered "zero lot lines" which support clustered development.
16. The development envelope as proposed is designed to protect wildlife habitat onsite. The applicant has provided over 20 acres of open space for the preservation of deer yard on the property and continues to work with VT Fish and Wildlife to ensure protection of deer and wildlife habitat onsite. Trail design is taking place in conjunction with VT Fish & Wildlife. The applicant also confirmed that the draft condo declaration addresses the need to control dogs in the deer yard area.
17. There are ag-soils on a majority of the project site and previous Act 250 approval included ag-soil mitigation requirements. An amended Act 250 application has been submitted to the state.
18. An 80' to 100' naturally forested buffer will be maintained along Airport Road and the open space area surrounding the development envelope will be left in forest. Some landscaping is proposed within the development envelope. The Board determined that the proposed plan provides adequate screening and landscaping.

19. Section 3.4 of the Subdivision Regulations requires that stormwater management systems shall be designed by a VT licensed engineer in accordance with accepted stormwater treatment practices. The applicant has submitted a stormwater permit to the state.
20. Section 3.5 of the Subdivision Regulations sets standards for emergency service facilities. The DRB requested that the applicant consult with the Waitsfield-Fayston Fire Department to ensure that adequate safety facilities are available onsite including emergency access and fire protection (adequate water, etc.).
21. Section 3.6 identifies standards for road design and road construction standards. This includes detail on road and right of way widths, road surfacing, intersection detail, and road names. The DRB determined that additional detail was needed on proposed roads and that roads should generally comply with the standards found in this section and the VT Agency of Transportation Standards. The DRB also found that any detail on phasing of the subdivision (the order that roads and units are proposed to be developed) should be provided with the Final Plan application.
22. The applicant presented updated detail on proposed traffic impacts on Airport Road. Traffic impacts are determined based on peak hour vehicle trips. The project was originally approved with 13 trips predicted during peak traffic hours, with 122 total trips generated throughout the day. With the project scaling down to 20 units, the applicant now projects 11 peak hour vehicle trips, with a total of 102 trips throughout the day. Act 250 review also includes a traffic/road capacity analysis with a typical trigger of 75 peak hour vehicle requiring additional studies. VTrans was able to provide turning movement count data for North Fayston Road and explained that if Airport Road has similar or lesser traffic volume than Airport Road, there would be no concern about the added capacity. Based on the provided information the Board determined that no additional traffic studies or mitigation are needed at this time.
23. The Board considered the concerns related to the surfacing of Airport Road and found that the impact from this development would be minimal compared to the current use. Future commercial use in Mad River Park will require additional review of traffic and road impacts at which time additional road improvements may be necessary.
24. The Board asked if the applicant had considered how mail would be delivered to the site and where mailboxes would be located. The applicant will consult with the Post Office to determine an appropriate location for mailboxes, to be included on the Final Plan.
25. The Board inquired about proposed hours of construction and the applicant confirmed that Act 250 limits the hours of construction to weekdays from 7am-7pm.
26. The applicant confirmed that all proposed utilities will be located underground, and that the location of these lines will be shown on the Final Site plan.
27. The Board reviewed the sample building elevations provided with the application materials. The applicant explained that the intent is to have condo owners develop their own units, and that they will select a design from a provided "build package" to ensure a cohesive design throughout the PRD.

D. CONCLUSIONS OF LAW

Based on its review of the application materials, submitted site plans, presented testimony, and the Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented with the modifications and conditions below, does meet the appropriate criteria of the Waitsfield Zoning Bylaws and Subdivision Regulations and is in conformance with the Waitsfield Town Plan.

E. DECISION

The Preliminary Plan Application for SUB20-10 (Estes Landing PRD) is hereby approved, subject to the following conditions:

1. The Final Plan shall include:
 - a. A note stating that open space/conservation land shall be kept forested (aside from VT Fish & Wildlife approved recreation trails)
 - b. The location of wetlands and their buffers as well as a note stating that the wetland & stream buffers shall be maintained with natural vegetation.
 - c. The proposed location of mailboxes, after consulting with the US Postal Service
 - d. The location and size of utility lines, road right of ways, and any other easements onsite
 - e. A note related to the maintenance of the road and open space.
2. The Final Plan application shall also include the following:
 - a. Additional detail on the internal road layout (refer to Subdivision Regulations Section 3.6) including:
 - i. More detail on the proposed right of way width, proposed road surfacing, and proposed names of roads (any spur that accesses 3 homes or more is considered its own road for emergency services).
 - b. A proposed phasing plan for the development of roads and units
 - c. An approval letter from the Fire Department confirming that there is adequate emergency access and fire protection (including adequate water onsite and appropriate building separation).
 - d. An update on the status of the state water/wastewater permit, state stormwater permit, and Act 250 permit process
3. Within 6 months of the date of preliminary plan approval, but no sooner than 30 days (the appeal period), the applicant shall submit an application for final subdivision approval, including plat approval.

Dated at Waitsfield, Vermont this 8 day of February 2021 for the Town of Waitsfield
Development Review Board by:



Chris Cook, Development Review Board (Chair)

Voting in the Affirmative: Duncan Brines, Chris Cook, John Donaldson, Gib Geiger, Steve McKenzie, and JB Weir.

Abstaining: None.

Voting in the Negative: None.

Absent: 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 Vermont Environmental Court by filing a Notice of Appeal directly to the Environmental Court, 255 North Main Street, Barre, VT 05641, 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.