

Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Meeting Minutes
April 11, 2023

1. CALL TO ORDER: The meeting was called to order at 7:00 pm, and was held in person at the Waitsfield Town Offices and online via Zoom.

DRB Members Present: Duncan Brines, John Donaldson, Gib Geiger (Acting Chair), Rudy Polwin, Jim Tabor, Jonathan Ursprung

Staff: Planning & Zoning Administrator JB Weir

Others: John Adler, Jeff Campbell, Eric Friedman, Josiah Jackson, Lindsay Jarvis, Lisa Loomis, Alice Peal, Bryce Simon, Charlene Spaulding, Courtney Spaulding, Edward Spaulding

2. REVISIONS TO AGENDA, IF ANY

No changes were made to the agenda.

3. PUBLIC FORUM

No members of the public were present.

4. Application #4102-CU by Rider's Outpost, LLC at 7575 Main Street, Waitsfield VT. Request to amend the approved Master Plan to include 6 cabins, 6 seasonal tent pads and one bath house. As per the Adaptive Redevelopment Overlay standards, amended master plan and PUD approval is required for new uses/structures not identified in the approved master plan. The parcel is identified as #99216.000 in the Agricultural-Residential District and Adaptive Redevelopment Overlay District

Mr. Ursprung recused himself from this hearing.

Mr. Adler explained the proposed expansion, which is to add six 200-square-foot cabins, with bathrooms but no kitchen facilities, and to create level pads for tents at the property. The cabins are planned to be ten feet high. The two cabins closest to Route 100 are planned to be 150 – 200 feet from the road. The tent spaces will be mowed, and the tents will hold beds; all the tent users will share a single bathhouse. There is no infrastructure (i.e., platforms) planned for the tent pads, and each site is proposed to hold one or two tents. The spaces will be placed along the high bank line. Mr. Adler indicated that these changes have all been included and approved in the associated Act 250 permit.

Traffic and parking impacts were discussed. Mr. Adler provided estimates of the number of peak hour vehicle trips to be generated by these additional rooms. Mr. Adler clarified that he does not foresee any material changes to the traffic generated, although there will be additional parking spaces created.

Mr. Adler also noted that lighting is planned to be low to the ground and downcast, bike racks will be available in the tent/cabin areas, and the cabin exteriors will be designed to match the exterior of the main building. Mr. Jackson explained that a shed roof is planned for these structures.

Mr. Adler explained some of the changes made to the original construction plans, through which some additional guest rooms were created out of unused space. He acknowledged that about 250 square feet of space was added during this construction. Mr. Donaldson asked for further clarification regarding the additional guest rooms planned, and how the full number of rooms relates to the original plans and permit. Mr. Adler explained that the cost of development has led to his needing additional guest rooms for income. He explained the number of rooms that existed in the hotel previously, including an apartment with several bedrooms, and noted that the cabins brings the total number of rooms to 22, with the tents providing additional spaces during the time of year that they are operational.

Mr. Donaldson spoke of safety concerns which had been raised during the original permitting process, and expressed misgivings about doubling the number of guest spaces before having an opportunity to evaluate safety issues related to access to Route 100 while the original number of permitted guest spaces are operational. Mr. Adler explained that the cabins add just six guest spaces year-round, and that the tent spaces are only for use in the summer months. He also noted that a permit has been obtained from VTrans, and that the number of peak hour trips has been calculated by an engineer based on the number of guest spaces available. He explained that there are 39 parking spaces in the main lot, some ADA parking close to the building, and a grass overflow area for 17 spaces. Mr. Donaldson pointed out the calculations provided by the Zoning Administrator indicate a need for 67 spaces; Mr. Adler will follow up with plans for additional spaces.

It was decided to hold a site visit for the DRB members to familiarize themselves with the new proposal. The possibility of requesting a traffic study was raised; Mr. Adler indicated that his peak hour trips are well below what would trigger a traffic study requirement. He also explained that bike traffic will use an entrance to Route 100 on the Bundy property, where the sight lines are more viable and access to the main road will be safer.

Mr. Donaldson asked if there were other changes anticipated to the Master Plan at this point. Mr. Adler explained that he had not begun working with anybody regarding the current proposal at the point he last submitted a Master Plan, and the amount and expense of the work related to getting wastewater needs addressed led to the decision that these additional guest spaces are needed. He explained that there are no concrete plans for the barn on the other side of the river at this point, and that some work to protect the waterfall access will be completed. Other than that, he has no plans at this point to propose further amendments to the Plan.

Mr. Adler explained some of the state permitting process and requirements, and noted that some portions of the property are not part of any development plans, as they include areas of natural resources that would require further permitting.

Mr. Geiger noted that some correspondence had been received from abutting landowners.

Mr. Adler explained that the restorative work which has been completed on the pond was all approved before any of the improvements were undertaken. Mr. Jackson provided further information about ANR's involvement regarding river corridor, wetland, and other natural resource elements.

Mr. Friedman pointed out the VOREC grant awarded to the Recreation District was meant in part to provide an impetus for the type of facility that Mr. Adler is developing.

MOTION: Mr. Geiger made a motion to designate Trish Hopkins, Wendell Anderson, and June Anderson as interested parties for this hearing. Mr. Tabor provided the second. All voted in favor.

MOTION: *Mr. Brines moved to continue the hearing for Application #4102-CU. Mr. Tabor provided the second. All voted in favor.*

A site visit was set for April 20, 2023 at 10 am.

6. Application #4103-NOV by Edward & Courtney Spaulding at 31 Center Fayston Road, Waitsfield, VT. Applicant appeals a Notice of Violation issued by the PZA for placement of a storage container on the property without a permit and within the front setback. The parcel is identified as 99030.000 in the Agricultural-Residential District.

Mr. Polwin recused himself from this hearing.

Mr. Geiger explained that Board members have read the correspondence related to this matter, and have viewed the recent Selectboard meeting where the Spauldings requested relief from this violation via the issuance of a setback waiver.

Mr. Spaulding inquired about any complaint being filed that lead to the Notice of Violation; Mr. Weir explained that this, and several other similar notices, was issued as a result of a request by the Town that he look into structures placed within property setback areas.

Appellants asked that the Notice of Violation be read into the record. The Board stipulated that the Notice of Violation, dated February 13, 2023, would be included in this proceeding's record. The Notice of Violation is attached as an addendum to the minutes of this hearing.

The Spauldings questioned whether a trailer is a structure, as well as why the Notice was issued for the trailer when the house is also located close to the road. It was explained that the trailer is defined as a structure, as it is being used on site for storage and at a recent site visit appeared to not be moveable. An explanation of the house being a non-conforming structure that was in place prior to adoption of the Land Use Regulations was provided.

There was some discussion regarding previous approval given by the DRB for storage of trailers during the interim period for which garage/barn construction had been permitted. Mr. Spaulding indicated that moving the trailer would impede both those building plans as well as deliveries of hay. He also noted that the power lines which previously ran across the property had prevented moving the trailer; he acknowledged that those lines were moved in 2022.

Mr. Spaulding requested that the building permit for the barn and garage be renewed at no cost to him. He outlined that he would need at least three years to get the structure contracted and built, indicating that the lack of progress to date was due to other hardships encountered in recent years.

Mr. Donaldson explained that the question before the Board is whether the Zoning Administrator acted properly in issuing the Notice of Violation.

Mr. Simon, representing Shea Property Services, indicated that in its current location the trailer creates visibility impacts for the neighboring Shea property.

MOTION: *Mr. Brines moved to close the hearing for Application #4103-NOV. Mr. Tabor provided the second. All voted in favor.*

7. APPROVAL OF MINUTES

The minutes of March 28, 2023 were approved.

8. OTHER BUSINESS

The upcoming schedule was reviewed.

9. ADJOURNMENT

The public portion of the meeting was adjourned at 8:32 pm to move into deliberations.

10. DELIBERATIONS

Respectfully submitted,
Carol Chamberlin, Recording Secretary