

Contact the Zoning Administrator westfieldzoning@gmail.com or 802-715-3077 before submitting this form



TOWN OF WESTFIELD
 38 School Street
 Westfield, VT 05874
 Phone: 802.744.2484
 Fax: 802.744-6224
westfieldzoning@gmail.com
www.westfield.vt.gov

ADMINISTRATIVE USE ONLY

\$205 #862 2024-03
 Fee Rec'd/ Check # Application Number
 4/11/24 4/25/24
 Date submitted to Town Date Complete to ZA
 4/26/24 6/23/24
 Date Posted Date to record

APPLICATION FOR ZONING PERMIT

- CONSTRUCTION (OR DEMOLITION)
- CHANGE OF USE
- LAND SUBDIVISION
- BOUNDARY LINE ADJUSTMENT
- AGRICULTURAL STRUCTURE (recording fee only)

Submit a plot or sketch to show locations of easements, rights-of-way, land alterations, waterways & wetlands, existing & proposed structures, water & sewage systems, driveways & roads.

APPLICANT		OWNER (if different)	
Name: <u>Doug Demers</u>	Name:	Town Clerk's Office, Westfield, Vermont 05874	
Address: <u>929 Route 100 Westfield, VT 05874</u>	Address:	Received for Record <u>6-24</u> 2024	
Email: <u>juycubo2012@gmail.com</u>	Email:	At <u>3:50 o'clock P</u> M. Recorded in	
Phone: <u>802-373-2112</u>	Phone:	Land Records Book <u>62</u> Page <u>353</u>	
		Attest: <u>Karim Khan, Assit Town Clerk</u>	

PROJECT INFORMATION

Project Location: 929 Route 100 Zoning District: VILLAGE

Current use: Residential Proposed use: Commercial

Warranty Deed Book 56 Page 489 Parcel ID: 06-100-17

Abutting property owners: Rural Edge, Truckenberg, Coulter

Describe proposed development: Move my auto repair shop to Westfield

PROPOSED ADDITION OR NEW STRUCTURE INFORMATION

Proposed structure: NEW Dimensions Length: _____

ADDITION Width: _____

REBUILD/RENOVATION Height at peak: _____

Setback from	Edge of right of way	Rear boundary	Left boundary	Right boundary

I hereby certify the information in this application (including attachments) is true and correct. Any changes or revisions after issue, or misrepresentations will automatically void such permit.

Signature: [Signature] Date: 4-3-24

Application/Permit #: 2024-03 Administrative Decision: Approved Denied

Permit approval is subject to the conditions specified below and is valid (except if appealed) beginning on: 6/23/24 and the project must be substantially commenced by 6/23/26

Signed _____ Date of Decision: _____

Must comply with all applicable State and Federal regulations. Please use the permit navigator at <https://vermont.force.com/permitnavigator/s/> to determine what state permits your project will require, including potable and wastewater supply. All new construction projects are required to meet residential or commercial building energy standards under Act 89. Construction of a driveway on a State Highway requires an access permit from the Vermont Dept of Transportation. Construction of a driveway on a town road requires a permit from the Town Road Foreman. An E911 address is assigned after driveway is completed.

****An interested party may appeal any decision by the Administrative Officer, within 15 days of the date of such decision to the Zoning Board of Adjustment.****

Board hearing required: Y or N _____ Date of hearing: MAY 14 2024 Board Decision: Approved Denied

Notes: MUST MEET CONDITIONS OF DLB NOTICE OF DECISION DATED JUNE 23 2024.



TOWN OF WESTFIELD
38 School Street ♦ Westfield, VT 05874

Office hours:
Monday-Thursday: 8 am to 4 pm
Phone: 802-744-2484 ♦ Fax: 802-744-6224

Email: townofwestfield@comcast.net
Website: www.westfield.vt.gov

TOWN OF WESTFIELD
Development Review Board (DRB)

Application for Conditional Use Review
Findings and Decision

In re: CHANGE OF USE: Residential to Commercial
Permit Application No.: 2024-03

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding reviews an application for conditional use submitted by **Doug Demers** under the Town of Westfield Zoning Bylaw:

∞ Application 2024-03 submitted by Doug Demers for change of use: to convert an existing garage to a Repair Shop at 929 VT Route 100. The property is in the Village Zoning District. A Repair Shop requires Conditional Use and Site Plan Review by the Development Review Board (DRB).

2. A completed application was received by the Zoning Administrator (ZA) on April 25, 2024. A copy of the application is available at the Westfield Town Office, 38 School Street, Westfield, VT.

3. On April 26, 2024, notice of a public hearing was published in the *Newport Daily Express*.

4. On April 26, 2024 notice of a public hearing was posted at the following places:

- a. The municipal clerk's office.
- b. Westfield General Store bulletin board (24/7 access).
- c. Recycling Center Town bulletin board (24/7 access)
- d. Permit request sign posted at the property for which the application was made, and within view of Rte 100, the nearest public-right-of way.

5. On April 26, 2024, a copy of the notice of a public hearing was mailed to the applicant. On April 26, 2024, a copy of the notice of public hearing was mailed to the following owners of abutting properties:

- Berthiaume/Tetreault
- Delpha Coulter
- Ben Hornsby
- Justin and Farzana Leyva
- Scenic View/Rural Edge
- Trachtenberg/Winchester
- VTrans Permitting Services
- Doug Demers

6. The application was considered by the Development Review Board (DRB) at a public hearing on May 14, 2024.

The DRB reviewed the application under the Town of Westfield Zoning Bylaw, as amended March 18, 2024.

The hearing was adjourned at 7:18 pm.

7. Present at the hearing were the following DRB members:

- Brian Dunn
- Kitty Edwards – (Acting) Secretary
- Loren Petzoldt – Vice Chair
- Pat Sagui – Chair

8. At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met.

- No member of the public was present, or submitted comment in writing.

9. During the course of the hearing the following exhibits were submitted to the DRB:

- Copy of Tax Map
- Copy of Zoning Permit Application
- Description of proposed changes to the site for intended use as auto repair shop
- Site Plan
- Vtrans Determination of Need letter regarding Site Plan Review and the requirements of 24 V.S.A. Section 4416 and the applicability of 19 V.S.A. Section 1111 jurisdiction.

These exhibits are available at: Westfield Town Clerk office.

FINDINGS:

Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

1. The applicant seeks a conditional use permit for change of use from residential to commercial for the purpose of operating an auto repair shop. The subject property is a .39 acre parcel located at 929 Rte 100 in the Town of Westfield (tax map parcel no. 06-100-17). [The property is more fully described in Warranty Deed Book 56, page 489 of the Town of Westfield Land Records].
2. The property is located in the Village Zoning District as described on the Town of Westfield Zoning Map on record at the Town of Westfield municipal office and section 301.01 of the Zoning Bylaw.
3. Conditional use approval is requested for the project as an auto repair shop as that term is defined in Article 11 of the Zoning Bylaw. The application requires review under the following sections of the Town of Westfield Zoning Bylaw:
 - 502 Conditional Use Review
 - 503 Site Plan Review
4. The DRB, under Conditional Use Review Standards in 502.04, considers impact on:
 - A) capacity of existing or planned community facilities
 - B) character of the area affected, as defined by the purpose of the Zoning District in which the project is located, and specifically stated policies and standards of the Town Plan
 - C) traffic on roads and highways in the vicinity
 - D) utilization of renewable energy
 - E) Performance Standards as defined in §501.
5. The application will not require existing or planned community facilities.
6. The application will have the following impact on its surrounding area:
 - Hours of operation 8 – 5
 - Noise – Overall it will appear and operate the same as it has in the past when it was previously an auto repair shop. Tools are battery/cordless so no noisier hydraulic tools.
 - Parking for up to eight (8) vehicles
 - No parking in Rte 100 right-of-way
 - Snow plowing: snow pushed back to fence and/or trucked off site.
7. The application will cause an increase in traffic similar to previous auto repair shops in this location.
8. There is not a plan for a sign, but the applicant may add one in the future.
9. Property maintenance:

Spills protocol: Use of spill mats and Speedi-Dri
Paint storage container to match building
No changes to landscaping
Screening between building and storage container to block view from road of stored materials for recycling/sale
Hazardous materials or parts (e.g. tires, batteries, etc.) are recycled/disposed of monthly
Use of one downward light and camera for security
There will be a dumpster between the garage and the house.

10. Per Bylaw 804.03 no more than three (3) unregistered vehicles can be on the property for more than 90 days.

DECISIONS AND CONDITIONS

As conditioned, the proposed development meets the requirements of Sections 502.04 of the Westfield Zoning Bylaw.

1. The application will not have an undue adverse impact on the capacity of existing or planned community facilities.
2. The application will not have an undue adverse effect on the character of the area affected, as defined for the Village Zoning District in the Town of Westfield Zoning Bylaw.
3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity to warrant a Section 1111 permit per VTrans Guidance Document #46492. For the reasons set forth below, it is determined that a Section 1111 permit is not required for the proposed change of use:
 - No work is proposed within the state highway right-of-way.
 - The proposed project does not affect the conditions of an existing Section 1111 permit.
 - There is no history of crashes over the last five years at this access.
 - The proposed project does not require modifications to the state highway right-of-way to mitigate traffic congestion or accommodate pedestrians and/or bicyclists.
4. The application will not have an undue adverse effect on the current Westfield Zoning Bylaw.
5. The application will not have an undue adverse effect on utilization of renewable energy resources.
6. The application will satisfy the requirements of the Bylaw with respect to minimum lot size/distance from adjacent or nearby uses/performance standards/site plan review criteria/any other criteria required by the Bylaw:
 - The applicant's parcel exceeds the minimum lot size in the Village Zoning District of .25 acres
 - The structures are preexisting and can be maintained according to section 602 Maintenance of Nonconforming structures.

The DRB approves the permit application subject to the following conditions:

- The development remains within the scope of the site plan and property owner's description of the auto repair shop operations and maintenance; and
- The development remains in compliance with existing state and municipal laws.
- A 19 V.S.A. Section 1111 permit will be required if the site plan is altered such that the Town of Westfield requires work within the State highway right-of-way for your project.

Dated at Westfield, Vermont this 23rd day of June 2024. *L. Dunn, Town Clerk*

Pat Sagui, Pat Sagui, Chair
Loren Petzoldt, Loren Petzoldt, Vice Chair
Kitty Edwards, Kitty Edwards
Brian Dunn, Brian Dunn

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Town Clerk's Office, Westfield, Vermont 05874
Received for Record 6-24, 2024
At 3:50 o'clock P M. Recorded in
Land Records Book 62 Page 354-359
Attest: Karin Blaine, Ass't Town Clerk