

TOWN OF PAWLET  
DEVELOPMENT REVIEW BOARD

RE: General Store, Restaurant, & Brewery requested by Gilbert Mach

FINDINGS OF FACT

This proceeding before the Pawlet Development Review Board involves applications for a Conditional Use Permit.

I. Procedural Summary

On March 23, 2015 the Applicant submitted an Application to Eric Mach, Zoning Administrator, requesting a Conditional Use Permit.

On April 8, 2015 the Application was given to the Development Review Board.

On April 8, 2015 the Development Review Board met and the information was presented to the board. The Board set a date for a Hearing of May 11, 2015.

On May 11, 2015 the Development Review Board had a site visit then a hearing after to answer any questions that the neighbors had about the request.

On May 18, 2015 the Development Review Board met for a deliberative session.

On June 1, 2015 the Development Review Board meet for a second deliberative session.

On June 8, 2015 the Development Review Board met to finalize their decision.

During the deliberative sessions, the Development Review Board considered whether the project might have any undue adverse effect on the factors laid out in Article III, Section 1 of the Town of Pawlet Unified Bylaws, taking into consideration the appropriate conditions of Section 2 through Section 13.

The project's impact on the considerations outlined in Article III Section 1 were resolved as follows:

1. The capacity of existing or planned community facilities. The Board deliberated this project's impact on town schools, roads, constabulary services, fire protection, and numerous other community facility considerations. The Board could foresee no

consequential adverse impact on any existing or planned community facilities.

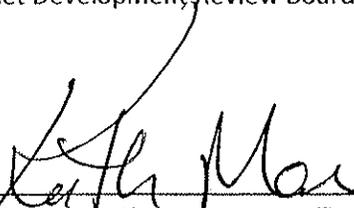
2. The character of the affected area as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan. The Board deliberated whether the project suited the character of the District #6 Village and Commercial zone in which it is located, and came to the consensus that this project is well suited to this district. Article II Section 6 defines the purpose of this district as “to combine residential use with compatible commercial establishments in the traditional village pattern in order to provide pleasant living conditions and to promote convenient shopping and service facilities.” In its deliberation, the Board found no incompatibility between either a restaurant or a brewery and residential use. The Board noted that two restaurants currently operate in this zoning district, with no noted adverse impact. Furthermore, the Board considered that having a store located on these premises has been proved to be an ideal application for this space over several decades, and had greatly enhanced the convenience of village residents. Thus, the Board concluded that these businesses were well suited to the character of the zoning district in which they have been proposed.
3. Traffic on roads and highways in the vicinity. The Board deliberated numerous traffic considerations, including traffic flow concerns, parking concerns, and other impacts of increased and otherwise changed vehicular traffic patterns. The Board concluded that the parking entrance on Rt. 30, being located on a straight, wide, and well-lit section of road away from the intersection of 133 and School Street, was a solution that posed no issues to the flow of traffic in the vicinity. The Board had more concern with parking in front of the structure on School Street, and thus sought to ensure that adequate parking was provided elsewhere. In considering parking for the project, the Board considered Article III Section 4, which states that four off street parking spaces be required for every three apartment units. The Board then considered Article V, Section 15, Item 3, 5, and 6, which requires one parking space per 150 square feet of floor area for restaurants, and one per 200 square feet for other commercial uses. Based on the provided square footage numbers and rounding up to the nearest whole parking space for each calculation, the Board found a requirement for 32 parking spaces for the restaurant, store, and brewery, and four spaces for the existing apartments, for a total of 36 spaces. The Board thus found that the drawings submitted by the applicant (Appendix A) provide adequate parking per the standards of the Unified Bylaws, without counting the spots in front of the structure on School Street. The Board also deliberated on what impact delivery trucks might have on traffic flow, and what impact headlights from vehicles entering the lot at night might have on homes located on School Street.
4. Bylaws and ordinances in effect. The Board found no relevant bylaws and ordinances in effect that might conflict with this project.
5. Use of renewable energy resources. The Board considered the applicant’s statements regarding the use of wood as a heating fuel, energy efficiency improvements made to the structure, and the applicant’s stated intent to run the entire operation off of hydroelectric power in the future, aspiring to a net carbon neutral business. The Board found that these endeavors satisfy this requirement.

II. Decision

After deliberation the Development Review Board grants the Conditional Use as a Restaurant, Brewery, and Retail Store to Gilbert Mach at 18 School Street, Pawlet Vermont with the following conditions:

1. A hearty, indigenous evergreen hedge a minimum of five feet tall shall be planted along the southwestern edge of the proposed asphalt parking lot, and along the southwest side of the access road to this lot, so as to block headlights from vehicles entering the lot from shining into homes along School Street. This hedge shall be maintained in perpetuity.
2. All truck traffic for all businesses on the premises shall be conducted via the Route 30 entrance, and may only occur between the hours of 6am and 7pm.
3. Parking on School Street shall be conducted in such a manner as not to impede the flow of traffic
4. A minimum of 36 parking spaces, as depicted in the submitted drawing (Appendix A), shall be constructed and maintained for businesses described in this project. Parking in the westernmost driveway along School Street shall not be counted as more than two spaces for the purpose of satisfying this requirement.
5. The cantilevered beer garden described as "possible" in the permit application is specifically excluded from this Conditional Use permit approval.

Approved June 8<sup>th</sup> 2015 by the Pawlet Development Review Board



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Keith Mason, Chairman



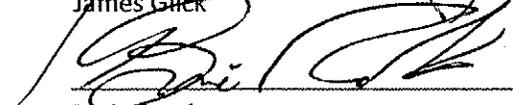
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Gary Baiorlein



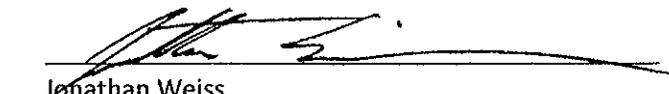
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James Glick



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Brian Rawls



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Jonathan Weiss

