

TOWN OF WILMINGTON  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND STATEMENT OF FINDINGS  
WILMINGTON, VERMONT 05363

A request for a permit was made to the Board by: **Edward Erhard of Electric Icehouse, LLC**

Owner/Applicant(s) Mailing Address: **70-09 73<sup>rd</sup> Place, Glendale, NY 11385**

Address of the subject property: **6 North Main Street, Wilmington, VT 05363**

Tax Map #**021-20-034.000**

A copy of the request is filed in the office of the Board and is referred to as:  
**Case #: 2012-027**

**Description of Case per Public Notice:**

Application # 2012-027; owner: Electric Icehouse, LLC; Agent: Edward Erhard. Application being made for Design Control District review to allow for replacement of doors, windows and siding and moving the location of a door at an existing Retail store with two apartments; Flood Hazard Area Regulation Sections 804, 811 & 820.B and the Zoning Ordinance Section 610 & 620; location: 6 North Main Street.

Notice for a public hearing was published in the Valley News on: **3/30/2012**

Notice was posted in three public places on: **3/30/2012**

A copy of the notice was mailed to the applicant on: **3/30/2012**

A copy of the notice was mailed to the abutters on: **3/30/2012**

The public hearing was held on: **4/16/2012 and 5/7/2012**

Action taken on this application may be appealed by anyone identified as an interested party, pursuant to Vermont Statutes Annotated. Said appeal shall be made to the Vermont Environment Court.

**Appeal period for this Case expires on: June 11, 2012**

In *addition* to the Applicant / Agent the following persons were heard by the Board in connection with this request: (Copies were mailed to those persons listed below as having been heard.)

Alice Herrick, Zoning Administrator  
Robert Hall – Contractor, witness for the applicant

### **I. The Board FINDS:**

The following are the circumstances which give rise to the request, and the following are facts and opinions presented to the Board at the hearing and developed by the Board in independent evaluation.

#### EXHIBITS:

- Application (four pages)
- A Hand drawn front elevation
- B Abutters List
- C One photo, taken in year 2010, photographer unknown
- D Four photos, taken in May 2012 by Zoning Administrator

1. Public hearing was held on April 16, 2012. Applicant failed to attend the meeting and the Development Review Board recessed the public hearing until May 7, 2012. Board member Andrew Schindel was not present at the April 16, 2012 public hearing but was present at the May 7, 2012 meeting.
2. The subject property is in the Historic Review District, the Commercial District and the Flood Hazard District (AE) of the town of Wilmington. The building is inventoried as DCD # 34. The property abuts the west side of Vermont Route 100. The building was damaged on August 28, 2011 by Tropical Storm Irene floodwaters. Located in the Wilmington Historic Review District, the subject property is considered “contributing” to the historic designation. Current use (pre-flood) is retail on the first floor and two residential apartments on the second floor. The main section of the building has a slate roof.
3. The Applicant has initiated the reconstruction and mitigation process prior to this public hearing and proposes to continue to repair flood damage and renovate the building consistent with the architectural details and character of the historic district.
4. Current status of the rebuilding and mitigation is as follows;
  - a. Vinyl siding and original clapboard on the front (east side) of the building has been removed and replaced with new wooden clapboard.

- b. The window on the front, left side of the building has been replaced by three energy efficient windows and the window on the front, right side of the building has been replaced by two energy efficient windows. The replacements are about equal in total square footage to the originals.
  - c. The door on the extreme right, front side of the building, which provides access to the second floor apartments, has been removed and relocated to the north side (church side) of the building. One energy efficient window has been installed in place of the door.
  - d. The trim on the front side of the building has been restored to the original Greek Revival architectural style of the building (see Exhibit D).
  - e. Two new ten square foot windows have been added to the west side of the building (river) to improve ventilation in the basement level.
  - f. A secondary egress door for the first floor, on the north side of the building has been replaced and remains in its original location.
  - g. An exterior electrical panel has been replaced and relocated from the north side to the south side of the building (Manyu's side). This was done with the recommendation and approval of the state electrical inspector and power company. An interior electrical panel has been raised above flood level and the furnace has been elevated between four to five feet. Wiring on the first floor has been replaced and re-routed to feed from the first floor ceiling rather than the basement ceiling.
5. Applicant proposes to continue with rebuilding and mitigation as follows;
- a. Vinyl siding on the remaining north, south and west side of the building will be partially replaced by new and possibly contrasting (if color cannot be matched) vinyl siding. A line of demarcation (height) between existing and new siding will be determined based upon flood damage. Trim boards with drip shield may be installed between old and new siding.
  - b. The original front door will be restored and its glass replaced with energy efficient "lights". Front door sidelights will also be replaced with energy efficient replacements.
  - c. The north side (church side) second floor access door will have a snow shield extending no more than three feet from the building, supported by two brackets. The snow shield was recommended by the state to protect users from cascading snow off the steep, slate roofs.

- d. A third door may be installed on the north side of the building to provide exterior access to the basement area. This door would be located approximately ten to fifteen feet from the second floor apartment door on the north side. If added, this would also have a snow shield.
  - e. Interior grids may be installed along the upper part of the front windows to enhance the historic look of the building.
  - f. Safety entry lights will be installed adjacent to the access doors on the north side of the building per state inspector. An existing overhead light above front door will remain in the same location. Wiring for a future installation of signage above the entryway will be installed.
6. Alice Herrick, Zoning Administrator, testified that she performed the required substantial damage calculation and the resulting figure was 52.1% to restore the building to pre-flood condition. The Zoning Administrator also stated that this building, being a contributing historic building, qualifies for the “historic building exemption”

## **II. The Board CONCLUDES:**

The subject property is also in the Historic Review District and the Flood Hazard zone and requires a permit for Historic District and Flood Hazard Review.

**Vermont Municipal and Regional Planning and Development Act: section 4414(E)**  
**“Within such a designated design review district, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without approval of the plans by the appropriate municipal panel.”**

With regards to the criteria for Historic District Review, the Board concludes that this proposal *will* conform to the requirements of the Wilmington Zoning Ordinance and the following standards:

### *SECTION 620: Building Review Criteria*

*The DRB when reviewing an application for new construction or renovations shall consider the following criteria where germane:*

#### *A. Form Relationships*

1. *Style: New construction or renovations should be of similar historic architectural style(s) to that found within the subject building. For new*

*buildings where design compatibility does not exist, it is the intent of the Historic Review District to promote architectural styles found within the Village.*

**Applicant is attempting to restore this building to its original Greek Revival style of architecture, consistent with its historic New England character. The removal of the front-face vinyl siding and the addition of previous Greek Revival details will enhance the overall look of the building and be more consistent with the rest of the building.**

2. *Proportion: The ratio of height to width of the front elevations of new buildings and additions should be related to existing or adjacent properties.*

**Not applicable to this application**

3. *Roof Type and Pitch: Similarity in roof style, pitch, and materials and roof structural integrity, i.e. snow load, should be considered in the planning and design of new buildings. New roof materials on additions should match existing roof materials.*

**Not applicable to this application**

## **B. Visual Appearance**

1. *Materials and Texture: Vinyl siding is not recommended in this district but is allowed. Materials for new construction should be compatible to the types and textures of materials used within the District. Renovations, restorations and maintenance work should make every effort to match existing materials and textures. Compatibility of materials and texture within the district or of the existing structures should be considered in the planning and design of new buildings or renovations.*

**The front of the building with the most visual exposure will be wooden clapboard and the remaining three sides will be vinyl. This is consistent with textures and materials used within the district.**

2. *Architectural Details: For new construction, architectural details characteristic of the particular architectural style proposed should be incorporated into the design. It is the intent to promote architecture of a traditional New England character in areas where design compatibility does not exist. Renovations should retain existing architectural details.*

**Applicant is attempting to restore this building to its original Greek Revival style of architecture, consistent with its historic New England character.**

3. *Solid to Void Proportions: The proportions of solid to voids (doors and windows) in the façade of a building establishes a rhythm that is perceived by a person viewing the building. The harmonious use of windows and door openings designed with consistent intervals so as to respect the original*

*character of the building. Every effort should be made to see that such modifications respect the original character of the building, as well as relate positively with its surroundings.*

**Applicant has improved the proportions of solids to voids by removing a door and adding additional windows to the front of the building.**

### **III. CONDITIONS for Historic Review District:**

This is granted subject to the following restrictions, requirements, limitations or specifications.

1. All additional safety entry lighting shall not exceed 75 watts.
2. Snow shields shall not extend beyond the Applicant's property line or further than three feet.

### **IV. Regarding the Flood Hazard review, the Board CONCLUDES:**

The subject property is also in the SFHA (AE zone) and requires Flood Hazard review to allow repair and improvement of an historic building.

With regards to the criteria for Flood Hazard Review, the Board concludes that this proposal *will* conform to the requirements of the Wilmington Zoning Ordinance.

Substantial damage calculation was performed by the Zoning Administrator and the resulting figure was 52.1% to restore the building to pre-flood condition. This building, being a contributing historic building, qualifies for the "historic building exemption". The Board concludes that significant mitigation improvements have been made.

### **IV. CONDITIONS for Flood Hazard approval:**

This is granted subject to the following restrictions, requirements, limitations or specifications.

1. Recommended mitigation shall be performed.
2. Structure shall maintain its continued designation as a "historic structure".

Thus, the Development Review Board *does approve* the application for **Historic Review District and Flood Hazard approval to allow replacement of doors, windows and siding and moving the location of a door in the Historic Review District.**

**If unused, this Approval expires 1 year from the date of issue.** A request for extension may be made in writing to the Development Review Board before the expiration date. Such request shall be in the form of an APPLICATION FOR EXTENSION.

There is a thirty (30) day appeal period from the date of signature before this Approval becomes final. In addition, all fees must be paid and a Zoning Permit *must* be issued prior to the commencement of any work requested in this application. When a Zoning Permit is issued, there is an additional fifteen (15) day appeal period before the Permit becomes final. Work may commence when the Permit has been issued and all Appeal periods have ended.

This approval ***does not relieve you***, as applicant, from obtaining any and ALL applicable State and other local permits.

IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Paul Tonon  
Nicki (Polly) Steel  
Dave Kuhnert  
Gil Oxley  
Andrew Schindel

OPPOSED: none

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For the Board: Polly Steel, Chairperson

Date: 5/11/2012

Appeal Rights: An interested person may appeal this decision to the Vermont Superior Court, Environmental Division, pursuant to 24 VSA 4471 and VRECP Rule 5, in writing, within 30 days from the date this decision is issued. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 VSA 4472(d) (exclusivity of remedy; finality).

*This approval does not relieve the Applicant of the responsibility to obtain all other applicable approvals that may be required by Federal, State, and local laws and ordinances.*