

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: **Douglas Painter**

Owner/Applicant(s) Mailing Address: **PO Box 932, Jacksonville, VT 05342**

Address of the subject property: **5 Castle Hill Road, Wilmington, VT 05363**

Tax Map #**020-21-034.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2013-027

Description of Case per Public Notice:

Application # 2013-027; owner: Douglas Painter. Application being made for Conditional Use review to allow construction of a garage and second story apartment of 1296 sq. ft. resulting in a seven unit apartment building; Zoning Ordinance Section 7.A.2; location: 5 Castle Hill Road.

Notice for a public hearing was published in the Valley News on: **4/19/2013**

Notice was posted in three public places on: **4/19/2013**

A copy of the notice was mailed to the applicant on: **4/19/2013**

A copy of the notice was mailed to the abutters on: **4/19/2013**

The public hearing was held on: **5/6/2013**

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 17, 2013

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
Terese Lounsbury, Abutter/Interested Party

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 plot plan

B Proposal summary

C Abutters List

D Case Summary

1. The subject property is in the Residential District of the Town of Wilmington. The property is identified as Tax Map 020-21-034.000. The subject property is on a paved, well-traveled town road. The neighborhood has a mixture of single family and multi-family dwellings.
2. The property presently has a six family multi-family dwelling. There is an attached garage.
3. The Applicant would like to put a 24 foot by 27 foot two-story addition on an existing building. The first floor would be a garage with room for two vehicles with either one or two overhead garage doors. The second story would be a one-bedroom apartment. Access to the apartment would be through a door on the same side as the overhead door(s). The addition meets all required setbacks.
4. The Applicant is planning to complete the entire exterior and the first floor garage within the next year. The apartment might not be finished for two years.
5. The garage space is to be used only by the owner for his personal property or to be rented to a tenant.
6. A Condition in ZBA Case #817 states that there shall be at least two parking spaces for each apartment. There are presently at least 12 spaces.
7. Additional lighting will consist of a floodlight on a timer/motion sensor and a

small “coach light” by the entrance to the apartment.

8. The building is connected to Town water and sewer.
9. Interested Party Terese Lounsbury asked questions regarding the Application. She had no concerns with the Application.

II. The Board CONCLUDES:

Seven-Family Dwelling is a Conditional Use in the Residential District and requires Conditional Use review. With regards to the criteria for a conditional use permit, the Board concludes that this proposal will conform to the requirements of the Wilmington Zoning Ordinance and the following standards:

- A. Will the proposed Conditional Use have an undue adverse effect on the capacity of existing or planned community facilities?** No. The proposal will only add a small apartment and a garage area.
- B. Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** No. Castle Hill is already a busy paved road and the building addition will add minimal traffic.
- C. Will the proposed Conditional Use have an undue adverse effect on the character of the area, as defined by the purpose or purposes of the zoning district within which the project is located?** No. There are already many other apartments and single family residences in the area.
- D. Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?** Yes
- E. Will the proposed Conditional Use comply with other sections of the Zoning Bylaw?** Yes

III. CONDITIONS:

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

1. There shall be at least two (2) parking spaces for each apartment. The parking area shall be maintained and cleared all year round.
2. Garage space shall be for personal use or apartment tenant only and not for any commercial use.

3. Any lighting shall be on a motion sensor with a timer and shall not be left on all night.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow commencement of a Seven-Family Dwelling with additional garage space in the Residential District.**

If unused, this Approval expires 2 years 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:

Frank Sprague

Nicki (Polly) Steel

Gil Oxley

Andrew Schindel

OPPOSED: None

ABSTAINING: None

For the Board: Polly Steel, Chairperson

Date: 5/17/2013

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.