

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: **James Marchionna of Sandri Development, Inc.**

Agent(s) Mailing Address: **PO Box 1578, Greenfield MA, 01301**

Owner/Applicant(s) Mailing Address: **PO Box 1777, Wilmington VT, 05363**

Address of the subject property: **374 VT Route 100 North, Wilmington, VT 05363**

Tax Map #**006-02-022.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2012-061

Description of Case per Public Notice:

Application # 2012-061; owner: Sandri Development Inc.; Agent: Kevin Aldrich. Application being made for Conditional Use review to allow expanded auto repair at a gas station with convenience store and jiffy lube; Zoning Ordinance Section 7.C.2; location: 374 VT Rte 100 North.

Notice for a public hearing was published in the Valley News on: **6/14/2012**

Notice was posted in three public places on: **6/14/2012**

A copy of the notice was mailed to the applicant on: **6/14/2012**

A copy of the notice was mailed to the abutters on: **6/14/2012**

The public hearing was held on: **7/2/2012**

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: August 17, 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

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 (three pages)

- A List of Abutters
- B DRB Case 900, Feb 2, 2005
- C DRB Case 836, Mar 19, 2001
- D Site Plan

1. The subject property is in the Commercial District of the Town of Wilmington. The property is identified as Tax Map 006-02-022.000.
2. Kevin Aldrich, Agent, testified that he has leased the gas station building from Sandri Development, Inc., Applicant, in order to operate a light automotive repair facility. Focus of the new business will be mainly small jobs such as lubrication, tire repair, alignments and inspections, etc. where vehicles to be repaired would be in and out within 24 to 48 hours. Applicant will continue to operate and maintain the unattended self-service gasoline pumps 24 hours a day.
3. The former convenience store and car wash previously approved (Exhibit B, Case 900) have been taken out. Agent will maintain a waiting room with a vending machine and have small automotive items for sale such as oil, anti-freeze, etc. There will be an outside tire storage rack in back of the building, out of sight of the roadway. There would be no outside storage of fluids or other materials and junked vehicles will not be left on the property.
4. No new construction is planned. Hours of operation are Monday – Friday 8 a.m. to 5 p.m. and Saturday 8 a.m. to 2 p.m. Agent, the lessee, will be the sole employee. The building will be locked when no one is working inside.
5. Outside lighting is unchanged. Lighted canopies over the gas pumps and a security light inside the building are automatic and maintained by Applicant.

6. Agent testified that the building has 9 parking places on the northwest side and 4 places on the south side. Overnight parking would be mainly on the northwest side and would be exclusively for vehicles being repaired.

II. The Board CONCLUDES:

Automotive Repair is a Conditional Use in the Commercial 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. No changes are contemplated for the exterior of the building. The facility will continue to be used for the sale of gasoline and light automotive repair.
- B. **Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** No. Customers of the gasoline station will continue to enter and exit Route 100 as before and any additional traffic resulting from automotive repairs will not adversely affect north and southbound 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. The character of the neighborhood will not be affected.
- D. **Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?** Yes. Automotive repair is a conditional use in the Wilmington Commercial District.
- 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. No more than 6 vehicles, awaiting repairs, may be parked overnight.
2. No used or new vehicles for sale shall be displayed on the premises.
3. No junked vehicles shall be parked on the property.
4. No outside storage of materials, other than the tire rack in the rear, shall be permitted.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow commencement of an Automotive Repair business in the Commercial 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:

David Kuhnert
Andrew Schindel
Paul Tonon
Gil Oxley

OPPOSED:
None

For the Board: Andrew Schindel, Vice Chairperson

Date: 7/17/2012

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.