

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: **Randy Schoonmaker of Deerfield Valley Transit Association.**

Owner/Applicant(s) Mailing Address: **PO Box 429, West Dover VT, 05356**

Address of the subject property: **45 Mill Street, Wilmington, VT 05363**

Tax Map #**020-21-026.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2012-096

Description of Case per Public Notice:

Application # 2012-096; owner: Deerfield Valley Transit Assoc; Agent: Randy Schoonmaker. Application being made for Conditional Use and Flood Hazard review to allow construction of a Transportation Terminal of 16,100 sq. ft. to replace an existing smaller facility; Flood Hazard Area Regulation Sections 804, 811 & 820.B and the Zoning Ordinance Section 7.A. & 7.C; location: 45 Mill Street.

Notice for a public hearing was published in the Valley News on: **8/31/2012**

Notice was posted in three public places on: **8/30/2012**

A copy of the notice was mailed to the applicant on: **8/30/2012**

A copy of the notice was mailed to the abutters on: **8/30/2012**

The public hearing was held on: **9/17/2012**

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: October 29, 2012

In *addition* to the Applicant 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
Susan Haughwout, DVTA Board member, Witness for the Applicant
Mark Bannon, Bannon Engineering, Witness for the Applicant
Bill Palumbo, Agent for Abutter and Interested Persons Andrew & Kristen Palumbo

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 (eight pages)
 - A Abutters List
 - B Plan Set for Deerfield Valley Transit, 02.23-2012, by Maclay Architects
 - a. Site Overview
 - b. Conceptual Site Plan
 - c. Scene 1
 - d. Scene 2
 - e. Scene 3
 - f. Scene 4
 - g. Scene 5
 - h. Scene 6
 - C Plan Set for Deerfield Valley Transit, undated, by Bannon Engineering
 - a. Existing Conditions, C-1
 - b. Erosion Control Plan, C-2
 - c. Proposed Site Layout, C-3
 - D Case Summary
 - E Letter of authorization from Andrew & Kristina Palumbo for William Palumbo dated June 2, 2011.
 - F E-mail from Andrew Palumbo naming William Palumbo as his agent sent September 18, 2012.
 - G Lighting specifications from Lithona Lighting, 4 double sided sheets.
 - H Letters from Rebecca Pfeiffer, April 20, 2009, and from Shannon Pytlik, July 19, 2011, and 3 sheets of flood maps and information.
1. The subject property is in both the Commercial and Residential Districts of the Town of Wilmington. The portion of the lot containing the proposed development is in the Commercial District. The southern portion of the lot near Mill Street is in the Residential District. The property is identified as Tax Map 020-21-026.100.

2. The subject property came before the Board in a recent DRB decision, Case #2011-019, in which the general plans for the property were presented and a possible subdivision was approved. This Application lays out more specifics regarding the main building, parking and access, lighting, walking trail and renovations to the silo and wood shop. Case #2011-019 summarized the use of the property as follows:

Historically, the property has been use as a factory and is referred to locally as the barnboard factory. There was also briefly a hardware store in the main building after the barnboard factory closed. During the last ten years or so the Deerfield Valley Transit Association (DVTA) has leased and then purchased the property to use for parking maintenance and refueling of the Moover buses. The buses provide free transportation within the Valley and beyond.

3. The new building will be used as for maintenance of the buses and for administration of the Deerfield Valley Transit Association (DVTA). It will be 16,100 square feet and will be placed so that the buses and maintenance section of the building will be shielded from view from Route 9 and the walking trail. (Exhibit B) The square footage of this building is significantly less than that of the old “barnboard building” and its height will be about the same as that now-demolished building.
4. There will be several parking areas. Corrected numbers of parking space were presented in testimony. The parking area located along the river will have 32 spaces. The spaces will be at least ten by twenty feet. This lot will be used for staff and visitors to both the DVTA and to the walking trail. Its access is from Plywood Street. No buses pick up riders at this facility so the parking area will not be used by those riding the Moover.

The main bus parking area will be located to the south of the main building. There will also be a few spaces for buses to the west of the main building. There will be a total of 32 parking for the buses. The bus spaces will be larger than regular 10 by 20 foot spaces and will be designed so that the buses do not have to back up when exiting the space. This was done so that the back-up beepers will not sound. There is also room within the building for buses to be parked. Right now the fleet of buses numbers 20 but it is hoped that it will increase to the previous size of 25 to 26 buses.

Additional parking lots will be located at the bio-diesel building (nine spaces) and the wood shop (five spaces). The buses and vehicles going to the wood shop and the bio-diesel buildings will access the property from Mill Street and then along a new driveway so as to separate the traffic from those accessing the main building and the trail.

5. A new above-ground 12,000 gallon fuel tank and canopy will be constructed near the bus parking area. See Exhibit C – C3 for their location. The existing 1,000 gallon above-ground tank will continue to be used. Propane tanks and dumpsters will be located to the west of the new building and will be in a screened structure.

6. Lighting: The lighting in the parking areas will be no more than 16 feet above the ground and will be LED lamps, full cut-off, 55 watt parking lot fixtures. In the bus area a pole will be placed every three to four spaces. In the winter (end of November into March) they will be on until 11:30 pm. From March until November they will be off by about 7:30 pm, Sunday through Thursday, and 11:30 pm on Fridays and Saturdays. There will also be pole lights by the silo and the bio-diesel buildings. These will be controlled by timers and will be off at 5:30 pm. There will also be lights mounted on the new building. The light nearest to the entrance to the side of the building by the bus wash area will be on a motion detector. This entrance is used by bus drivers at the end of their shifts. Other building lights will be on timers with a manual switch to be used for special occasions such as evening meetings. The intent of the Applicant is to ensure safety at night to its employees and the public while reducing the amount of time that the lights are on and to “minimize glare and light spillage onto the surrounding areas” (Application)
7. The number of employees on site varies depending on the time of the year and day of the week. During the week there will be three administrative employees. The administrative employees will be relocating from another off-site facility. Additional employees are two mechanics and 20 to 25 drivers. Employees will park mostly in the lot along the river but can also use the lot by the bio-diesel building.
8. Electrical lines to the new building will be underground.
9. An 850 foot long six foot wide public walkway crosses the property and runs parallel to the river. This path will eventually extend into the Village on one end and toward Lake Whitingham on the other. People using this trail will be allowed to use the staff/visitor parking area. Eventually, the Applicant may wish to install historic information “tablets” but that is not part of this Application.
10. When the new building is completed the existing maintenance shop will be torn down. At that point, the subdivision approved in DRB Case #2011-019 may be completed.
11. The DVTA will be doing renovations to these two buildings; however, plans for the use of the wood shop and silo have not been made at this time. When decisions for specific uses are made they could require a future application to the Board.
12. Although a portion of the property is in the Flood Hazard Area (FHA) the new construction is not in the FHA. (Ex. H) The Applicant also noted that during Tropical Storm Irene in August of 2011 the building site was not flooded. However, the building’s lower 40 inches will be made of concrete block to help mitigate the damage from any potential future flooding.
13. There will be landscaping in the form of trees and perennial gardens to both enhance the property and to reduce visual impacts.

14. Agent for Interested Persons Andrew and Kristen Palumbo Bill Palumbo did not have any specific input after hearing the testimony of the Applicant. His concerns were centered mainly around lighting and landscaping.

II. The Board CONCLUDES:

The subject property is also in the Flood Hazard zone and requires a permit for Conditional Use and Flood Hazard.

With regards to the criteria for Conditional Use review, 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?** The DVTA has been using this location for a number of years. The new building and parking area will supply a more efficient and attractive use of the property. The only addition will be the relocating of administrative staff to the property. There will be no significant increase on the capacity of community facilities. In fact, the DVTA supplies an essential community service.
- B. **Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** There will be little additional traffic. The number of busses may increase slightly but that increase will bring the fleet back to previous numbers. The addition of the administrative employees and those parking to access the walking trail may bring some additional traffic but will not rise to the level of undue adverse effect. It should also be noted that the new access roads will increase the safety of those coming onto the property.
- 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?** This property has a long history of manufacturing and commercial uses and the majority of the property is in the Commercial District. Other than access roads, there is no development in the Residential District. The Applicant is also mitigating the effects of lighting and noise to reduce the impact on neighboring properties.
- D. **Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?** The Town Plan calls for the settlement pattern within the village and for efficient transportation systems. This proposal fulfills both these policies.

- E. **Will the proposed Conditional Use comply with other sections of the Zoning Bylaw?** Yes. Although part of the property is within the Flood Hazard Area, none of the buildings are within that zone.

Renovations on the wood shop and silo may be made without approval from this Board. When specific uses are decided for these buildings further applications may be required, depending on those uses.

III. CONDITIONS for Conditional Use:

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

1. All poles and any bases used for lighting shall not exceed sixteen (16) feet. Lighting shall be on timers or motion detectors.
2. The location and size of the new building shall be substantially as presented in Exhibits B and C.
3. The uses, locations and configurations of the parking areas shall be as presented in Exhibit C – C3. The number of spaces for each lot shall not be less than stated in testimony and cited above under Findings Paragraph #4.
4. When planting trees consideration shall be given to reducing the visual impact of the project on neighboring residential properties.
5. The Decision and Conditions stated in DRB Case #2011-019 shall remain in effect.

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

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 as there is no construction within the Flood Hazard Area.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow construction of a Transit Terminal and supporting roads and parking areas in the Commercial District. It also notes that there is a walking path that will continue to be located on the property.**

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:

Nicki (Polly) Steel
Andrew Schindel
Gil Oxley

OPPOSED:

None

NOT IN ATTENDANCE:

Paul Tonon
Dave Kuhnert

For the Board: Polly Steel, Chairperson

Date: 9/26/2012

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.