

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: **Philip Taylor, Chairman of the
Wilmington School District**

Owner/Applicant(s) Mailing Address: **Wilmington School District, WSSU 211 Route 9
West, Wilmington VT, 05363**

Address of the subject property: **360 VT Rte. 9 West, Wilmington, VT 05363**

Tax Map #**006-02-023.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2012-105

Description of Case per Public Notice:

Application # 2012-105; owner: Wilmington School District; Agent: Philip Taylor.
Application being made for Flood Hazard and Conditional Use review to allow
construction of two additions of 4,470 and 5,210 sq. ft. at a Public School; Flood Hazard
Area Regulation Sections 804, 811 & 820.B.7 and the Zoning Ordinance Section 620;
location: 360 VT Rte 100 North.

Notice for a public hearing was published in the Valley News on: **9/14/2012**

Notice was posted in three public places on: **9/14/2012**

A copy of the notice was mailed to the applicant on: **9/14/2012**

A copy of the notice was mailed to the abutters on: **9/14/2012**

The public hearing was held on: **10/1/2012**

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: November 12, 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 (four pages)
 - A Proposal summary (3 pages)
 - B Tax Map
 - C Tax Map detail
 - D Map set “Additions and Alterations to Deerfield Valley Elementary School” by N B F Architects.
 - a. Existing Conditions, 7/2/12, no revisions.
 - b. Site Plan, 9/5/12, no revisions.
 - c. Grading Plan, 9/5/12, no revisions.
 - E Abutters List
 - F Minutes of the Wilmington School District, dated September 25, 2012 (3 pages)
 - G FIRM-Flood Insurance Rate Map Panel 338 of 652 for subject property
 - H Zoning Administrator’s Summary
1. The minutes of the Wilmington School District, dated September 25, 2012 authorizes Philip Taylor, Chairman of the Wilmington School District, to represent the Wilmington School District in this hearing.
 2. At the outset of the hearing, DRB member Andrew Schindel stated that he was a friend and neighbor of Philip Taylor, but did not feel it was necessary to recuse himself from the hearing since he had no financial interest in the outcome of the hearing.
 3. It was noted that the Notice of Hearing incorrectly included the phrase, “and the Zoning Ordinance Section 620”. This was determined to be published in error and not for review at this hearing.
 4. The subject property is a 30+/- acre parcel (Tax Map 006-02-023.000), with two hundred and seventy-two feet of road frontage abutting the north side of Vermont

Route#100, located in both the Commercial and Residential Districts of the Town of Wilmington. The property is owned by the Wilmington School District and consists of a 31,850 square foot (size approximate) elementary school, a 50 space parking lot, a playground and various fields for sporting events. The current school was designed and permitted for two hundred and ninety staff and students.

5. The proposed new construction/renovation of the elementary school will be designed for a total capacity of two hundred and eighty five students and staff as follows:
 - a) The addition of approximately eleven thousand square feet of space to be allocated in approximately equal square footage between two new structures. The structures will be located on the north and east side of the existing building per Exhibit D (C1.02). This expansion will create six new classrooms, and a new cafeteria, music room and art room. The additions will be barely visible from Vermont Route 100 and the exterior will be consistent with the existing structure.
 - b) The improvement of the entryway to include the addition of windows and a six foot extended gable roof titled "BCS" on Exhibit D (C1.02).
 - c) The expansion of the parking area from approximately fifty spaces to sixty-three spaces to accommodate twenty-six staff and thirty-seven visitors. The parking area will also be redesigned to allow for a more efficient and safe traffic flow. The school board is working to encourage student school bus ridership to minimize passenger car traffic on the site. It is also noted that although this expansion will not be sufficient to accommodate parking for special events, the property allows for a certain degree of flexibility.
 - d) The addition of a wood pellet boiler and storage silo approved by the State of Vermont to meet the most current standards. Both boiler and silo will be located in the northwest corner of the building and the silo will not be visible from Vermont Route 100.
 - e) There will be no major changes to landscaping, exterior lighting or electrical service. Site work will be limited to parking areas and new construction with the possible exception of a retaining wall installation adjacent to the east addition.
 - f) State road access will not be altered. The Vermont Agency of Transportation will be contacted by the Wilmington School Board to request the installation of a flashing yellow school caution light on Vermont Route 100 to assure the safety of parents, staff and students.
6. FIRM-Flood Insurance Map (Exhibit G) was presented by Alice Herrick, Zoning Administrator. The FIRMette indicates that the structures on this property are located in Zone X, which is in the five hundred year flood zone and therefore do not require flood review. There are portions of the property currently being used for parking and playgrounds which are located in Zone AE which also do not require review since they contain no structures and are permitted uses in Zone AE.
7. The Applicant testified that sewer and water permits will not be required. Original sewer permits were designed for a capacity of two hundred and ninety and proposal capacity is for two hundred and eighty-five. Its water filtration system was recently

upgraded and additional in-ground storage tanks will be installed to support a sprinkler system.

8. The school building and grounds will continue to be used by individuals and groups for such things as meetings, social events, youth sports and general outside play.
9. The ground-breaking for the new additions will begin in November/December 2012 with a projected completion date of the north addition for the fall semester of 2013. Interior renovations will begin at the start of the summer break in 2013.

The Board CONCLUDES:

With regard to Flood Hazard Review, the Board concludes that since the building is outside of the Flood Hazard Area no further review by this Board is required. All uses within the Flood Hazard Area are permitted.

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?**
No – Additional water and sewer permits will not be required. Subject property will continue to be available for community use.
- B. Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?**
No – The number of staff and students will increase from approximately one hundred twenty-five to two hundred and eighty-five. While the percentage increase is substantial, the actual numerical increase in traffic on Vermont Route 100 is well within its capacity. The Wilmington School Board is requesting the installation of a flashing yellow caution light on Vermont Route 100 as a safety enhancement.
- 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 subject property is in a Commercial/Residential District surrounded by mostly commercial and rural properties. The additions to the existing structure will be barely visible from Vermont Route 100.
- 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 for Conditional Use:

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

1. The building additions and parking areas shall be substantially as presented with regards to size, location and number of parking spaces on the premise.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow construction of two additions with a combined total of approximately eleven thousand square feet in the Commercial/Residential 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
Andrew Schindel
Nicki (Polly) Steel
Gilman Oxley
Dave Kuhnert

OPPOSED:

None

For the Board: Polly Steel, Chairperson

Date: 10/11/2012

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.