

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: **Ken Spicer of Chimney Hill Owners Association**

Owner/Applicant(s) Mailing Address: **P.O. Box 415, Wilmington, VT 05363**

Address of the subject property: **294 Chimney Hill Road, Wilmington, VT 05363**

Tax Map #**CH-M-COM**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2012-109

Description of Case per Public Notice:

Application # 2012-109; owner: Chimney Hill Home Owners' Association; Agent: Ken Spicer. Application being made for Conditional Use review to allow construction of additions of 2812 sq. ft. at a Clubhouse / Gymnasium; the Zoning Ordinance Section 7.A; location: 294 Chimney Hill Road.

Notice for a public hearing was published in the Valley News on: **9/28/2012**

Notice was posted in three public places on: **9/28/2012**

A copy of the notice was mailed to the applicant on: **9/28/2012**

A copy of the notice was mailed to the abutters on: **9/28/2012**

The public hearing was held on: **10/15/2012**

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 23, 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
Joseph Cincotta, LineSync Architecture
Sybil Idelkope, LineSync Architecture

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 Authorization letter for LineSync Architecture
- B Authorization letter for Kenneth Spicer
- C Proposal summary (3 pages)
- D Plot Plan
- E Building Elevations by LineSync Architecture (5 pages)
- F Floor Plan by LineSync Architecture (2 pages)
- G Abutters List

1. The subject property is in the Residential District of the Town of Wilmington. The property is identified as Tax Map **CH-M-COM**.
2. Applicant is a homeowner's association and is seeking to expand its community clubhouse. This clubhouse is for the use of property owners and their guests and renters in the Chimney Hill housing development. With few exceptions, it is not open to the general public.
3. The current clubhouse contains 6,116 square feet. Applicant proposes to add 2,812 square feet, bringing the total to 8,928 square feet. Among the remodeling and additions are a renovation of its kitchen, expansion of its upper level balcony, upgrade of its bar area, remodeling its bathrooms and increasing the size of its shower rooms. It is also expanding its upstairs community room, remodeling its general meeting area, adding gym and workout spaces and expanding a deck on the building's west side. Changes to its entrance and handicap ramp are also proposed.
4. Applicant testified that the enlarged building meets setback requirements (Exhibit D). It also testified that its current use will be expanded by constructing gym and workout spaces and the addition of six new exercise machines, with perhaps more to be added in the future. The parking area will be unchanged and no new lighting is planned. It

intends to bring the expansion of the building, the construction of its gym and workout area and the other enhancements to its membership for a vote and hopes to complete the project in the spring of 2014.

II. The Board CONCLUDES:

Clubhouse / Gymnasium is a Conditional Use in the Residential District and the substantial additions require 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 additional uses (building expansion and construction of gym and workout areas) will not have an undue adverse effect on this community facility. To the contrary, it will enhance the capacity of this community facility.
- B. **Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** No. Any effect on traffic will be minimal.
- 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 expansion of the building and the new gym and workout spaces will not have an undue adverse effect on the character of the area, especially since the building has existed in this residential area for many years.
- 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. Approval of this Application is conditioned upon the clubhouse continuing to not be open to the general public on a regular basis. It may continue to have occasional public events as it has in the past.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow additions to a Clubhouse / Gymnasium in the Commercial 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:

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

OPPOSED:
None

ABSTAINING:
None

For the Board: Polly Steel, Chairperson

Date: 10/24/2012

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.