

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: **Cheryl Rothman of Mount Snow Region Chamber of Commerce**

Owner/Applicant(s) Mailing Address: **PO Box 3, Wilmington VT, 05363-0003**

Address of the subject property: **23 West Main Street, Wilmington, VT 05363**

Tax Map **020-20-069.000**

A copy of the request is filed in the office of the Board and is referred to as:  
**Case #: 2012-110**

**Description of Case per Public Notice:**

Application # 2012-110; owner: Mount Snow Region Chamber of Commerce; Agent: Ann Coleman. Application being made for Flood Hazard and Historic Review District reviews and a Variance / Waiver to allow reconstruction of a building destroyed by a Casualty and first floor addition of 48 sq. ft., a second story addition of 768 sq. ft. and a handicap ramp of 155 sq. ft. for a Retail establishment with a Single-Family Dwelling or Office on the second floor; the Zoning Ordinance Sections 3.A(e), 512, 513, 610 & 620; location: 23 West Main Street.

Notice for a public hearing was published in the Valley News on: **9/28/2012 and on 11/2/2012**

Notice was posted in three public places on: **9/28/2012 and 11/1/2012**

A copy of the notice was mailed to the applicant on: **9/28/2012 and 11/1/2012**

A copy of the notice was mailed to the abutters on: **9/28/2012 and 11/1/2012**

Six public hearings were held: **10/15/2012 & 10/22/2012 & 10/30/2012 & 11/19/2012 & 1/7/2013 & 2/4/2013**. No testimony was received on 10/22/2012 or 10/30/2012. Andrew Schindel and David Kuhnert were absent from the 1/7/2013 hearing but later listened to the recorded hearing proceedings. Paul Tonon resigned from the Board before the last hearing and did not participate further.

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: March 27, 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  
Ann Coleman, Witness for the Applicant  
Joseph Specht, Witness for the Applicant  
Joseph Cincotta, Witness for the Applicant  
Sybil Idelkope, Witness for the Applicant  
Robert Stevens, Witness for the Applicant

**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:**

A number of exhibits were presented at each of the six hearings, many of which superseded earlier exhibits as the original building plans were modified, and new exhibits were entered that specifically addressed DRB, ANR, FEMA and Mount Snow Region Chamber of Commerce concerns as follows:

- Application F-1 and M (seven pages)
- A Letter from Mount Snow Valley Chamber of Commerce, September 25, 2012. **WITHDRAWN** on 2/4/2013.
- B Authorization Letter for Linesync Architecture
- C Proposal summary, "Addendum 1", 5 pages. **Replaced** by Exhibit N, 11/16/2012.
- D Coleman Gallery 2-Story Proposal by Linesync Architecture, September 13, 2012, 9 pages. **Replaced** by Exhibit M Plan set Gallery 2-Story Proposal by LineSync Architecture, 9.13.2012, 9 pages. **WITHDRAWN**
- E FIRM Flood Map
- F Historic Review District map
- G Summary of Flood proofing measures, 2 pages. **WITHDRAWN** on 11/19/2012.
- H Skirting
- I Windows
- J E-mails between Joseph Cincotta and Craig Keller of VTrans, 3 pages.
- K Flood proofing Certificate, undated, 2 pages. **WITHDRAWN** on 11/19/2012. See Elevation Certificate, exhibit AA.
- L Abutters List
- M Plan set by Linesync Architecture, 23 Oct 2012. Received 11/19/2012, **WITHDRAWN** on 1/7/2013 and **replaced** with Exhibit Y and later replaced by Exhibit AE.
  - a. A1.0, Plot Plan.

- b. A5.0, Net Area Change.
- c. A2.0, elevations,
- d. A2.1, elevations.
- N. Addendum 1, 11/16/2012, five pages. **Replaced** with [Addendum 1- Variance Criteria Responses](#), 1/8/2013, 6 pages. **WITHDRAWN** on 2/4/2013 and **replaced** by Exhibit AK.
- O. Waterproofing measures. **WITHDRAWN** and **replaced** with [Bituthene Membrane](#).
- P. Flood Barrier for Doors, 3 pages.
- Q. Building Character and Common Building Details, 2 pages.
- R. Context image, 1 page. **WITHDRAWN**.
- S. Letter from Robert Stevens of Stevens & Associates, November 19, 2012.
- T. E-mail from Rebecca Pfeiffer, October 15, 2012, 4 pages.
- U. E-mail from Rebecca Pfeiffer, October 5, 2012, 2 pages.
- V. Case Summary
- W. Letter from Josh Carvajal, January 3, 2013, 2 pages.
- X. Letter from Robert Stevens, January 4, 2013, 2 pages.
- Y. Plan set by Linesync Architecture. **WITHDRAWN** 2-4-2013 **replaced** by Exhibit AE.
  - a. Window & Door sizes, Bracket Detail, Foundation Plan, A1.2, 04 Jan 2013
  - b. Site Plan, A1.0, 7 Jan 2013
  - c. Existing Footprint with Ramp, Proposed Footprint, Existing Building Area Outside of Site Setbacks, Proposed Building Footprint with Ramp, A5.0, 7 Jan 2013.
- Z. Elevations and Perspectives set by Linesync Architecture, 04 Jan 2013, 2 pages. **WITHDRAWN** and **replaced** by AE.
- AA. Elevation Certificate
- AB. Spot Elevations
- AC. [Steven's & Assoc. Details and Correspondence](#). Includes:
  - a. Letter from Robert Stevens, January 21, 2013 (2 pages) Water Pit and Access Closet Detail
  - b. Sewer Utility Access Closet Detail
  - c. Sketch S-1
  - d. Letter from Robert Stevens, November 19, 2012
- AD. **Replacement** for exhibit G: [Summary Flood Proofing Measures January.23.2013](#), titled "Project Information", 2 pages.
- AE. Final Plan set by Linesync Architecture; replaces previous submitted plans 10/23/2012, 11/19/2012 and 1/7/2013 and subsequently **WITHDRAWN**.
  - a. A1.0, Plot Plan, revised 29 Jan 2013.
  - b. A1.2, Foundation Plan and Signage, 29 Jan 2013.
  - c. A2.0, elevations, revised 29 Jan 2013.
  - d. A2.1, elevations, revised 29 Jan 2013.
  - e. A5.0, Net Area Change, revised 29 Jan 2013. **Replaced** on 2/4/2013 by Exhibit AJ.
  - e. A5.1, Context Image, revised 29 Jan 2013.
  - f. [A6.0 Ramp Details, Jan 29, 2013](#).
- AF. Letter from Josh Carvajal, ANR, January 10, 2013, 3 pages.
- AG. E-mail from Josh Carvajal, ANR February 4, 2013.

- AH. E-mail from Josh Carvajal, ANR February 4, 2013, with FEMA Bulletin with highlights.
- AI. Existing and Proposed Summary table.
- AJ. A5.0, Net Area Change, revised 4 Feb 2013.
- AK. Coleman Art Gallery Zoning and Variance Request (2 pages)
- AL. Revised Site Sketch, 2/4/2013.

1. The subject property is in the Commercial and Historic Review Districts of the Town of Wilmington. The property is also in the Flood Hazard Area. The property is identified as Tax Map 020-20-069.000. The Applicant, Mount Snow Region Chamber of Commerce, owns the property and has entered into a long term lease with Ann Coleman (lessee) for the construction of a small building that replaces a similar structure that was destroyed in Hurricane Irene in 2011.
2. The former building was a pre-existing, non-conforming single story 24' x 30' structure that housed Ms. Coleman's art gallery. The proposed new structure is 24' x 32' two story building with a wrap-around handicap ramp at ground level, and a small balcony at the rear of the second floor. Building height will be 36 inches from ground elevation. It will be erected substantially in the same location fronting on Vermont Route 9 (West Main Street), as before but moved 12" eastward from the west setback and 24" northward (See Exhibit AJ). In addition the building will be slightly rotated from the original footprint to better align with the road, facilitate roof drainage, and accommodate setback requirements and construction needs. On the south side, it will have a 42" roof overhang protecting the front ramp and on the north side (rear) the roof will extend 4' from the building to direct rainwater away from the structure.
3. The new building utilizes a unique design that addresses FEMA, State and Wilmington Town Ordinance flood control requirements (see Exhibits W, AC, AF, AG). The first floor of the building will be elevated 36 inches to 1511' or 12" above Base Flood Elevation (BFE) and sit on 10 concrete piers that will be embedded four to four and a half feet into a concrete foundation. It will be attached to 4 metal pipes, one at each corner of the building. In the event of flood waters in excess of 1' over BFE, the building will start to rise ("float"). The eight inch diameter steel piers are 15' of which 8 feet will be above grade and 7 feet will be below grade. The purpose of the pipes is to prevent the building from floating away and resist the lateral load at a height of 6.5 feet above grade. Based upon allowable stresses for steel design and soil design this will provide 4 times the normal factor against rotation and bending." (Exhibit S)
4. Exhibit AC shows details of the utility access closet and water pit. These designs will allow water and sewer to be disconnected in anticipation of flooding. All electrical panels and heating units will be above BFE and there will be no propane tanks.
5. The building will have additional dry flood-proofing measures to 30 inches above the first floor or 42 inches above BFE. These measures include a bituthene membrane (Exhibit O) and flood barriers for the first floor door and lower windows (Ex. P).

6. Dimensions of the proposed building are as follows:

Former building footprint: 720 sq ft  
Proposed building footprint: 768 sq ft

Total Square feet former one story building: 720 sq ft  
Total square feet proposed two story building: 1536 sq ft

Handicap ramp former building: single 48" to 36" tapered width on the south side with 60" x 60" platform to the front entry

Handicap ramp proposed building: two 36" wide ramps wrap around south side to east accessed by two steps at each end and two turn platforms, one at the southeast corner and one in front of the door.

7. The building will be a wood framed structure, with vertical shiplap siding. The first floor will be rigid frame wooden trusses with a structural insulated panel secured to the bottom. (See Exhibit N) All first floor low sill windows and doors will have 36" flood gates. The interval between grade and the building first floor will be wrapped with 7/8" wooden lattice screen and secured to the bottom of the first floor and foundation. This lattice will prevent flood debris from going beneath the building. The foundation will be coated with a bituthene membrane. (See Exhibit O)
8. The first floor will be used as an art gallery (retail sales) .The second floor will be utilized for office and storage. There are no plans at this time for a second story dwelling unit. It will have four Black Clad Marvin windows across the front, one on the east side, none on the west side and a sliding glass door to a small balcony on the north side. The roof is essentially flat with a slight incline from the front parapet to the rear extending out 4 feet from the rear wall. There will be a decorative parapet around the top of the building that will extend a few inches out from the wall. (Ex. AE – A2.0)
9. A handicap access stone ramp will be built in the front wrapping around to the east side. Ramp dimensions are 3'3" x 37'4" in front and approximately 20' on the side. A tempered glass shingled roof will cover the ramp in front extending to within 18" of the roadway. A 21'4" planter box will run along the top of the ramp to the front steps of the wrap-around corner. The ramp is longer than the ramp that was granted in DRB Case #2009-092 because the building was raised three feet to bring it above BFE. The ramp now extends along the east side of the building to accommodate the increased length.
10. Cheryl Rothman testified that the Chamber of Commerce is concerned that accesses to the east side handicap ramp not encroach on the abutting 17' wide area that the Chamber has reserved for its exclusive use. Bob Stevens assured her that access will not encroach and produced a revised diagram of the ramp and platform that will allow a 36" wide unencumbered pathway to the ramp. (Exhibit AL).
11. Flood proofing measures: The building's first floor will be constructed 1' above BFE. All low sill windows and doors on the first floor will have flood gates. Electric utilities will be

above BFE. Sewer, water, and electric will be controlled by a union disconnect switch that in the event of flood can be manually shut down all utilities.

12. Setbacks: (Exhibit AJ, A5.0) The former building was a pre-existing, non-conforming structure that was 1” from the west side setback at the rear and, with previously approved ramp (Case #2009-092), was right on the front boundary. The proposed building runs parallel with the road and sits back 1’ from the former building.

## II. The Board CONCLUDES:

The subject property is also in two overlay districts, the Historic Review District and the Flood Hazard Zone and approval for Historic District Review and Flood Hazard. The Applicant has also requested a Variance or Waiver, which requires positive findings on all of the Variance or Waiver criteria.

This building meets the criteria for a non-conforming building that was damaged in a casualty (Tropical Storm Irene) and is entitled under Section 3.A.(1).(e) of the Zoning Ordinance to be rebuilt within 12 months. In Case #2012-056 this Board granted an extension until 7/14/14 for the rebuilding. The original footprint was 24 feet by 30 feet. The proposal is to rotate the building slightly and move it a little further away from the western and front property lines. This adjustment on the original footprint will lessen the degree of non-conformity along these two lines and the Board concludes that this portion of the building will continue to be a non-conforming building and approves this change.

### A. With regards to the parts of the proposal that might need a Variance or Waiver:

#### 1. Two foot addition to the building:

The Applicant has proposed to add a two feet wide addition along the eastern side of the building. Part of the proposed addition would fall within the required 20 foot front setback of non-conforming buildings (Section 3.A.(2)). The front of the building is five feet from the property line so there is an area two feet wide and 15 feet deep (30 square feet) that is within the required setback. **The Board concludes this proposal meets all the Waiver criteria and therefore, approves a Waiver for 30 square feet to allow a two foot addition to the building along the east side (4-0 vote) as follows:**

- The footprint does not exceed 200 square feet or 5% of the original footprint. The proposal at 72 square feet is less than 5% of the original footprint.
- A Waiver of 30 feet is a minimal request to enable a reasonable use of the property.
- The proposed project will have little or no effect on surrounding properties, the character of the neighborhood, traffic patterns, public health, safety, and utility services, storm water management, water and wastewater capacity or preservation of open land.

- No front setback is less than two feet. The front setback is five feet, not less than two feet for a Waiver.
- The proposal conforms to the Town Plan and the purpose of the District in that it is a building for commercial use within the Village.
- The need for a Waiver was not self-created; Tropical Storm Irene created the opportunity to make a small enlargement to the previous footprint.
- Enlargement of this building does not increase the degree of non-conformity.

**2. Handicap ramp, steps and platforms along the street and eastern side of the building:**

The Applicant stated that the ramp along with the necessary turning platforms and steps are essentially a walkway that allows people to access a building and its purpose is the same as a sidewalk and should not be viewed as part of a building. The ramp is not attached to the building. It should also be noted that most of the ramp and turning platforms are within the setbacks of the previously approved Variance for a ramp. The additional length results from the building being raised up. **The Board agrees with this point of view and, as a sidewalk/access to a building, the ramp, platforms or steps do not need a Variance or Waiver.** (4-0 vote)

**3. Roof extending out from the building on the north side:**

Generally, this Board looks at the footprint of a building to determine setbacks. The north side roof overhang is four feet wide and that is unusually wide for an overhang. Its purpose is to divert run-off water away from the building as it backs up against a steep bank. **Because it is a roof overhang that will help keep the water away from the building and does not cross over into the neighboring property the Board determined a Variance or Waiver review is not required.** (4-0 vote)

**4. Proposed second story:**

Applicant is seeking a Variance in order to add a second story onto what is essentially the same footprint. The hardship caused by the total destruction of the original building by Tropical Storm Irene was not created by the Applicant. The property has unique physical circumstances, including its narrowness and topographical aspects. The cost to rebuild the destroyed building, along with the additional expense of complying with required flood proofing, would make rebuilding it as a one story building economically unfeasible and unduly expensive. While our Variance language, as required by the State of Vermont, does not take the cost of rebuilding into account, the concept is not unheard of in Vermont Variance statutes. In our Ordinance under Variances allowed For a Structure That is Primarily Renewable Energy Resource (Section 512(G) (a), the term “unduly expensive” is listed as an appropriate reason for granting a Variance. **The majority of the Board finds that the structure, for economic reasons, could not be rebuilt as a one story structure as it would be unduly expensive. It also finds that the Variance would not alter the**

**essential character of the neighborhood and that it represents the minimum Variance that would afford relief.** (3-1 vote. Nicki Steel dissenting)

**5. Front roof overhang:**

Approval for construction of a roof overhang extending to within 18 inches of the front property line does not conform to the Town of Wilmington dimensional standards for the Commercial District and requires approval of a Variance. The proposal must meet *all* the criteria to be approved. **With regards to the criteria for a Variance, the Board concludes that this proposal for an overhang does not meet the Variance criteria of the Wilmington Zoning Ordinance.** (1-3 vote David Kuhnert dissenting)

The Board concluded that while the proposal did meet some of the five Variance criteria, it did not meet all as required. It is not an essential part of the building, or necessary to gain entrance to the building. With the main building roof slanted to the rear, falling snow is not a factor. Only the front of the ramp is protected; the side ramp is unprotected. The Board denied approval for an overhang in DRB Case #2010-024 and the Board concludes that an overhang still does not meet the necessary criteria. (1-3 vote. David Kuhnert dissenting)

**III. CONDITIONS for the Variance/Waiver requests:**

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

1. No part of the building including roof overhang, ramp, turn platforms or planters shall extend beyond the property line.
2. The ramp shall be fully installed and usable before the retail store is open to the public.
3. There shall be a walkway at least 36 inches wide extending from the front property line to the beginning of the ramp on the east side of the building. This walkway shall be cleared and maintained year round.
4. The ramps and platforms shall meet or exceed requirements for handicap access as defined by the ADA.

**IV. FLOOD HAZARD REVIEW**

The Board concludes that the property is within the Flood Hazard Area and the building is considered new construction within that Area. The Base Flood Elevation (BFE) for this property is 1510 feet and the Applicant is proposing to raise the first floor to 1511, one foot above BFE.

1. **All Development - All development shall be reasonably safe from flooding and: (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood.** In Exhibit S Robert Stevens, PE states that the four metal poles to which the



building is attached will provide four times the normal factor of safety against rotation and bending.

**(b) constructed with materials resistant to flood damage.** There will be dry flood proofing including a bituthene membrane (Exhibit O).

**(c) constructed by methods and practices that minimize flood damage.** The first floor will be one foot above BFE but dry flood proofing methods including flood barriers on door and low sill windows will be used to 42 inches above BFE. A heavy-duty lattice will be attached building to cover the open area under the first floor to prevent debris from going under the building.

**(d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.** All electrical, plumbing, air conditioning and heating units will be above BFE. There will be water pit and sewer utility access closets that will allow these utilities to be safely disconnected before a flood.

### **3. Non-Residential Development:**

**(a) New construction shall have the lowest floor, including basement, elevated to or above the base flood elevation.** The lowest level (first floor) will be elevated to one foot above BFE.

**(b) A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.** See Condition 3 below.

**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. (4-0 vote)**

### **IV. CONDITIONS for Flood Hazard approval:**

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

1. Any changes in the grades on the site shall ensure proper drainage away from the subject building, away from adjacent structures and toward the State highway.
2. The utility disconnects shall be as presented and shall conform to the Town sewer ordinance and any applicable state standards.
3. A FEMA elevation certificate and as-built construction drawings shall be required and submitted to the Wilmington Zoning Office before the retail operation is open to the public.
4. There shall be a gutter along the north roof eave to help keep dripping water from eroding the bank.

5. The draining of surface water toward the front of the property shall not be completely obstructed by the construction of the ramp.
6. The first floor of the building shall be at least 12 inches above BFE and shall be flood proofed as presented with a membrane and flood gates.
7. The FEMA Flood-Proofing Certificate for Non-residential Structures shall be prepared and certified by a design engineer as recommended by Josh Carvajal of ANR in Exhibit AG. This Certificate shall be submitted to the Wilmington Zoning Office before the retail operation is open to the public.

## V. HISTORIC DESIGN DISTRICT REVIEW

### SECTION 620: Building Review Criteria

The DRB when reviewing an application for new construction shall consider the following criteria where germane:

#### A. Form Relationships

1. **Style:** *For new buildings where design compatibility does not exist, it is the intent of the Historic Review District to promote architectural styles found within the Village. Although there are no near-by examples of this style, Exhibit Q shows examples within the Village area of similarly designed buildings.*
2. **Proportion:** *The ratio of height to width of the front elevations of new buildings should be related to existing or adjacent properties. At 33 feet, the building is unusually tall. Some of the height is because of flood protection measures and there are nearby buildings such as Bartleby's, which are also tall.*
3. **Roof Type and Pitch:** The roof will not be visible. It is pitched slightly to the rear. The Applicant anticipates that the snow will melt gradually and not slide off in large amounts.

#### B. Visual Appearance

1. **Materials and Texture:** The vertical shiplap siding will be wood that will match surrounding buildings. Any trim will also be wood.
2. **Architectural Details:** *For new construction, architectural details characteristic of the particular architectural style proposed should be incorporated into the design. It is the intent to promote architecture of a traditional New England character in areas where design compatibility does not exist. The parapet design is similar to other buildings in the District (Exhibit Q)*
3. **Solid to Void Proportions:** *The proportions of solid to voids (doors and windows) in the façade of a building establishes a rhythm that is perceived by a person viewing the building. The harmonious use of windows and door openings should be designed with consistent intervals. The four windows on the second story are placed at regular intervals and establish a*

rhythm. By enlarging the window on the first floor, the door and window facing the street are balanced.

**The Board approves the proposal for Historic Design Review. (4-0 vote)**

**VII. CONDITIONS for Historic Review District:**

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

1. The design shall be substantially as presented in Exhibit AE – A2.0. Since the front ramp overhang has been turned down, the Applicant may add a decorative border across the front of the building similar to the parapet at the top of the building. This border would not require further application to this Board.

2. With regards to size and placement, the windows and door shall be as presented in Exhibit AE – A1.2

Thus, the Development Review Board **does approve** with conditions the application for following proposals with all the Conditions cited above:

1. A Waiver to construct a two foot wide addition (24 feet by 32 feet footprint) (4-0 vote)
2. A Variance to construct a second story (3-1 vote. Nicki Steel dissenting)
3. Permission to construct a ramp with turn platforms and steps (4-0 vote)
4. Permission to extend the rear roof overhang up to four feet wide (4-0 vote)
5. Flood Hazard Review approval is granted (4-0 vote)
6. Historic Design Review approval is granted (4-0 vote)

The Development Review Board **does not approve** the application for a Variance for the ramp overhang. (1-3 vote. David Kuhnert dissenting)

DRB members voting on this Application are David Kuhnert, Gil Oxley, Andrew Schindel and Nicki (Polly) Steel. Member Paul Tonon resigned from the Board before the vote was taken.

**If unused, this Approval expires on 7/14/14.** This is the expiration date that was approved in DRB Case #2012 -056. 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.

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For the Board: Polly Steel, Chairperson

Date: 2/25/2013

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.*