

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: **Renee Galle of Red Hen & Grey Goose LLC**

Owner's Mailing Address: **228 Stowe Hill Road, Wilmington, VT 05363**

Agent's Mailing Address: **Doug Furlon, Furlon Construction, P.O. Box 1349, Wilmington, VT 05363**

Address of the entity to be served: **4 North Main Street, Wilmington, VT 05363**

Tax Map #**021-20-033.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2012-114

Application # 2012-114; owner: Red Hen and Grey Goose, LLC; Agent: Doug Furlon. Application being made for Flood Hazard and Historic District review to allow installation of new and replacement of doors and windows at a Restaurant; Flood Hazard Area Regulation Sections 804, 811 & 820.B and the Zoning Ordinance Sections 610 & 620; location: 4 North Main Street.

Notice for a public hearing was published in the Valley News on: **10/19/2012**

Notice was posted in three public places on: **10/17/2012**

A copy of the notice was mailed to the applicant on: **10/17/2012**

A copy of the notice was mailed to the abutters on: **10/17/2012**

The public hearing was held on: **11/5/2012**

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 Environment Court.

Appeal period for this Case expires on: December 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 Existing windows (two pages)
- B Proposed new door and window (three pages)
- C Summary of work
- D Elevations (four pages)
- E Existing north door
- F Building details (two pages)
- G Abutters List
- H Case History

1. The subject property is in the Historic Review District and the Commercial District of the Town of Wilmington. The building is known as DCD # 35.
2. In Case No. 2012-093 this Board approved a Conditional Use application for the establishment of a restaurant in the historic Parmalee & Howe Building in the heart of downtown Wilmington. The decision stated that it would be necessary for the Applicant to return to the Board so that it could consider the installation of a second exit/entry door, as well as changes to a window or windows.
3. The subject property is situated on the northwest corner of Vermont Routes 9 and 100, with an entrance on Route 100. Applicant is seeking approval of a new entry on the Route 9 side of the building, at the site of a display showcase used by a previous retail store. This new entrance will be 36 inches wide for ADA compliance and would be constructed to “mimic existing woodwork and design of [the] building” (Exhibit C). This door also is necessary to comply with requirements of the Vermont Department of Labor and Industry. The door and trim have been placed so that they are set inside an existing brick archway. An existing path would be modified through the existing pocket garden and raised in order to make the new doorway handicapped accessible. Existing plantings would be retained after necessary pruning.
4. There is an oval-shaped window on the Route 100 side of the building which looked out from a former coffee shop. Applicant intends to install a replacement window of the same shape and size. It would be vinyl or aluminum clad and would mirror the existing window with the exception that the grill-work would be changed to match other grill-work on the building. This new grill-work would be aluminum or steel, made to order and painted white. It is possible that it will take some months before the new grill-work will be installed.

5. A service door on the north side of the building opens to a 13 foot alley which is part of the subject property. This door was damaged by the flood caused by Tropical Storm Irene and a new door will be installed. It will be metal and will be hung on the existing metal frame. It opens into the building's boiler room and leads to a metal fire door which opens into the rest of the building. Both the service and the fire door are 36 inches wide. The service door is situated far enough from Route 100 so that it is not easily visible from the road. New trim will be installed around the door.
6. Applicant testified that all of the building's second floor windows and some of the non-display first floor windows may need replacement in the future, but not before next spring. These replacement windows would look similar to the existing windows, but would be vinyl or aluminum clad with wooden trim.
7. A dumpster is to be placed in the alley near the service door. Applicant plans to provide wooden screening so that it would be screened both from the river side and the Route 100 side.
8. There will be some repair work on the roof, and newer and better materials will be used. Because of the style of the building, the roof itself is not visible from any public way. There are also some decorative blocks on the upper portion of the building that may be damaged and will need repair.
9. Zoning Administrator Alice Herrick stated that the valuation of the building is \$135,000. The Applicant stated that the new Route 9 door, the alley door and replacement of the oval window will cost up to \$11,000. The cost of the eventual replacement of the other windows and other smaller changes will be less than \$67,500, which the Zoning Administrator testified negates the need for Flood Hazard Review.

II. The Board CONCLUDES:

The subject property lies within the Commercial and the Historic Review District and requires a permit for significant changes to site features.

Vermont Municipal and Regional Planning and Development Act: section 4414(E)
“Within such a designated design review district, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without approval of the plans by the appropriate municipal panel.”

The Board has reviewed Applicant's testimony and approves the construction of a new doorway, the replacement of the oval-shaped window with the addition of different grillwork, the installation of a metal service door, screening for a dumpster and the eventual replacement of the second floor and non-display first floor windows, they being in compliance with Commercial District and Historic Review District Regulations. The

Applicant has made significant attempts to mimic the architectural details of the existing building as required by the Historic Review District Regulations while creating a handicapped accessible second public entrance. Furthermore, testimony was given that the cost of the new doorway, the oval-shaped window, the service door and the screening would not exceed \$11,000 and therefore be significantly less than 50% of the value of the building. The additional work planned for next spring will still fall below 50% of the building's valuation. The Board thus finds that Flood Hazard Review is therefore not necessary.

The Board finds that the roof is not visible from any public way and that the Applicant may use different materials repairing the roof than those that are presently there.

III. CONDITIONS:

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

1. All trim of windows and doors shall be wood or materials resembling wood.
2. Any replacement windows on the first and second floor shall be substantially the same in design and size as the existing windows. The oval window may be installed without the proposed grill-work, which is also approved and will be installed at a future date.
3. The design and placement of the new Route 9 door shall be substantially as presented in Exhibit B.
4. The total cost of any improvements shall not exceed \$67,500 in any calendar year.

Thus, the Development Review Board does **approve** the application for **replacement doors and windows, for a new door on Route 9 and for roof repair in the Historic Review 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
Dave Kuhnert
Paul Tonon
Gil Oxley

OPPOSED:

None

For the Board: Polly Steel, Chairperson

Date: 11/12/2012

Appeal Rights: An interested person may appeal this decision to the Vermont Environmental Court, pursuant to 24 VSA 4471 and VRCP 76, 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.