

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: **Enman-Kesselring Consulting Engineers for Green Mountain Power [owner of record is Central Vermont Power Co.]**

Agent(s) Mailing Address: **61 Prospect Street, Rutland, VT 05701**

Owner/Applicant(s) Mailing Address: **Brian Otley for Green Mountain Power/Central Vermont Public Service Co., 163 Acorn Lane, Colchester, VT 05446**

Address of the subject property: **107 West Main Street, Wilmington, VT 05363**

Tax Map #**020-20-040.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2013-016

Description of Case per Public Notice:

Application # 2013-016; owner: Central Vermont Public Service Co. [Green Mountain Power Co.]; Agent, Enman, Kesselring Engineers. Application being made for Conditional Use review to allow construction of a garage addition of 2,400 sq. ft.; Zoning Ordinance Section 6.B & 7; location: 107 West Main Street.

Notice for a public hearing was published in the Valley News on: **3/15/2013**

Notice was posted in three public places on: **3/15/2013**

A copy of the notice was mailed to the applicant on: **3/15/2013**

A copy of the notice was mailed to the abutters on: **3/15/2013**

The public hearing was held on: **4/1/2013**

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: May 10, 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
Gary Burt, Green Mountain Power
Blair Enman, Enman-Kesselring Consulting Engineers
John McLeod, Abutter and Interested Party

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. Site map with color photo
 - B. Existing building photo
 - C. Plan set “Green Mountain Power”, by Enman-Kesselring Consulting Engineers.
 - a. Existing Conditions Site Plan, C1, 02/28/13.
 - b. Proposed Site Plan, C2, 02/28/13.
 - D. Abutters List
 - E. Case Summary
 - F. Letter from GMP, March 21, 2013
 - G. Letter from by Enman-Kesselring Consulting Engineers, March 8, 2013
1. The subject property is in the Commercial District of the Town of Wilmington. The property is identified as Tax Map 020-20-040.000.
 2. The property is the site of the former Vermont Electric Co-op, most recently operated by Central Vermont Public Service Co. which is now Green Mountain Power Co. The property is accessed by a deeded right of way over abutter John McLeod’s property from Route 9 West.
 3. Green Mountain Power Co. proposes to construct a 30 foot by 80 foot garage bay addition on the east side of its existing building, expand the parking/ turn around area and widen the access driveway to the site to 22 feet. The widening would only be on GMP land, not the portion on John McLeod’s property.
 4. GMP stated that two additional trucks would be based at the site. The hours of operation would remain from 6am to 6pm with the exception of emergency

operations caused by power outages,

5. The widening of the parking/turning area is mainly to accommodate large delivery trucks. The expansion of the parking area would be achieved by the construction of an 8 foot high “Redi-Form” retaining wall. This type of construction material simulates a stone wall. The wall would then be backfilled, leveling the area to allow for the proposed increase of the parking area. There will be additional drainage that will help direct water run-off from the McLeod property. The retaining wall will be set back from the adjacent property by 35 feet.
6. Two additional 16 foot high pole lights would be added and all four lights would be changed to down lit LED fixtures with either timed or motion detection, on/off switching devices.
7. The construction will be in two phases with the building addition and the retaining wall constructed in the next 12 months and the widening of the driveway and the west part of the parking area built in the next two to three years.
8. Interested Party McLeod stated that he has had a long-standing good relationship with the owners of the subject property. His only concerns were about the speed of trucks crossing his property and the preservation of plantings along the bank.

II. The Board CONCLUDES:

Utility Facility is a Conditional Use in the Commercial District and requires 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 facility has been in operation since 1981 and the proposed expansion would have a minimal effect on the neighborhood.*
- B. **Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** *No. There will be no increase to the normal day to day truck traffic. The additional trucks based at the facility have specific uses, and would not be required to be in use at the same times.*
- 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 facility is located behind an existing commercial building and therefore not clearly visible to traffic on West Main Street.*

- D. **Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?** *Yes. The proposed construction will comply by allowing the consolidation of resources and eliminating the need for multiple sites for operation.*
- E. **Will the proposed Conditional Use comply with other sections of the Zoning Bylaw?** *Yes. The propose expansion of the access driveway and parking /turnaround area, would improve the flow of tractor trailer traffic delivering utility poles and other supplies to the facility.*

III. CONDITIONS:

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

1. The widening of the drive shall only be done within Green Mountain Power Company property.
2. Water runoff from the site is to be channeled to existing or additional culverts.
3. An effort shall be made to retain as much of the existing landscaping on the bank as possible.
4. There shall be no increase to the permitted number of 9 employees at the site, except during an emergency situation.
5. Pole lights shall be downcast LED fixtures and be either timed or motion detection on/off switching devices. A final plan showing the locations and heights of the new poles shall be submitted to the Zoning Administrator.

Thus, the Development Review Board **does approve** the application for **Conditional Use review to allow an addition to a Utility Facility in the Commercial District.**

If unused, this Approval expires 3 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:

Gil Oxley
Nicki (Polly) Steel
Andrew Schindel
Frank Sprague

OPPOSED:

None

For the Board: Polly Steel, Chairperson

Date: 4/10/2013

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.