

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: **Timothy & Elizabeth Highman and Bartholomew & Janet Russo**

Agent(s) Mailing Address: **Lance Shader, P.O. Box 2389, West Dover, VT 05356**

Owner/Applicant(s) Mailing Address: **Highman: 15 Hill Top Trail, Salem, CT 06420**
Russo: 13 Lincoln Lane, Woodland Park, NJ 07424

Address of the subject property: **off Haskell Hill Road, Wilmington, VT 05363**

Tax Map **#002-04-011.000, 002-04-011.200 & 002-04-023.000**
002-04-012.000 & 002-04-024.000

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2013-038

Description of Case per Public Notice:

Application # 2013-038; owner: Timothy & Elizabeth Highman and Bartholomew & Janet Russo; Agent, Lance Shader. Application being made for Subdivision review to allow reconfiguration and merger of vacant land; Zoning Ordinance Section 6 & 512.A; location: off Haskell Hill Road.

Notice for a public hearing was published in the Valley News on: **5/10/2013**

Notice was posted in three public places on: **5/10/2013**

A copy of the notice was mailed to the applicant on: **5/10/2013**

A copy of the notice was mailed to the abutters on: **5/10/2013**

The public hearing was held on: **6/3/2013**

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 Environment Court.

Appeal period for this Case expires: July 18, 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

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 (two pages)
- A Owners signature page
- B Map showing proposed merger
- C Map showing existing lots
- D Map showing proposed lots
- E Abutters List

The subject properties are in the Residential District of the Town of Wilmington.

1. Timothy & Elizabeth Highman and Bartholomew & Janet Russo each own a parcel with a dwelling unit on Haskell Hill Road. Lance Shader is the Agent for both parties.
2. Three other lots were purchased by the two parties (Russo & Highman) jointly. These three lots are between the lots the parties own individually. The Applicants would now like to subdivide and merge the three co-owned lots with their individual lots. For the purpose of this Application the co-owned lots have been identified as Lot 3A (Lot 002-04-023.000), 4 B and 4A (Lots #002-04-011.100 & 002-04-011.200). See Exhibit D.
3. The Russos would like to solely own Lot 3A and merge it with their existing lot (002-04-024.000). It is a narrow, long lot with only 76 feet of road frontage. When merged with their existing parcel the total acreage will be approximately 9.4 acres. The total road frontage after the merger will be approximately 691 feet. (Exhibit B).
4. The Highmans would like to solely own lots 4B & 4A and merge them with their existing parcel (002-04-012.000). The total acreage after merging will be about 4 acres. The road frontage after the merge will be approximately 854 feet. (Exhibit B)
5. The boundary line between Lots 3A & 4B shall be the new boundary line between

the Russo and Highman properties.

II. The Board CONCLUDES:

With regards to the request for a subdivision with right-of-way approval the Board concludes that this proposal **will conform** to the requirements of the Wilmington Zoning Ordinance and the following standards:

Section 6: Permitted Uses and Minimum Requirements of Districts

A. Residential District:

2. Minimum Requirements in Residential Districts. All residential buildings and structures permitted in the Residential District shall be erected and used in conformity with the following minimum requirements:

Lot Size: A lot used for such building or structure shall be at least one acre in area, except that accessory uses shall also be permitted on such lot.

After the merger of Lot 3A with the Russos' lot, the new lot will be over nine acres and will meet this requirement. After the merger of Lots 4A & 4B with the Highmans' lot, the new lot will be about four acres and will meet this requirement.

Frontage: Each lot which abuts upon a public road shall have at least one hundred fifty (150) feet frontage on such public road.

After the merger of Lot 3A with the Russos' lot, the new lot will be over 150 feet of road frontage and will meet this requirement. After the merger of lots 4A & 4B with the Highmans' lot, the new lot will have over 150 feet of road frontage and will meet this requirement.

III. CONDITIONS:

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

1. That in order to comply with the Zoning Bylaw, approval of this proposal shall be conditioned upon the merger of Lots #002-04-011.100 & 002-04-011.200 (Lots 4A & 4B) with parcel 002-04-012.000 (now owned by Highman) and the merger of Lot 002-04-023.000 (3A) with parcel 002-04-024.000, (now owned by Russo), for tax and zoning purposes by filing new deeds with the Town Clerk which merges the parcels and that copies of the revised deeds shall be submitted to the Zoning Administrator.

2. The boundary line between Lots 3A & 4B shall be the new boundary line between the Russo and Highman properties.

Thus, the Development Review Board does **approve** the application for **Subdivision (boundary adjustment) approval to allow merger of Lots #002-04-011.000 and s002-04-011.200 with abutting property Lot #002-04-012.000 and Lot #002-04-023.000 with the abutting property #002-04-024.000 in the 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:

Frank Sprague
Nicki (Polly) Steel
Andrew Schindel
Gil Oxley

OPPOSED: None

For the Board: Polly Steel, Chairperson

Date: 06/17/2013

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.