

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: **Lorista Holdings LLC & Hermitage Inn Real Estate Holdings Co LLC**

Owner/Applicant(s) Mailing Address: **70 William Street, Wallingford, CT 06492**

Address of the subject property: **1, 3 & 5 East Main Street - Wilmington, Vermont 05363**

Tax Map **#021-22-006.000 - #021-22-007.000 - #021-22-008.000**

A copy of the request is filed in the office of the Board and is referred to as:

Case #: 2014-032

Description of Case per Public Notice:

Application # 2014-032; owner: Lorista Holdings LLC & Hermitage Inn Real Estate Holdings Co LLC. Application being made for Flood Hazard, Historic District Review to allow attachment of properties; change of use of the properties to an Inn & retail store; installation of new windows & an elevator; remove roof of 3 East Main Street to utilize 3rd. floor. Flood Hazard Area Regulations Sections 804 & 811 and the Zoning Ordinance Section 610 & 620; location: 1,3, & 5 East Main Street.

Notice for a public hearing was posted in three public places and was published in the Valley News on:

A copy of the notice was mailed to the applicant and to the abutters on:

Public hearings were held on: **5/05/2014 and on 7/14/2014**

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 _____.

The Approval expires on _____.

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.)

Fred Houston

John and Eileen Ranslow

F & AM Social Lodge

Craig Ohlson, 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 (Eight pages)

Abutters List

Exhibit A - Proposed work and vision for all properties held by Lorista Holdings, 10 South Main, 15 West Main, 1, 3 & 5, East Main Street (8 pages)

Exhibit B - Survey of 1, 3 & 5 East Main Street conducted by Benjamin A. Joyce

Exhibit C - Proposed complete set of plans provided by Workshop 48 Architecture (12 pages)

Exhibit D - Letter from State of Vermont Division for Historical Preservation (2 pages)

Exhibit E - Overhang detail for 3 East Main Street

Exhibit F - Letter response from Eileen Ranslow dated 5/12/2014

Exhibi G - Current and Proposed water allocation UCE's for 1, 3 & 5 East Main Street

1. The subject properties are in the Flood Hazard District, the Historic Review District and the Village District of the Town of Wilmington. The buildings are known as DCD #12.
2. Subject properties were most recently; 1 East Main Street, a Home Center retail store with offices on second floor; 3 East Main Street, a Professional Building with a surveyor office; and 5 East Main Street, a retail store with Apartment.
3. The buildings are proposed to be attached with a three-story recessed addition in the existing alley way between 1 East Main and 3 East Main. The second and third floors are proposed to have 14 Guest Rooms each with private baths.
4. First floors of 1 and 3 East Main Street are proposed to be retail.
5. New construction of a Lobby and Carport are proposed to replace 5 East Main Street. This new construction will be set back from the ROW by 12 feet, but will be closer to the ROW than the existing structure.
6. The Applicants are requesting a permit for the following work.
 - A. Demolish 5 East Main Street and rebuild a new structure that will attach the gable end to 3 East Main Street – The new structure will have a 12 foot set back from East Main Street ROW. The new construction will become a lobby for the Inn with a car-port entrance and storage on the second floor.

B. Construct a new three-story Connector building between 1 and 3 East Main Street that will allow for public pedestrian traffic to flow from East Main Street towards Church Street and access the retail stores on the first floor. The Second and third floors will be hallways creating egress for the Inn and access to the elevator. The new construction will be consistant with materials found in the historic downtown and will match those used on the existing structures.

C. Create a courtyard 30 feet deep from East Main Street to the entrance doors of the connector building with seating for public. This area is to be hard-scaped with stone or like material, landscaped with plantings, be handicapped accessible and will be viewed by security cameras to protect the public.

D. Install an accessible elevator in the rear portion of 3 East Main Street within the new Connector construction.

E. Replace windows and doors with Marvin products, true divided lights and energy efficient glass. Add windows where there are currently AC units.

F. Repair and replace all clapboards with wood which is encouraged by the board. The applicant has declared that there will be No Vinyl in any building materials.

G. Replace Mansard Roof on 1 East Main Street and new construction on lobby and connector with Slate composite Roofing Material.

H. Create a fenced area behind lobby that will house outside utilities like heat pumps and refuse dumpsters from public view.

I. Construct a roof over hang on 3 East Main Street to match existing architectural styles found on property. Applicant understands that the overhang will extend into the highway ROW and they will need approval from the State of Vermont before construction can begin.

7. The Fire Marshal testified regarding access to the rear of the building in case of an emergency. He raised concerns about the ability to navigate his equipment through the proposed right of way. Prior approval by the Fire Marshall will be required before construction can begin.

8. Liliias Hart testified regarding the architectural style expressed in the connector building. She raised concerns that the brick facade was not in keeping with the federal and Greek Revival styles found in 1 and 3 East Main Street.

9. Development Review Board recessed the hearing until July 14th, 2014 previously warned by the Development Review Board and requested that the applicant

A. Seek approval from the Vermont Division for Historic Preservation for proposed demolition and proposed work with implications for FEMA and Flood Hazard Mitigation

B. Satisfy the requests from the Fire Marshal for access to the rear of the building

C. Provide a complete set of plans to scale

D. Rectify the right of way issue with abutter John and Eileen Ranslow

E. Address concerns with the architectural integrity of the connector building.

10. Hearing was resumed on July 14, 2014 with the addition of Dennis Stanek Jr. Principal for Lorista Holdings LLC and Rob Aubin from the Hermitage Club. New plans were presented and concerns from the previous hearing were addressed.

11. Rob Aubin from the Hermitage Club is operating the Valet Parking program and testified that a Valet service will be provided for all guests visiting the 1,3,5 East Main Street project as well as the Vermont House at 15 West Main Street.

12. Dennis Stanek Jr testified that discussions with the Town of Wilmington are proceeding with the goal of expanded parking behind the proposed development site. Fred Houston testified regarding his concerns about water runoff with the rear parking lot and driveway, right of way.

13. All exterior lights will be LED and down cast and future signage will comply with current requirements

14. Handicap access will be provided through the courtyard entrance.

The Board CONCLUDES:

1. The Board Concludes that Lodging \geq 6 guests and Retail Business are conditional use under Article 11 Section 270 B4 requiring Conditional Use review.

2. The Board Concludes that the proposed construction meets the Minimum Lot Size (1/8 acre) , Minimum Lot Frontage (40 Ft), Structure Height Max (35 feet), and zero (0) setback Commercial Use site criteria of section 270, Subsection D5.

3. The Board Concludes regarding the Historical Review District Criteria of section 602 A-E:

3A. Promotes the use of the buildings and properties in a manner that benefits the community and individual property owners, while preserving those features that have architectural or historic merit.

3B. Provides visual harmony and encouraging economic vitality.

3C. Will attract visitors and encourage tourism.

3D. Conforms to the standards of historic preservation as evidenced by the letter of endorsement provided by the National Register of Historic Places (correct reference?)

3E. Will promote growth while maintaining the character of the community.

Section 610: Site Review Criteria:

The Board Concludes the proposed design conforms to neighborhood scale of building, meets utilitarian purpose while preserving appropriate design, protects Wilmington's Heritage, and considers the local environment consistent with Section 610 A-G of the Historic Review District.

A. Does the proposed project relate development to its environment and conform with established neighborhood building scale? Yes

B. Preserve the landscape? Yes

C. Provide efficient and effective circulation? Yes, the proposed court yard and other building access points through retail entrance and lobby provide public circulation.

D. Provide for natures events? Yes, snow stops will be installed on rooflines and snow removal will be provided on public walkways. The rear of the building, the right of way and parking will be maintained as a permeable surface.

E. Will the project integrate utilitarian features with the design? Yes, a rear fence with gate will conceal refuse as well as all utilities.

F. Will the project protect Wilmington's heritage? Yes, as stated with the letter from the State of Vermont Division for Historical Preservation Mr. James Duggan concludes that the project does not have any significant direct effects on the historic integrity of the Wilmington Village Historic District.

G. Does the project consider the local environs? Yes

Section 620: Building Review Criteria:

With regards for the building review criteria the board concludes that the new construction of both the proposed lobby and connector *will* fit the style and proportion for the two existing historical structures 1 and 3 East Main Street. The board concludes that the materials, architectural details and solid to void proportions all fit the stipulations of the Wilmington bylaws and goals of the districts.

4. Regarding Flood Hazard review, the board Concludes:

With regards to the criteria for Flood Hazard Review, the Board concludes this proposal *will* confirm to the requirements of the Wilmington Zoning Ordinance and the following standards:

1. All Development - All development shall be reasonably safe from flooding and:

a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure during the occurrence of the base flood. Yes.

(b) Construct with materials resistant to flood damage. The applicant will be using materials that are resistant to flood damage.

(c) Constructed by methods and practices that minimize flood damage. The applicant is using flood resistant materials up to and above BFE.

(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. The electrical and heating/cooling equipment will be located above the BFE.

CONDITIONS:

The Development Review Board does **approve** the application for Conditional Use review to allow commencement of demolition and reconstruction to existing structures in the Downtown Historic District . subject to the following restrictions, requirements, limitations or specifications.

A. Conditions for conditional use:

1. As the board concludes that the Applicant is proposing a permitted use within the Historic District there are no conditions as long as the use shall be substantially as presented.

B. Conditions for Historic Review District:

1. Applicant will provide evidence of approval from the Town of Wilmington Fire Marshall that all concerns regarding safety equipment access to the project is met with his satisfaction.

2. Applicant will provide a fully executed document satisfying the land use regarding the right of way between 1 and 3 East Main Street.

3. All construction will be performed as presented including material type, window and door locations and elevations as shown in Exhibits C and E and in testimony.

4. Courtyard will provide seating for pedestrians and encourage public foot traffic through the connector towards South Main Street.

5. Roofing material will be natural slate or composite slate to resemble existing roof.

6. All clapboards will be repaired or replaced with wood and painted.

7. Rear driveway/right of way will be of a permeable surface to promote storm water absorption and minimize runoff.

8. Landscaping including plantings and public accessible green-space shall be provided between the highway ROW and the hotel lobby.

9. Applicant will provide evidence of approval from The State of Vermont for construction of roof overhang on the Professional Building.

10. The applicant is responsible for obtaining any applicable state and local permits as defined by the Agency of Natural Resources Permit Specialist and as required by law."

C. Conditions for Flood Hazard approval:

1. Flood resistant materials shall be used whenever possible and shall be extended above the BFE, or as high as possible considering the most recent flood was well above BFE at this location.

2. Electrical outlets and main panels shall be above BFE. The heating and cooling system shall be above the BFE. The fuel tanks, if any, shall be in the back of the building out of the flood zone and anchored behind fenced area.

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.

The applicants in the Historic Review District are responsible for obtaining and maintaining approvals for “historic” designation from the National Register of Historic Places, which may be required to obtain and maintain flood insurance in the towns of Wilmington and to enable the town of Wilmington to be eligible for certain grants.

The applicants within the flood plain are responsible for compliance with all town of Wilmington Flood Hazard regulations as well as any requirements of the agency of Natural Resources as stipulated in their Flood Hazard review.

The applicant is responsible for obtaining any and all applicable state and local permits as defined by the Agency of Natural Resources Permit Specialist and as required by law.

IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Peter Wallace

Wendy Manners

Sybil Idelkope

OPPOSED:

For the Board: Peter Wallace, Chairperson

Date: 00/00/2014

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.