

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 **James Barnes** of Hermitage Inn Real Estate Holding Company, LLC

Agent(s) Mailing Address: **Robert Rubin, P. O. Box 2210, West Dover, VT 05356**

Owner/Applicant(s) Mailing Address: **P.O. Box 2210, West Dover , VT 05356**

Address of the subject property: **183 Gatehouse Trail, Wilmington, VT 05363**

Tax map: **#HAYSTACK.SKI**

A copy of the request is filed in the office of the Board and is referred to as:
Case #2014-051.

Description of Case per Public Notice:

Application # 2014-051; Owner: Hermitage Inn Real Estate Holding Co, LLC.
Application is being made for replacement of the Barnstormer ski lift to summit;
Zoning Ordinance Section 270 E; location 183 Gatehouse Trail

Notice for a public hearing was published in the Valley News on July 3, 2014

Notice was posted in three public places on July 3, 2014

A copy of the notice was mailed to the applicant on July 7, 2014

A copy of the notice was mailed to the abutters on July 7, 2014

The public hearing was held on: July 21, 2014 and August 18, 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 Environmental Court.

Appeal period for this Case expires on: _____

Approval expires on _____

In addition to the Applicant/Agent the following persons were heard by the Board in connection with this request:

Robert Fisher, Witness for Applicant
Robert Harrington, Witness for Applicant
Thomas Cross, ALT Charities, Inc.

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. Application (pages 1,2,10 and 11)
- B. Proposed Site Plan (sheet C5E titled "Six Pac Bubble Lift Stormwater" dated May 2014)
- C. Plan for chair storage building
- D. Color photos of similar bubble lifts in operation
- E. Proposed Elevations of the chair storage building

1. The subject property is in the Resort/Commercial District of the Town of Wilmington. The property is identified as Tax Map HAYSTACK.SKI
2. The applicant is requesting approval to replace the existing "Barnstormer" lift to the ski area summit with a higher speed new lift, as yet un-named, of the 6 person gondola/bubble type referred to as a "six pack bubble lift". Approval is also requested for the construction of a 142' x 32' wooden storage building for storage of the bubble lift chairs, said building to be constructed just west of the new base lodge. The storage building will match the new base lodge with clear cedar siding and a brown roof.
3. The new lift will reduce the riding time to the ski area summit from 15 minutes to 6 minutes and can transport 2800 people per hour using 88 chairs.
4. The new lift will be in the same approximate location as the existing Barnstormer lift whose towers and tower footings will be removed. The new lift towers will require larger footings which will be installed in approximately the same location as the towers for the Barnstormer lift. Above 2560 feet elevation the new lifts will be on the glebe land leased from the Town of Wilmington but the lower part of the lift will be on land owned by the applicant, as is the case with the existing lift. There will be no widening of existing trails nor tree removal.
5. The construction season for the replacement lift is planned for May 15, 2015 through November 30, 2015. A helicopter may be used to aid in construction.

6. Because the higher portion of the lift/towers is above 3000' elevation, the State of Vermont requires that construction in that area occurs only between May 15 - July 15 due to the presence of the Bicknell thrush. This is not a bear habitat. No FAA aircraft warning lights are required on the towers (which are approximately the same height as the existing towers).

7. Stormwater and Act 250 permits will be obtained by the applicant in addition to the erosion control permit already obtained. Also permits from the State Water Supply Division and Cold Brook Fire District will be obtained for the relocation of a water line to allow for placement of the new storage building and the loading/unloading terminal.

8. The new lift will require additional electrical power. Green Mountain Power Corporation currently allocates power to the ski area in a way so that lifts and snowmaking machinery are not operating concurrently. Although it's not necessary for the operation of the new lift, Green Mountain Power is planning a new substation near the ski area to increase power to the power grid serving the area to the north.

9. Ski area staff will receive training in the emergency evacuation of this type of lift conducted by the Vermont Tramway Commission. Typically the ski patrol is the onsite leader of evacuations. Wilmington Fire Department has not yet commented on the planned improvements but will have the opportunity to do so.

10. Thomas Cross representing Alt Charities introduced himself and stated that Alt Charities is the first mortgage holder for the ski area. He stated that he had not seen the application. Robert Fisher, witness for the applicant, offered to share all information regarding the application.

11. Peter Wallace, DRB, moved to recess the hearing until Monday, August 18, 2014, so that the information can be shared, seconded by Wendy Manners and so voted.

12. When the hearing was continued on Monday, August 18, 2014 neither the applicant, witnesses for the applicant nor members of the public were in attendance and no written testimony was supplied. Peter Wallace moved to close the hearing, seconded by Wendy Manners and so voted.

II. The Board CONCLUDES:

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 applicant is not changing an existing use which does not increase the use of town water or sewer facilities.

B. Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity? No. The property is a private club open only to members and to a restricted number of Wilmington residents.

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 property is a ski area.

D. Will the proposed Conditional Use comply with specifically state policies and standards of the Town Plan? Yes

E. Will the proposed Conditional Use comply with other sections of the Zoning Bylaw? Yes

F. Will the proposed Conditional Use have an undo adverse effect on the utilization of renewable energy resources? No.

III. CONDITIONS

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

1. Hours of operation will remain the same, 8 AM to 4 PM.
2. No lighting will be placed on the towers.
3. The plans for the project shall be reviewed and approved by the Wilmington Fire Chief and the appropriate Vermont and federal agencies prior to construction.
4. Applicant shall act in accordance with the decisions of the Vermont Department of Public Safety.

5. The applicant shall confirm with the Zoning Administrator that adequate electric power exists for the operation of the Barnstormer lift prior to commencement of lift operations so that no burden is imposed on other properties based on the usage of the proposed lift and chair storage building.

The Development Review Board approves the **Conditional Use allowing for the replacement of the Barnstormer lift with a new 6 pack bubble lift and towers and for the construction of a chair storage building in the Resort/Commercial District subject to the conditions in III above.**

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.

There is a thirty (30) day appeal period from the date of the 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 the 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 Town of Wilmington Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board.

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
Debby Dorsett
Sybil Idelkope
Meg Streeter

OPPOSED:

None

ABSTAINING

None

For the Board: Peter Wallace, Chairperson

Date: _____

Appeal Rights: An interested person may appeal this decision to the Vermont Superior Court, Environmental Decision, 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)