

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: **Cleo's LLC (Robert Grinold and Adam Grinold); Agents: Sara Jasinski and Jason Petrelli.**

Owner/Applicant(s) Mailing Address: **193 Route 9 East, Wilmington (owners); P.O. Box 1510, Wilmington (agents)**

Address of the subject property: **19 South Main Street, Wilmington, Vermont 05363**

Tax Map **02022019.000**

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

Case #: 2014-118

Description of Case per Public Notice:

Application #2014-118; Owner" Cleo's LLC (Robert Grinold and Adam Grinold); Agents: Sara Jasinski and Jason Petrelli. Application is being made for a change of use for a restaurant/nano-brewery in the Village zoning district (Historic Review District); sections 270 B(4), 320, 600 & 804; location 19 South 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: **01/05/2015**

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.)

Bettina Krampetz

Craig Ohlsen, 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 (3 pages)

Exhibit A site plan

Exhibit B larger site plan

1. The subject property is in the Flood Hazard District, the Historic Review District and the Village District of the Town of Wilmington.

2. The change of use is for the portion of 19 South Main Street (the north end) that was previously occupied by Twin Valley Creations, a hair salon. The south end of the subject property is currently occupied by the Pizzapalooza restaurant and bar leased and operated by the same applicants, Sara Jasinski and Jason Petrelli. Applicants state that they will be doing business as "Beer Naked Brewery".

3. All changes are to the interior of the building with the exception of replacement of six existing exterior lights which will be replaced with historic design downcast lights
4. Existing planters and steps from parking lot to entrance of restaurant and nano-brewery will be repaired.
5. The restaurant will have twenty seats and the nano-brewery will occupy a 6.5 feet x13 feet space with an adjacent bar with four seats. The nano-brewery will house four, 4.5 gallon barrel fermenters which require a federal brewery license for operation. Beer produced will be sold and consumed onsite in either the new restaurant or the existing Pizzapalooza restaurant. There will be an interior hallway between the restaurant /nano-brewery and the adjacent Pizzapalooza restaurant and bar.
6. Days of operation will be Monday through Sunday year round with hours of operation being noon to midnight.
7. The adjacent property to 19 South Main Street is a single family home whose owner testified that she hopes any exterior lighting in excess of that needed for safety can be turned off after the business is closed for the night.

The Board CONCLUDES:

1. The Board concludes that a restaurant, a bar and manufacturing are conditional uses under Article II, Section 270 B4 requiring Conditional Use review.
2. The Board concludes there is no change in exterior appearance or construction to the existing structure at 19 South Main Street.
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.
 - 3B. Provides visual harmony and encouraging economic vitality.
 - 3C. Will attract visitors and encourage tourism.
 - 3D. Conforms to the standards of historic preservation insofar as there are no exterior changes to the existing structure.

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

Section 610: Site Review Criteria:

The Board concludes that there is no change to the existing design which 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

D. Provide for nature's events? Yes

E. Will the project integrate utilitarian features with the design? Yes

F. Will the project protect Wilmington's heritage? Yes

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 there are no exterior changes proposed that would alter the 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* conform 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. no change to existing building.

(b) Construct with materials resistant to flood damage. no change to existing building

(c) Constructed by methods and practices that minimize flood damage. no change to existing building

(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. no change to existing building

CONDITIONS:

The Development Review Board does **approve** the application for change of use subject to the following restrictions, requirements, limitations or specifications.

A. 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. If the size of the nano-brewery operation grows to include sales for off-premises consumption, this permit will need to be amended.

B. Conditions for Historic Review District:

1. Applicant shall turn off exterior building lighting nightly after close of operations, whether at midnight or earlier, with the exception of any safety lighting.
2. Existing plantings shall be maintained and/or replaced to provide year round landscaping.

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.

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. An application for new sign approval will need to be submitted and reviewed.

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

Debby Dorsett

Meg Streeter

OPPOSED:

For the Board: Peter Wallace, Chairperson

Date: ____

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.