

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: **Mary and George Suddell**

Owner/Applicant(s) Mailing Address: **3 Rutledge Ave., Northport, NY 11768**

Address of the subject property: **5 North Main Street**

Tax Map: # **02121031.000**

A copy of the request is filed in the office of the Board and is referred to as: **#2015-098**

Description of Case per Public Notice:

Application # 2015-098: Mary & George Suddell. Application is being made to construct a roof over a second floor balcony. Historic review (Village zoning district): Section 610 & 620; 5 North Main Street

Notice for a public hearing was published in the Valley News on: **October 1, 2015**

Notice was posted in three public places on: **September 30, 2015**

A copy of the notice was mailed to the applicant on: **September 30, 2015**

A copy of the notice was mailed to the abutters on: **September 30, 2015**

Public hearing was held on October 19, 2015

Site Visit was conducted: No site visit was conducted.

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: January 3, 2016

Approval expires on: December 3, 2017

In *addition* to the Applicant/Agent the following persons, heard by the Board in connection with this request, were determined by the Board to be “interested persons”: Copies of this decision have been mailed to those persons listed below. None

The following presented testimony on behalf of the Applicant or an Interested Person:

No additional witnesses were present or heard

EXHIBITS

The following Exhibits were placed in evidence by the Applicant or Interested Person:

1. Colored photograph entitled “Sketch of Proposed Roof over Flat Roof Deck” with proposed roof sketched in.
2. Set of site plans consisting of 3 pages designated: A-1 – Proposed R/O Balcony Floor Plan dated 12/20/12; A-2 – Proposed Elevations dated 10/20/12; SP-1 – Proposed Site Plan dated 12/20/12
3. Colored drawing entitled “#5 North Main St. Wilmington, VT – Suddell Residence”
4. Two photographs of the existing porch one showing a rough sketch of proposed changes and one showing snow load on the flat roof.
5. Application consisting of 3 pages.

APPLICABLE DISTRICT

Findings of Fact: Subject property is in the Historic Review portion of the Village District. The subject property is identified as Tax Map: # 02121031. (Application)

Conclusions of Law: The proposed development lies in the Historic Review portion of the Village District pursuant to Article II, Section 270 B and Article VI Section 603.

USES

Findings of Fact: Current use is a pre-existing Mixed Use of Retail and Residential. The proposal will not change any use. (Applicant’s testimony, Exhibit 5)

Conclusions of Law: The proposed development is for approved uses for this district under Section 270 B4.

DIMENSIONAL REQUIREMENTS

Findings of Fact: Under Section 270 B5a, the dimensional requirements of the Historic Review District are:

- Min Lot Size 1/8 acre
- 40 feet lot frontage
- 35 feet height maximum
- 0 front setback
- 0 side & rear setback

Applicant dimensions are as follows:

Lot Size is **less than 1/8 of an** acre and does not meet the Historic Review District standard (computations from Exhibit 2, A-1)

Frontage 40 feet (meets Historic Review District standard) (computations from Exhibit 2 A-1).
Existing building height is 28 feet (meets height maximum) (Exhibit 2 A-2)
There are no set back requirements in the Historic Review District.

Conclusions of Law:

Dimensional requirements of frontage, building height, and setbacks are met for the Historic Review District. Lot size requirements for that District are not met.

LEGAL NONCONFORMITIES – SECTION 230, 232

Findings of Fact: The lot upon which the structure sought to be improved is built is less than 1/8 of an acre in size, making it a nonconforming lot. However, the lot and structure pre-exist zoning and the applicant’s proposal will not increase the degree of nonconformity. (Applicant’s testimony and Exhibit 2 SP-1)

Conclusions of Law: This is a legal nonconforming lot pursuant to Section 230 and may be maintained as such pursuant to Section 232.

HISTORIC REVIEW DISTRICT SITE REVIEW CRITERIA SECTION 610

A. Relation to Neighborhood Building Scale

Findings of Fact: The proposal is to extend a roof over a modest second floor porch at the rear of the structure. It does not extend beyond the present ridge line nor increase the footprint of the structure on the lot. (Exhibits 1, 2 A-2 and 3)

Conclusions of Law: The proposal conforms to the neighborhood scale.

B. Preserve the Landscape

Findings of Fact: No natural features or existing landscaping are proposed to be removed.

Conclusions of Law: This criterion is not germane.

C. Provide Efficient and Effective Circulation

Findings of Fact: The proposal does not impact on vehicular or pedestrian circulation.

Conclusions of Law: This criterion is not germane.

D. Provide for Nature’s Events

Findings of Fact: Stormwater from the entire open porch and the roofs above it presently exits through a single second floor drain on the southerly side. Snow is shoveled into the parking area. The proposed roof would divert the stormwater runoff over the entire eave and allow the snow to melt in place. Snow is removed by a commercial entity. Applicant will add a “snow diverter” on the roof above the first floor entry door. (Applicant’s testimony, Exhibits 2 A-2 and 4)

Conclusions of Law: The applicant has adequately addressed this criterion.

E. Integrate Utilitarian Features with the Design

Findings of Fact: No such features are proposed.

Conclusion of Law: This criterion is not germane.

F. Protect Wilmington’s Heritage

Findings of Fact: The Applicant modified his proposal at the hearing to change the roof material from standing seam, reflecting the barn, to “rubber slate” to match the lower overhang and upper roof. He further modified his proposal to extend the slope of the new roof to the ridge line. The modifications give a more uniform visual appearance. Architectural detailing will match the existing building. The roof support columns will be Azek artificial wood. (Applicant’s testimony,

Exhibits 2 A-2, 4 and 5)

Conclusions of Law: The applicant has adequately addressed this criterion.

G. Consider the Local Environs

Findings of Fact: The development does not propose any new structures beyond a small roof over an existing second floor porch. No additional lot coverage or the installation of any machinery is proposed. (Exhibits 2 A-1 and 5)

Conclusions of Law: The proposal will not have any impact on light, air, water resources or the noise and temperature levels of the immediate environment.

HISTORIC REVIEW DISTRICT BUILDING REVIEW CRITERIA SECTION 620

A1. Style

Findings of Fact: The present portion of the structure sought to be modified is a flat roof. Constructing a sloped roof from the rear roof ridge is more in keeping with the style of the area. Changing the proposed standing seam roof to “rubberized slate” mimics the adjacent slate roofed buildings. Architectural detailing is to match the existing building. (Applicant’s testimony, Exhibit 2 A-2)

Conclusions of Law: The proposed development, as modified, meets this criterion.

A2. Proportion

Findings of Fact: No change of height or width is proposed.

Conclusions of Law: This criterion is not germane.

A3. Roof Type and Pitch

Findings of Fact: The roof will be pitched from the existing ridge to the porch edge, similar to surrounding buildings, with Azek columns in support. “Rubberized slate” will match the present covering of the overhang at the first floor. (Applicant’s testimony, Exhibit 2 A-2)

Conclusions of Law: The proposed development, as modified, meets this criterion.

B1. Materials and Texture

Findings of Fact: The “rubberized slate” to be used as the proposed roof covering will match the present covering of the overhang at the first floor and its slate like qualities are compatible with existing structures within the District. (Applicant’s testimony)

Conclusions of Law: The proposed development, as modified, meets this criterion.

B2. Architectural Details

Findings of Fact: Architectural details will match the existing building. (Exhibit 5)

Conclusions of Law: The proposed development, as modified, meets this criterion.

B3. Solid to Void Proportions

Findings of Fact: No change is being made to the positioning of windows and doors.

Conclusions of Law: This criterion is not germane.

CONDITIONS:

The application for development is **approved** with the following conditions, restrictions, requirements, limitations and specifications.

1. The new roof shall run from the ridge of the roof easterly of the porch to the westerly edge of the porch as partially shown in Exhibit 2 A-2.
2. The roof will be covered with “rubberized slate” matching the material covering the overhang at the first floor.
3. Supporting columns may be AZEK artificial wood or a similar material.
4. Architectural details shall match the existing building with knees as shown on Exhibit 2 A-2.
5. A “snow diverter” shall be constructed above the first floor entry door.
6. Trim color to include all railings to follow the existing building.

The applicant is responsible for obtaining all state and federal permits.

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.

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:

Wendy Manners
Tim Hall
Allen Taylor
Fred Houston

OPPOSED:

None

ABSTAINING:

None

For the Board: Wendy Manners, Vice 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.