

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: **In the Wind Properties,LLC**
Owner/Applicant(s) Mailing Address: P.O. Box 1349

Address of the subject property: **400 Route 100 North**

Tax Map: # 006-02-021.100

A copy of the request is filed in the office of the Board and is referred to as: **#2016- 025**

Description of Case per Public Notice:

Application # 2016-025: Owner(s): In the Wind Properties, LLC by Douglas Furlon Agent.
Application is being made for a Conditional Use review to establish an Automotive Service Repair Garage (Auto Body Repair Garage). Commercial/Residential zoning district. Sections 270 D, 320 & Article VIII. Location: 400 & 408 Route 100 North.

Notice for a public hearing was published in the Valley News on: **June 16, 2016**

Notice was posted in three public places on: **June 16, 2016**

A copy of the notice was mailed to the applicant on: **June 16, 2016**

A copy of the notice was mailed to the abutters on: **June 16, 2016**

Public hearings were held on July 11, 2016 and July 18, 2016
There was no Site Visit.

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: September 3, 2016

Approval expires on: August 3, 2016

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:

Merrill A. Mundell, Jr., P.E.
Scott Anyan
Tom Beckwith

EXHIBITS

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

1. Application consisting of 4 pages including Abutters List
2. Plot plan entitled “Overall Plot Plan for Proposed Topography and Landscaping For: IN THE WIND PROPERTIES, LLC, 400 Vermont Route 100, North, Wilmington, Vermont” Plan Date: Feb. 09, 2016 by Merrill A. Mundell, Jr., P.E., plan is marked “PRELIMINARY”
3. Plan by JG Design Services, Inc entitled “In the Wind Properties L.L.C. 400 RT 100 – Wilmington Vermont, Elevations” being plan number A2.1 dated May 9, 2016, no revisions.
4. Plan by JG Design Services, Inc. entitled “In the Wind Properties L.L.C., 400 RT 100 – Wilmington, Vermont, Foundation and Floor Plans” being plan number A3.1 dated May 9, 2016, no revisions
5. Department of Homeland Security, Federal Emergency Management Agency, Elevation Certificate consisting of 10 pages, dated June 6, 2016
6. Being a revision to Exhibit 2 above dated June 30, 2016 showing “cut and fill areas” dealing with the proposed “Drive/Ramp”
7. Letter from Merrill A. Mundell, Jr., P.E. the Wilmington, Vermont Zoning (sic) Board entitled “In The Wind – Doug Furlon, et al. Understanding the BFE” dated July 7, 2016 consisting 2 pages with an attached 3 pages.
8. Copy of a Memorandum from John Broker-Campbell, VT DEC River Corridor and Floodplain Protection Program, Vermont Department of Environmental Conservation, Watershed Management Division to Bill Jewell, WM Jewell & Company and Merrill Mundell, Jr., PE dated July 8, 2016.
9. Being a revision to Exhibit 2 above adding landscaping, sign and lights. The date of the modification is July 3, 2016.
10. Narrative from Moore Bros. Body and Paint regarding the painting booth and waste discharges together with attachments.
11. State of Vermont Wastewater System and Potable Water Supply Permit –WW-2-4976 dated January 11, 2016.

SYNOPSIS

The applicant proposes to repurpose an existing 6300 square foot building from a Storage facility to an Auto Body Shop. There is a proposed addition of 835 square feet of office space on the north and west side. An additional access is to be constructed on the south side requiring 8,230.6 cubic feet of fill. Fill is to be taken from a cut in the area alone Route 100 south of Building #1. A

parking area for completed vehicles is proposed on the southerly side of the existing building.

APPLICABLE DISTRICT

Finding of Fact: Subject property is identified as Tax Map: # **006-02-021.1** and has an address of 400 Route 100. (Exhibit 1)

Conclusions of Law: The proposed development lies in the **Commercial/Residential** District and will be reviewed under Section 270 D.

USES

Finding of Facts: Current use is a large (150x40) commercial storage space. The proposed use will be an Auto Body Shop with newly constructed office space. (Exhibits 1 & 2).

Conclusions of Law: The proposed use is similar to an Automotive Service Station and Repair Garage which includes “repairing or painting” in its definition. This is a Conditional Use in the Commercial/Residential District (270 D 4). The application will be reviewed as an Automotive Service Station and Repair Garage under the applicable provisions of Sections 320 and 364.

DIMENSIONAL REQUIREMENTS

Findings of Fact: The dimensional requirements of Section 270 D 5, the Commercial/Residential District, are:

- Min Lot Size 1 acre
- 300 feet lot frontage
- No height maximum
- 40 ft. front setback
- 25 side & rear setback

The dimensions in the application are as follows:

- Lot Size 4.7 acres (meets District standard)
- Frontage 464 ft. (meets District standard)
- Proposed building height is – not applicable
- Front Setback of building is > 140 feet (meets front setback)
- South Side Setback is >25 ft. (meets side setback)
- North Side Setback is > 25 ft (meets side setback)
- Rear Setback is > 25 ft. (meets rear setback)

Conclusions of Law:

Dimensional requirements of lot size, frontage, building height, and setbacks are met for the Commercial/Residential District.

Section 320: Conditional Uses, Standards and Proceedurs

A. General Standards for Conditional Use: The proposed development shall not have an undue adverse effect on:

A1: Community Facilities

Findings of Fact: The proposed use will have 5 employees in a facility which has two accesses available for emergency personnel. The enclosed painting facility within the building will have fire suppression installed. Any welding or metal working areas will be kept clean of excess volatile materials. No additional burdens are anticipated to be placed on schools, police, fire, health care

facilities or other community services or facilities. (Testimony of the Applicant)

Conclusions of Law: The proposed development meets this standard.

A2: Character of the Area

Findings of Facts: The purpose of the Commercial/Residential District is to encourage clustered economic development while preserving designated open spaces and historic village settlement patterns to prevent sprawl and strip development. The proposed development repurposes an existing building from a passive storage use to an active auto body repair shop within a three building commercial complex. The addition of an office space slightly to the side and behind repurposed building is not intrusive. Open space is largely maintained and the cluster nature of the buildings and businesses is enhanced. Exhibits 2 and 3, Testimony of the Applicant.

Conclusions of Law: The proposed development is consistent with the defined purpose of the Commercial/Residential District and is consistent with the character of the area.

A3: Traffic on Roads and Highways

Findings of Facts: The proposed development is accessed off the westerly side Route 100 North above Wilmington Village. The main access at the north of the property has good sight lines north and south. There is a secondary access to the south. This southerly access is a relocation northerly of an existing drive which is to be discontinued. The secondary access will be used for the removal of the completed product. This is expected to average one car a day. There will be five employees working 8-5 on weekdays and 8-1 on Saturday. Current traffic situation in this area is heavy from Friday evening to Sunday evening during the winter ski season. The proposed development will have minimal impact the current traffic, highway, and roadway conditions. (Exhibit 2 and Testimony of the Applicant)

Conclusions of Law: The proposed development will have minimal impact on traffic satisfying the standard requiring safe traffic, highways, and roadways.

A4: Bylaws and Ordinances in Effect

Finding of Facts: Proposed development has been proven to be conforming to all bylaws and ordinances in effect at the time of this decision including the Zoning Ordinance and the Town Plan.

Conclusions of Law: This application is in conformity with all bylaws and ordinances.

A5. Utilization of Renewable Energy & Natural Resources

Findings of Fact: High efficiency lighting at the minimum lumens necessary to achieve the functional purpose will be used. No other renewable energy or natural resource impacts are anticipated for this development. (Testimony of the applicant)

Conclusions of Law: The application is in conformity with having no undue adverse impact on utilization of renewable energy and natural resources.

SPECIFIC STANDARDS FOR CONDITIONAL USES SECTION 320

B. Must satisfy General Standards and Flood Hazard Regulations

Finding of Fact: Applicable standards of Section 340 and Article VIII are dealt with below..

C. Dimensional, density, coverage and purpose of the district.

Findings of Fact: See dimensional analysis of Section 270 D above. Section 270 D 5 allows for an unlimited number of structures and uses on a lot so long as lot coverage does not exceed 25%. The present total coverage of the lot does not exceed 25%. (Exhibit 2)

Conclusions of Law: Dimensional and density requirements for the Commercial/Residential District are met

D. Traffic and parking safety

Findings of Fact: See Section 320 A.3 above for traffic analysis. With access points from Route 100 in the north and south, there is easy access in case of emergency. Parking for 5 employees is to be in the existing parking area northerly of Building #2. Customer and handicapped parking is to be between the proposed addition to Building #3 and Building #2 after the removal of the above ground propane tank. Additional parking is also available in the existing parking area northerly of Building 2. The parking areas are accessed from the north entry. The only pedestrians will be those on work related business. Proposed parking separates incoming and outgoing traffic from customers, providing customers safe access to structures. (Exhibit 2 and Testimony of the applicant)

Conclusions of Law: The proposed development meets this standard.

E. Snow removal, the maintenance of parking areas, internal roads

Findings of Fact: Applicant testified that snow will be promptly removed from drives and parking areas. These areas will be promptly treated to maintain safe conditions during events of ice and snow. There is sufficient lawn area to provide storage areas for removed snow. In the event that not all snow can be held there, a bucket loader will be brought in promptly to remove excess snow impeding traffic. (Testimony of Applicant and Exhibit 2) .

Conclusions of Law: Applicant will promptly remove all snow that does not fit in designated snow storage areas, promptly clear pavement of snow and ice and treat the pavement as need to maintain safe conditions during all hours of use. This meets the requirements of this condition.

F. Landscaping and screening

Findings of Fact: Applicant testified that vehicles left for repair that cannot be accommodated within Building #3 will be stored on the westerly side of Building #1 and that no more than 4 vehicles will be stored there at any one time. No individual vehicle will remain for more than 10 business days. All vehicles will be registered under the laws of Vermont. Screening will be addressed as follows:

- 1) Building #1 Vehicle Storage Screening: In Exhibit 9 screening by three Fraser Firs is proposed running from the south-westerly corner of Building #1 (to the left of Building #1 viewed from the road) westerly to the easterly side of the drainage ditch. The plan also provides for three similar fir trees running from the north-westerly corner of Building #1 (to the right of Building #1 as viewed from the road) northerly as shown on Exhibit 9. The applicant has agreed to increase the number of fir trees to four in this area and, as additional screening, to place a stockade fence of 6' height and of a length as needed, but not less than 40 feet, behind these trees to screen view of stored vehicles from Route 100.
- 2) Building #3 Screening: The scaled distance from the east or road facing side of the existing Building #3 to the top of the bank ranges from 10 to 15 feet. The applicant has agreed to add not less than 2 evergreen trees to grow to a height of 35 feet minimum on the easterly side of the drainage ditch to screen Building #3. These are not reflected on the Plot Plan but will be between the existing White Pine on the lower level and to the right of the new ramp and the new Fraser Firs on the south west corner of Building #1. While these trees will not provide immediate screening for Building #3, over time these trees will grow to a height sufficient to better screen Building #3.
- 3) Building #3 Vehicle Storage and Metal Storage Screening: A holding area for completed cars is proposed on the southerly end of Building #3 by clearing the area. The surface area is to be lawn. Used metal will be stored on the westerly side of Building #3 at the southwest

corner. Two Fraser Firs are proposed on the westerly side of the proposed ramp to screen this area.

- 4) Building #2 Dumpster Screening: A dumpster for refuse disposal is proposed to be located on the south side of Building #2. While not on Exhibit #9, it is to be screened by a stockade fence to prevent sight from customers and, if applicable, Route 100.
- (Exhibit 2, page 5 of Exhibit 5, Exhibit 9. Testimony of the Applicant)

Conclusions of Law: This standard will be met upon the completion of the actions outlined in the Findings of Fact above. Landscaping shall be maintained in good condition in perpetuity.

G. Allowance for Conditions. (See conditions section of this document)

H. Independent Technical Review The Board finds no reason to require an Independent Technical Review.

I. Any substantial alteration, extension or other change to the premises affecting one or more of the Conditional Use criteria shall require reapplication to the Development Review Board.

Section 340: General Performance Standards (for Conditional Uses and PUDs)

For Conditional Uses and PUD's, the following general performance standards must be met and maintained for all uses, except for agriculture and forestry, in all districts. All applicable criteria shall be determined or measured at the property line.

A: See Article II for District Requirements – see dimensional Findings of Fact in prior sections.

B: Air Emissions for Commercial Operations: There shall be no emission of dust, ash, smoke or other particulate matter

1. Which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity;
2. Which can cause contamination of the subject property or beyond the property boundaries;
3. Which is composed of solid or liquid particles in concentrations exceeding current state authority standards;
4. Which causes non-farming odorous matter in such quantities, as determined by the current state authority standards, to be offensive.

Findings of Fact: Applicant testified that there will be no emissions from the facility beyond normal heating exhaust. Vehicle painting to be in an enclosed “paint box” which meets all Federal standards for emissions. (Exhibit 10 and testimony of the Applicant)

Conclusions of Law: The Development Review Board finds no cause to convene an Independent Technical Review on this matter. This standard has been met to a reasonable level of certainty.

C: Buffer Areas: No industrial or commercial buildings or uses shall be established abutting a residential use (except in the Village District) unless a landscaped buffer strip of at least twenty (20) feet in depth is provided to visually screen the buildings or uses. Where no natural vegetation can be maintained or where necessary due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffer areas shall be maintained and vegetation replaced to insure continuous year-round screening.

Finding of Facts: This property does not abut a residential use.

Conclusions of Law: Not applicable.

D: Landscaping: See Section 320. F.

E: Lighting and Glare: Exterior lighting on the site shall be shielded and downcast and shall not impair motor vehicles, aircraft or provide undue glare in surrounding areas. Lighting will not exceed 5 foot candles at abutting properties.

Findings of Fact: Applicant testified that there will be a pole light between Buildings #2 and #3 as shown on Exhibit 9. Lighting is proposed over all entrance doorways. All lighting will be shielded and downcast, it not create undue glare of interfere with motor vehicles or aircraft. Applicant testified diffused lighting fixtures will be used to reduce glare.

Conclusions of Law: The proposed development meets this standard.

F: Parking: Required off-street parking (except in the HRD)

7. Manufacturing Uses. One space per employee.

Parking and loading docks should not be a predominant aspect of the site viewed from the road. Some visible parking is appropriate. However, front parking should not exceed the front width of the building and have no more than 5 spaces. If significant volume is needed, should be located toward the rear of the building and screened.

Findings of Fact: Applicant testified that the auto body shop proposed is similar to a manufacturing facility. Vehicles enter at the north end, receive needed body work, enter a painting booth, proceed to a finishing area then exit onto the parking area at the south end. There will be five employees. Proposed parking is for 5 spaces for employees northerly of Building #2. Parking areas are as noted in Section 320 D above. (Testimony of the Applicant)

Conclusions of Law: The proposed use is most similar to a manufacturing facility and will be required to have parking as required for that use. Required parking is:

5 Employee parking spaces

Required space size is 10 ft x 20 ft.

G: Shared Access: The applicant may be required to provide for shared access between adjoining properties.

Findings of Fact: No shared access with adjoining properties is necessary.

Conclusions of Law: No shared access is required for this development.

H: Setbacks and Screening: Storage area setbacks and screening are required to provide a visual buffer and minimize visual impact. Minimize any potential physical hazards.

Findings of Fact: See Findings of Fact in Section 320 F above. Applicant testified storage of vehicles awaiting repair, the loading dock at the north entry way, and refuse disposal facilities will be visually buffered by landscaping and screening. Landscaping and screening will be maintained in good condition in perpetuity. (Exhibit 9 and Testimony of Applicant)

Conclusions of Law: Proposed development meets this standard..

J: Traffic Impacts and Street Access Control: traffic circulation must safeguard against hazard to vehicles and pedestrians to avoid traffic congestion, and provide safe and accessible circulation.

Findings of Fact: See sections 320 A.3

Conclusions of Law: Proposed development meets this standard.

K: Road development: Any new roads, whether Town or private, shall conform with the Town of Wilmington Town Highway Ordinance 2011, adopted September 27, 2011

Findings of Fact: No road development in this proposed development.

Conclusions of Law: Not applicable.

L: Vibration: There shall be no permanent, ongoing vibration discernible at the property line

Findings of Fact: Applicant testified there will be no permanent and ongoing vibration. (Testimony of the Applicant)

Conclusions of Law: Applicant has provided reasonable proof that there will be no ongoing and permanent vibration. Proposed development meets this standard.

M: Noise: No Continuous, permanent or ongoing noise > 70 decibels at the property boundary line.

Findings of Fact: Applicant testified there will be no continuous, permanent, or ongoing noise.

Conclusions of Law: Proposed development meets this standard.

N: Water Quality: Storm water management and detention.

Findings of Fact: The proposed development is not anticipated to increase storm water runoff from the additional construction.. All storm water will be directed toward the existing ditch on the easterly side of the existing building. The proposed access ramp on the south will have a 60 inch culvert for storm runoff in the existing ditch. (Testimony of Merrill A. Mundell)

Conclusions of Law: Proposed development meets this standard.

Section 364: Automotive Service Station and Repair Garage:

A. Lot size: One half acre required

Findings of Fact: The property consists of 4.7 acres. (Exhibit 1).

Conclusions of Law: The proposed development meets this standard.

B. Lot frontage: > 150 feet.

Findings of Fact: The property has 464 ft of frontage. (Exhibit 1)

Conclusions of Law: The proposed development meets this standard.

C. Access: One two way access or one ingress access and one egress access.

Findings of Fact: The proposal has a two way access on the north and a secondary egress shared with a separate commercial property accessed on the south. The northerly access is the main access for the intake of vehicles and supplies. The southerly access is for the removal of vehicles after repair and expected use is infrequent, not more than a few vehicles a day. The southerly access allows for a “production line” type movement of work on vehicles through the building from start point on the northern end, exiting on the southern end once completed. The northerly ingress/egress access pre-exists and the southerly egress runs into a pre-existing interior roadway. No additional curb cuts will be necessary. (Exhibit 2 and Testimony of Applicant)

Conclusions of Law: Given the pre-existing nature of the interior roadways and the essential nature of the secondary egress to conduct their business by allowing for movement of vehicles through a “production line” for repair, the addition of a new egress for finished product does not violate this section. Further, the operation is unlike a service station in that customer traffic is minimal.

D. Pumps and Above Grade Storage Tanks: 30 feet from frontage lot line

Findings of Fact: There are no fuel pumps. The above ground propane tank is more than 30 feet from the frontage lot line.

Conclusions of Law: This condition is satisfied.

E. Automotive Parts and Dismantled Vehicles: Interior storage or screened.

Findings of Fact: See 320 F and 340 H.

Conclusions of Law: This condition is satisfied.

ARTICLE VIII – FLOOD HAZARD AREA REGULATIONS

Section 804: Lands to Which These Regulations Apply

Findings of Fact: Section 804 A states that Article VIII applies to areas identified as Special Flood Hazard on FEMA and NFIP maps (the Federal maps). Section 804 B says that the maps shall be used to administer the provisions of these regulations (emphasis added). Section 815 F requires an applicant for development in a Special Flood Hazard Area to determine “the extent of the flood hazard area and the base flood elevation utilizing the best information available” (emphasis added) The applicant has submitted a detailed topographic map which differs in the location of the boundary of the Floodway Fringe Area (aka the 100 year flood line) from the federal maps. (Exhibit 2) From the topography and other computations, the existing storage building and its proposed addition fall outside the Floodway Fringe as shown on Exhibit 2. However, the proposed drive/ramp is within the floodway Fringe. Base Flood Elevation (BFE) shown on Exhibit 2 is at 1540 feet . See also Exhibit 5 which places the bottom floor of Building #3 and the proposed addition at 1543.0 feet of elevation.

Conclusions of Law: As Exhibit 2 is the most accurate information available, the Board will utilize it as governing the relationship of the proposed development to the Special Flood Hazard Areas. From the information on Exhibit 2 and Exhibit 5, only the proposed drive/ramp will be examined under Article VIII.

Section 817: Review Procedures

A. Transmittal to the Vermont Agency of Natural Resources.

Findings of Fact: The application and plans were transmitted to the appropriate office of the Vermont Agency of Natural Resources on July 5, 2015

Conclusions of Law: A permit may issue August 4, 2016.

Section 820: Development Standards

A. Floodway Areas.

Findings of Fact: The proposed development is not within the Floodway. (Exhibit 2)

Conclusions of Law: Not applicable

B. Floodway Fringe Area.

B1c. Constructed by methods and practices that minimize flood damage.

Findings of Fact: The proposed ramp/drive is located within the Floodway Fringe. No buildings are proposed within this area. The construction will consist of fill and a 60 inch culvert to channel

water in an existing ditch. Fill in the amount of 8,230.6 cubic feet is needed. The applicant proposes provide this fill by removing a 8,291 cubic foot cut of earth from the “Front Lawn” area along VT Route 100. This cut achieves the No Adverse Impact standard. (Exhibits 2, 6 and 8, Testimony of Mundell.

Conclusions of Law: Proposed development meets this standard.

B8. Water supply systems.

Findings of Fact: A water line is proposed from Building 1 to the building addition. The line is designed to minimize the infiltration of flood waters and is subject to a State of Vermont Wastewater System and Potable Water Supply Permit. Exhibits 2 and 11, Testimony of Applicant

Conclusions of Law: If the applicant complies with Exhibit 11, the proposed development would meet this standard.

B10 On-Site Waste Disposal Systems

Findings of Fact: A septic line is proposed to run from the proposed building addition to an existing leaching area. The line and septic system serving the premises are designed to minimize the infiltration of flood waters and are subject to a State of Vermont Wastewater System and Potable Water Supply Permit Exhibits 2 and 11,

Conclusions of Law: If the applicant complies with Exhibit 11, the proposed development would meet this standard.

CONDITIONS:

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

1. To maintain the character of the area and the district, hours of operation are approved for 8-5 on weekdays and 8-1 on Saturday.
2. Except as otherwise required to accommodate the conditions of this decision and facts found, development will be executed in accordance with Exhibits 2, 3, 4, 6, 9, 10 and 11 presented with this application, facts found and the testimony provided. Any changes to the plans will require an administrative approval from the zoning administrator or a review by the Development Review Board, in conformance with the Zoning Ordinance.
3. There shall be a minimum of 5 employee parking spaces. All parking spaces shall be 10 ft. x 20 ft.
4. Development and construction shall be managed to address all safety hazards.
5. Landscaping shall be maintained in good condition in perpetuity.
6. If required by any State of Vermont permitting agency, all facilities, parking areas, crosswalks and walkways will be handicapped accessible compliant with ADA.
7. Pedestrian pathways will be planned and maintained in such a fashion as to provide for maximum pedestrian safety at all times.
8. All outdoor public areas and sidewalks will be lit sufficiently to provide for public safety.
9. All outdoor lighting will be shielded and downcast, with the minimum lumens necessary to meet the needs of the lighting purpose. Lighting will not impair motor vehicles or aircraft and will not produce undue glare.
10. Lighting fixtures will provide diffused lighting to reduce glare.
11. Storage areas, loading docks and dumpsters shall be shielded from public view through natural landscaping and/or fencing in accordance with the Findings and Conclusions of 320 F above.

12. Stormwater runoff will be directed to the existing ditch.
13. All outdoor paved surfaces will be maintained during all hours of use for public safe including repairs, plowing, sanding, de-icing and such other maintenance as may be required.
14. There shall be no significant air emissions of dust, ash, smoke or other particulate matter.
15. There shall be no permanent or ongoing vibrations created.
16. There shall be no ongoing or permanent noise created.
17. No more than 4 vehicles will be held behind Building #1 and no individual vehicle for more than 10 business days. All such held vehicles shall have a valid vehicle registration.

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

If unused, this Approval expires two (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 Seaman
Peter Wallace
Fred Houston

OPPOSED:

ABSTAINING:

For the Board: Wendy Manners- Seaman,

Chairperson Date: August 3, 2016

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.