

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: **Robert Snedeker**

Owner/Applicant(s) Mailing Address: **170 Frizzill Hill Dr. Leyden Ma. 01337**

Address of the subject property: **Haystack Road, Wilmington, Vt. 05363**

Tax Map: # **020-20-0004.000**

A copy of the request is filed in the office of the Board and is referred to as: **#2016-038***

Description of Case per Public Notice:

Application # 2016-038; Owner: Robert Snedeker. Agent, Joseph R. Montano. Application being made for Conditional Use review to construct a (7875sf) Mini Storage Facility. Commercial/Residential zoning district. Sections 270 D, 320. Location: Haystack Road.

Notice for a public hearing was published in the Valley News on: **June 2, 2016**

Notice was posted in three public places on: **June 2, 2016**

A copy of the notice was mailed to the applicant on: **June 2, 2016**

A copy of the notice was mailed to the abutters on: **June2, 2016**

Public hearings were held on June 20, 2016

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: August 11, 2016

Approval expires on: July 11, 2018

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:

- * **Robert Snedeker**
- * **Lennette Snedeker**

EXHIBITS

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

1. **Exhibit A - Abutter List**
2. **Exhibit B - Agent permission to Joseph Montano from owner Robert Sneaker**
3. **Exhibit C - Ariel view dated 12/10/2015**
4. **Exhibit D - Photo of existing sign for GMSS on RT.9**
5. **Exhibit E - Photo of existing GMSS facing East**
6. **Exhibit F - Photo of existing GMSS stockade fence**
7. **Exhibit G - Photo of existing GMSS facing West**
8. **Exhibit H - Photo of existing GMSS showing entrance**
9. **Exhibit I - Photo of existing GMSS showing plantings and fence**
10. **Exhibit J - Overall plot plan for proposed GMSS by Merrill Mundel, dated June 16, 2016, no revisions**
11. **Exhibit K - Landscaping plans**
12. **Exhibit L – Application – The application was amended by the Agent at the hearing to have the number of buildings, their dimensions and configuration be as shown on Exhibit J. The application was further amended to remove the request for a 6” high black vinyl chain link fence on three sides.**

APPLICABLE DISTRICT

Finding of Fact: Subject property is identified as Tax Map: # 20-20-0004.000

Conclusions of Law: The proposed development lies in the Commercial/Residential District pursuant to Article II, Section 270 D.

USES

Finding of Facts: Current use is Vacant land. Proposed use will be a Mini Storage Facility.

Conclusions of Law: The proposed development is for an approved use for this district.

DIMENSIONAL REQUIREMENTS

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

Min Lot Size **1** acre

300 feet lot frontage

No height maximum
40' front setback
25' side & rear setback

Applicant dimensions are as follows:

Lot Size 3 acres (meets **Commercial/Residential** District standard)
Frontage 300' (meets **Commercial/Residential** District standard)
Front Setback of building is 40' front, (meets front setback)
East Side Setback is 25' (meets side setback)
West Side Setback is 35' (meets side setback)
Rear Setback is 150' (meets rear setback)

Conclusions of Law:

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

GENERAL STANDARDS FOR CONDITIONAL USES – SECTION 320 A

The proposed development shall not have an undue adverse effect on:

A1: Community Facilities

Findings of Fact: Self Storage Units

Conclusions of Law: Will have no effect on capacity of existing or planned community facilities.

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 thus preventing sprawl and roadside strip development. The proposed development is in keeping with the character for this district purpose. To maintain the character of the area and the purpose of the district, the applicant testified the proposed development will be landscaped and fenced.

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: Current traffic situation in this area is local as the byway is the main road to Chimney Hill development . Current highways and roadways in the area of this development are for local traffic. The proposed development will impact the current traffic, highway, and roadway conditions very little.

Conclusions of Law: The proposed development will satisfy 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.

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: This development is not in the flood hazard area.

Conclusions of Law: Not applicable.

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

Findings of Fact: See lot size, frontage, and setback analysis of Section 270 D (5). Density allows for Maximum of 25% Lot Coverage, Unlimited structures per lot, Minimum lot size is 1 acre, Minimum Lot Frontage is 300', Minimum Lot Depth is 200', No height restrictions, Front Set Back (min) 40', Side/Rear Set Back (min) 25'

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

D. Traffic and parking safety

Findings of Fact: See Section 320 A.3 above.

Conclusions of Law: See Section 320 A.3 above.

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

Findings of Fact: Applicant testified that snow will be plowed, pushing snow to the back of the buildings, and all entrances to units will be snow **blown**.

Conclusions of Law: Applicant will promptly remove all snow. This meets the requirements of this condition.

F. Landscaping and screening

Findings of Fact: See Exhibit D,E,F,G,H,I,K. Applicant testified there will be landscape beds along Haystack Road and screening Along Haystack Road.

Conclusions of Law: Approval will be conditioned on landscaping beds and screening consistent with Exhibit K.

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 PUDs, 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

Which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity;

Which can cause contamination of the subject property or beyond the property boundaries;

Which is composed of solid or liquid particles in concentrations exceeding current state authority standards;

Which causes emission of non-farming, odorous matter in such quantities, as determined by the current state authority standards to be offensive.

Findings of Fact: Not applicable

Conclusions of Law: Not applicable

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 all lighting will be shielded and downcast, it not create undue glare of interfere with motor vehicles or aircraft, the yard will be lit for pedestrian safety. Applicant testified diffused lighting fixtures will be used to reduce glare. Bronzed windows will prevent exterior glare.

Conclusions of Law: The proposed development meets this standard.

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

A parking space shall be at least ten (10) feet by twenty (20) feet.

Retail Business: One (1) parking space for every two hundred (200) square feet of floor area.

Restaurant, bar, lounge, Entertainment / Cultural Facility: One (1) parking space for every three (3) persons permitted for occupancy by the Vermont Department of Labor and Industry

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 25' of traveled space between units and 35' on ends of units will allow for temporary parking for load and unloading.

Conclusions of Law:

The proposed development meets this standard.

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.

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

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 Exhibit K. Applicant testified that a 6' cedar stockade fence and plantings of 2" caliper will be installed/

Conclusions of Law: Setbacks and screening 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.

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: Stormwater management and detention.

Findings of Fact: The proposed development is not anticipated to increase stormwater runoff from this property. All stormwater will be directed toward then rear of the property.

Conclusions of Law: Proposed development meets this standard.

CONDITIONS:

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

1. At least three trees of at least two (2) inches in caliper shall be planted along the wooden stockade fence and/or the western property line.
2. There shall be no outside storage in association with the commercial use.
3. There shall be no overnight parking near or within storage unit facility.
4. The number of exterior lights on the buildings shall not exceed 20. They shall be downcast and shall be controlled by a motion detector. The lights shall not remain on for more than (1) hour at a time.
5. The fences and landscaping shall look like those presented in Exhibit K and be placed along the western property line and Haystack Road. Fence shall be 6' in height.
6. The number of buildings, building size and configuration shall be as shown on Exhibit J.

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:

Fred Houston
Tim Hall
Peter Wallace

OPPOSED:

None

ABSTAINING:

None

For the Board: Fred Houston, 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.