

TOWN OF WILMINGTON
Addendum To June 20, 2016
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for a permit was made to the Board by: Joseph R. Montano Jr

Owner/Applicant(s) Mailing Address: PO Box 1450, Wilmington Vermont. 05363

Address of the subject property: 25 Haystack Rd

Tax Map: 20-20-0004.000

A copy of the request is filed in the office of the Board and is referred to as: # **2016-077**

Description of Case per Public Notice:

Application # 2016-077: Owner; Joseph R Montano. Application is being made for a Conditional Use review to construct a (8150sf) Mini Storage Facility. Commercial/Residential zoning district. Sections 450 E (4), 721 & 722: 25 Haystack Road.

Notice for a public hearing was posted in three public places and was published in the Valley News on: **October 6, 2016**

Notice was posted in three public places on: October 6, 2016

A copy of the notice was mailed to the applicant and to the abutters on: **October 6, 2016**

Public hearings were held on: **October 24, 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 Environment Court.

Appeal period for this Case expires on January 1, 2017.

The Approval expires on December 1, 2019.

EXHIBITS:

Application (Three pages, not numbered)

A Abutters List

B Plot Plan dated August 17, 2016 prepared by Merrill Mundell

C Floor Plan dated August 24, 2016

D Design Specifications (five pages)

E Elevation cross sections lot C-5

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.

1. Applicant has changed from Robert Snedeker to Joseph Montano, new owner of property.
2. Applicant is unable to develop his project as planned based on the change of elevation as shown on Exhibit E.
3. Applicant was approved for three self storage units Case # 2016-038 June 20, 2016
4. Applicant is proposing four self storage units with the same square footage.
5. Building four is proposed to be constructed in the North East corner of lot as shown on Exhibit B.
6. Applicant testified that 16 units will be leased separately for registered vehicles (snowmobile, motorcycles) and parking will be supplied for leasee while using registered vehicle during daylight hours.
7. Applicant testified that overnight parking will not be allowed.

8. Regarding **Landscaping and Screening Section 730 of the Zoning Ordinance Requires the following:**

E. Landscaping and Screening: Shall “preserve the rural and agricultural character and ambiance of the community”. Natural features characteristic of the town’s rural and agricultural in shall be used landscaping and Screening to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

a. Landscaping beds, trees, shrubs and plantings: required as needed to meet the stated goals above and shall be maintained in perpetuity for general aesthetic appearance and plant health.

b. Screening and Buffer Areas: required as needed to screen all unaesthetic features to meet the stated goals above. Screening must be of natural vegetation and plantings. Fencing may be used secondary to plantings to achieve screening. (See special provisions for screening unaesthetic features, large and small.)

b1. Screening and Buffer Areas for Unaesthetic Features, Large: For unaesthetic features larger than 200 feet (including but not limited to large mechanical installations or utilities) and within 50 feet of a road or abutting property, creating an undue adverse impact on the aesthetics of an abutting property or state, municipal, or private road, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

b2. Screening and Buffering Commercial Structures and Uses: Required when commercial development has an undue adverse aesthetic impact on surrounding properties and roads. Shall be minimum of 10 feet where reasonable and possible

Findings of Fact: The proposed storage facility is larger than 200 feet and is within 50 feet of 3 roads. The development fronts Haystack Road as well as two access roads running along each side of the proposed development. The unaesthetic nature of storage units is found to have an undue adverse impact on the aesthetics of Haystack Road as seen from both front and sides of the proposed development. As such screening and landscaping are required, as is a 10 foot Buffer Area where reasonable and possible.

In consideration of the power lines running along the Haystack Road frontage, the applicant shall select for that area trees that will grow to a mature height of not more than 23 feet and which are Salt Tolerant. The following list provides a reference of sample trees suitable to this growing area that grow to less than 23' in height and are salt tolerant. The listing also provides sample trees that are suitable to narrow spaces.

II. The Board CONCLUDES:

The Board concludes that all of the General Standards for Conditional Use and General Performance Standards approved in Case # 2016-038 still apply.

In addition, the Board concludes Landscaping and Screening shall be provided as conditioned below:

Conditions

Conditions are related to case # 2016-038 shall apply with the following exceptions and modifications:

- A. Condition 6 reads: 6. The number of buildings, building size and configuration shall be as shown on Exhibit J.”
Condition 6 shall be amended to read: 6. The number of buildings, building size and configuration shall be as shown on Exhibit B. dated 8/17/2016.
- B. Landscaping and Screening: A continuous fence of a minimum of 6' in height and sufficient to shield road traffic from viewing the storage units shall be provided across the property frontage on Haystack Road and continuing around the corner for a minimum of 175 feet down the southern access road to the Vtrans facility, with the minimum break required for the driveway access point and the powerline right-of-way. On the northern access road to Haystack maintenance facility the fencing will continue from the frontage on Haystack road easterly for a minimum of 125 feet with the minimum break required for the powerline right-of-way.

In front of the fencing shall be landscaping beds with dense foliage including a mix of deciduous and evergreen salt tolerant trees suitable to small spaces and, for the Haystack Road frontage, suitable to spaces with overhead wiring.

There shall be a minimum of one tree every 30 feet and sufficient to create a continuous vegetative covering along the fencing at full growth. In addition there shall be shrubbery, a minimum of one every 10 feet, as well as perennials, decorative grasses other decorative plantings so as to "preserve the rural and agricultural character and ambiance of the community."

Where available without impeding on a right-of-way, a 10 foot Buffer Area shall be provided to all road-fronts. Where a 10 foot Buffer Area is not possible, a Buffer Area shall be provided to the maximum size possible.

All landscaping beds shall be maintained for general aesthetics and plant health in perpetuity.

To assist you we provide from the Zoning Ordinance a sample listing of salt tolerant trees suitable to this growing area and less than 23', suitable to small areas and areas with overhead wiring. In addition you will find a listing of salt tolerant columnar trees with a crown of less than 25' in diameter, suitable for narrow.

T = Salt Tolerant. M = Moderate Salt Tolerance.

Less than 23' In Height

(For Small Areas, Close to Buildings, or Overhead Wiring)

Tartarian Maple (Acer tataricum)	6' - 8'	M
American Hornbeam (Carpinus caroliniana)	6' - 8'	M
Thornless Cockspur (Crataegus crusgalli)	6' - 8'	M
Crabapple (Malus) *	6' - 8'	T
Callery Pear (Pyrus calleryana)	6' - 8'	M
Amur Chokecherry (Prunus Maackii)	6' - 8'	M
Japanese Tree Lilac (Sringa reticulata)	6' - 8'	T

Less than 25' in Crown Diameter (Columnar Trees)

(For Narrow spaces or Close to Buildings)

Freeman Maple (Acer xfreemanii)	8' x 8'	T
Green Ash 'Empire' (Fraxinus Pennsylvanica)	8' x 8'	T
Ginko (Ginko Bilboa) seedless variety	8' v 8'	T
Sargent Cherry (Prunus Saengetii) Columnaris	8' x 8'	M
English Oak (Quercus Robur)	8' x 8'	T

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.

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:

Wendy Manners Seaman

Fred Houston

Peter Wallace

Tim Hall

OPPOSED:

None

ABSTANING

None

For the Board: Wendy Manners Seaman, Chairperson

Date: December 1, 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.