

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: **Eileen Ranslow**

Owner/Applicant(s) Mailing Address: Box 426, Wilmington, VT 05363

Address of the subject property: 4 South Main Street

Tax Map: # **021-22-005**

A copy of the request is filed in the office of the Board and is referred to as: **Case #2017-001**

Description of Case per Public Notice:

Application #2017-001: Owner: Eileen Ranslow. Agent Jim Lindsay and Scott Wilson, Application is being made for a Conditional Use review to allow a retail business and to add an ADA compliant ramp on the North side of the building. Village Zoning district (Historic Review District). Sections 450 B, 710, & 721: Location: 4 South Main Street.

Notice for a public hearing was published in the Valley News on: **January 19, 2017**

Notice was posted in three public places on: **January 19, 2017**

A copy of the notice was mailed to the applicant on: **January 19, 2017**

A copy of the notice was mailed to the abutters on: **January 19, 2017**

A public hearing was held on February 6, and March 6th, 2017

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: April 22, 2017

Approval expires on: March 22, 2019

In addition to the Applicant/Agent the following persons, the following presented testimony on behalf of the Applicant or an Interested Person:

Fred Skwirut - Beautification Committee

Keith Herbert - Beautification Committee

EXHIBITS

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

- A. Application including Abutters List
- B. Exterior photo West Wall
- C. Interior floor plan pre renovation
- D. Interior floor plan renovated
- E. Group of 7 exterior snap shot photos pre renovation
- F. Synopsis of project
- G. Plot plan
- H. Cut sheets for proposed windows and doors
- I. Elevations of North and West sides, JG Design Services, INC dated 3/3/2017

SYNOPSIS

The applicant proposes to rehabilitate the exterior of an existing building within the Historic Design Review District replacing windows and siding and constructing a covered handicapped ramp. The proposed use is to be a retail business featuring Vermont products requiring a change of use from “Office” to “Retail Business”.

APPLICABLE DISTRICT

Finding of Fact: Subject property is identified as Tax Map:- #021-22-005 and has an address of 4 South Main Street

Conclusions of Law: The proposed development lies within the Historic Design Review District of the Village District and will be reviewed under Article IV Section 450 B and Article V Section 560.

USES

Findings of Fact: The immediate past use of the premises was as a Real Estate office. The use sought is a retail business.

Conclusions of Law: A retail business is a Conditional Use under Section 450 B 4. The application shall be reviewed under Sections 710, 721, 722, 723 and 730.

DIMENSIONAL REQUIREMENTS

Findings of Fact: The lot is a pre-existing lot within the Historic Design Review District. Applicant is proposing an ADA required handicap ramp along the north wall. The ramp is to be covered, five feet in width and thirty five feet six inches long. It will attach to the north side roof slope and will be approximately nine feet high at the eave. Exhibits A and I

Conclusions of Law: As a pre-existing and lot within the Historic Design Review District, no Dimensional Requirements apply. Section 450 B 5a

ARTICLE V HISTORIC DESIGN REVIEW DISTRICT

Section 560: Sight Plan and Design Review Standards

A. All development and land improvements within the Historic Design Review District are subject to the Standards as defined in Article VII as well as any applicable standards as set forth in Article VIII Signs, and Article IX Telecommunications.

B. All development and land improvements within the Historic Design Review District shall conform to the Site Plan and Design Guidelines of Appendix I to the extent reasonable and possible to satisfy the intent of this ordinance and preserve, rehabilitate or restore the historic structures of the town as defined in Sections 730, 731 and 732 of this ordinance.

Findings of Fact: The structure is listed in Appendix II Structures Listed on the State or National Registers of Historic Places. Applicant has met with and reviewed proposed renovation changes with the State Historical and Economic Development coordinator Caitlin Corkins. Applicant is proposing new 6/6 true divided light windows and a 9 light ADA door. Applicant testified that all replacement windows and doors will be of the same size as original and will conform to the historic nature of this Greek Revival building. Applicant testified that cedar clapboards will be installed to replace those existing and will be painted red as is the existing color. Roof pitch on the covering of the ADA ramp will be proportionate to the slate roof on main building. The roofing material will be metal and colored to match the existing slate roof. The columns supporting the roof will be eight inches in width (six inch post with column wrap) and eight feet in height. The wrap will mimic the corner boards on the building. The columns will be spaced ten feet apart except for the most easterly two which frame the handicapped entrance door. Buildings in the area have a variety of colors: 1 East Main which abuts to the north has a red shingled mansard roof; 6 South Main which abuts to the south is light blue; 8 South Main is light green; 3 South Main which is directly opposite is yellow. Testimony of the Applicant, Exhibits E and I.

Conclusions of Law: Section 560 (B) requires that all development within this district shall “conform to the Site Plan and Design Guidelines of Appendix I to the extent reasonable and possible to satisfy the intent of this ordinance and preserve, rehabilitate or restore the historic structures of the town...” Divided light windows and doors of the same dimension and location as the original conforms to the Design Guidelines, as does the replacement of siding with clapboard siding. Appendix I, Design G, M and O. Slate colored metal roofing material conforms to Appendix, I Design L and Y. Column design and positioning meet the recommendations of Appendix I, Design U.

Article II Design Guideline Y states “Color: White siding and trim was the predominant color used in Wilmington.” This structure was historically white, the typical color of Greek Revival structures. As such, painting this Greek Revival structure white would achieve the restoration goals of the District and is the preferred color. However, Appendix I, Design Y goes on to say “Use of colors should consider the surrounding buildings to provide a mix of compatible colors.” While painting this structure white would “rehabilitate and restore” the historic color of this structure, the reuse of the existing color red contributes to a mix of compatible colors on South Main Street.

Painting the structure white is preferred as it satisfies the restoration goals of this District. However painting the structure Red conforms to the Design Guideline of Appendix I and is allowed.

Applicant has been diligent in working with the State of Vermont and Town of Wilmington to restore and maintain an important piece of Wilmington's structural history and satisfies this standard.

ARTICLE VII STANDARDS

Section 710: Use Performance Standards

Pursuant to 24 V.S.A. § 4414(5) Performance Standards, the following standards shall apply to all uses and land development in the town.

Vibration: No permanent, ongoing vibration shall be produced which, when transmitted, is discernible at the property line without the aid of instruments.

Temporary vibration created during land development should be limited to daylight hours to preserve quality of life in neighboring properties.

Findings of Fact: The use of machinery or other vibration producing equipment is not sought.

Conclusions of Law: This standard is not applicable

Noise: continuous, permanent or ongoing noise in excess of that of a normal conversation (in the judgement of the Development Review Board) must not exist at the property boundary line.

Recurring periodic or intermittent noises in excess of that of a normal lawn mower (in the judgement of the Development Review Board) at the property line is allowed provided it does not occur between the hours of nine (9) PM and seven (7) AM, and does not significantly detract from or diminish other property's allowed use or land development.

Findings of Fact: The use sought is a retail store. There will be no noise produced beyond that of a retail store.

Conclusions of Law: This standard is not applicable.

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 to be offensive.

Findings of Fact: No such operations will be conducted.

Conclusions of Law: This standard is satisfied.

Injurious or Noxious Practices: No operations or use shall create electromagnetic, liquid or solid refuse or waste, heat, cold, dampness, explosive, fire, glare, or other hazard which may cause injury or damage to human or animal health, vegetation, or property.

Findings of Fact: No such operations will be conducted on the premises.

Conclusions of Law: This standard is satisfied.

Section 721: Conditional Use – General Standards

In all districts, all Conditional Use development shall protect from undue adverse effects. No Land Development or use shall result in an undue adverse effect on any of the following:

A. The capacity of existing or planned community, municipal or educational facilities;

Findings of Fact: There will be three to five employees. There will be no burden placed on community, municipal; or educational facilities.

Conclusions of Law: This standard is satisfied

B. Impact on traffic, roads, highways, transportation systems, pedestrian walkways in the vicinity;

Findings of Fact: The structure on the property is being repurposed to a retail business within an existing structure in the Historic District. A covered ADA walkway will be added to the north side. The applicant testified that the Wilmington Fire Chief has given his approval for the remaining access to the rear of 1 and 3 East Main Street. No changes in traffic, roads or walkways will take place.

Conclusions of Law: This standard is satisfied.

C. By-laws and ordinances in effect at the time;

Conclusions of Law: Not applicable.

D. Utilization of renewable energy resources;

Findings of Fact: No installation of renewable energy resources are sought for the structure.

Conclusions of Law: Not applicable

E. Air quality;

Findings of Fact: See Section 710 C above.

F. The character, aesthetics, and scenic value of the neighborhood and area affected, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of this ordinance and the Town Plan..

Findings of Fact: The purpose of the Village District is to retain the character of the existing village through historically appropriate structures and business types. An ADA handicap ramp is required by the State of Vermont and has been designed to enhance the historic element of the existing building. Retail use of the building comports with the village. See Section 560 above for additional findings.

Conclusions of Law: This standard is satisfied.

Section 722: Conditional Use – Preserving the Character of the Town

Land development and uses in all Districts shall preserve the character of the town consistent with its rural and agricultural heritage, conforming to the following:

A. Preservation of the Town's Character:

Findings of Fact: The addition of the ADA ramp to the external structure of the existing building has been thoughtfully designed. Trash will be screened and placed in the back, East side of building.

Conclusions of Law: This condition is satisfied.

B. Economic Development Contributing to the Character of the Town: Will not detract from the historic character and nature of the town as a family destination for tourists and a family focused residential community.

Findings of Fact: A retail store in an existing structure will enhance downtown Wilmington's business district and will not detract from the historic character of the town.

Conclusions of Law: This condition is satisfied.

C. Development Consistent with the Rural, Agricultural and Historic Nature of the Town

Findings of Fact: See Section 721 F above.

Conclusions of Law: This condition is satisfied.

D. Formula Businesses: Visual appearance shall harmonize – See Appendix I

Conclusions of Law: Not applicable.

E. Maximum Square Footage for Retail: Exceeding 2000 square feet if:

1. Consistent with the character and ambiance of the community
2. In the best interest of the community
3. Is the minimum size required to reasonably accommodate the business
4. Enhance or preserve the economic base and economic diversity
5. create economic stability and viability

Conclusion of Law: Not applicable

F. Building Scale Conformity: Conform to the scale of the established neighborhood.

Findings of Fact: See Section 560 above.

Conclusions of Law: This condition is satisfied.

G. Utility Placement:

Findings of Fact: No changes in the pre existing utility service are contemplated.

Conclusions of Law: This condition is satisfied.

Section 723: Conditional Use- Preserving the Character of the Town: Historic Preservation
Required within Historic Design Review District – See Art V

Findings of Fact: The structure is listed in Appendix II as a structure listed on the National or State Register of Historic Places. It is a Greek Revival structure dating to 1840. All exterior changes have been reviewed with the State Historical review board and will not affect the historic nature of the building. Applicant testified that building dimensions, window and door placement, roof pitch, and historic features of the building will be maintained. See Section 560 above.

Conclusions of Law: The conditions of this section are satisfied.

Section 730: Conditional Use – Specific Standards

A. Lighting and Glare: Lighting in the Historic Design Review District and Village District shall be in keeping with the historic character. All exterior lighting shall be shielded and downcast.

Interior and exterior lighting glare or reflections are prohibited if they:

1. Constitute a unreasonable nuisance;
2. Are found not to contribute to the aesthetics, scenic value or character of the area and community;

3. Found to impair the vision of pedestrians or the driver of a motor vehicle or an aircraft.

Findings of Fact: Exterior lighting will be shielded and downcast and in keeping with the Greek Revival Building style and the Historic District.

Conclusions of Law: This standard is satisfied.

B. Safety: Shall minimize physical hazards where there are potential safety hazards.

Findings of Fact: Normal safety precautions such as taping off and cones shall be in place during construction.

Conclusions of Law: This standard is satisfied.

C. Traffic and Pedestrian Safety: Development shall provide for pedestrian walkways to ensure safe and efficient navigation by foot or bicycle. Special consideration shall be made for children's safety. Traffic patterns will be review for safety, ease of traffic flow and efficiency.

Findings of Fact: The dimensions of the ADA ramp will allow passage of vehicles to the parking area behind the building. The ramp will be covered with supporting columns providing a barrier between those using the ramp and vehicles.

Conclusions of Law: This condition is satisfied,

D. Road Development: New roads, public and private, shall conform to the town's Highway Ordinance.

Findings of Fact: There are no roads proposed.

Conclusions of Law: Not applicable.

E. Landscaping, Screening and Buffer Areas:

1. Landscaping

2. Screening & Buffer Areas: See By Law

Findings of Fact: Large Crab Apple tree located in front of the building will be pruned to improve visibility and general health of the specimen. Wilmington's beautification committee will engage with applicant to insure a proper pruning of tree.

Conclusions of Law: This standard is satisfied.

F. Land and Water Management: Protect properties, transportation systems, and public safety by:

a. providing safe and appropriate water management including water supply/availability, stormwater retention/absorption, and impervious surface/runoff management.

b. prevent and control against water pollution

c. make provision for management of erosion, preservation of rivers & streams, river/stream bank management, wetland protection, waterway and channels management, and agricultural land protection

d. preserving and promoting scenic or aesthetic features and open spaces

Findings of Fact: The proposal is in the Village District and ADA ramp will be constructed of sur-pac.

Conclusions of Law: This standard is satisfied.

H. Natural Resources and Features: Existing vegetation, native species, native trees, scenic views, river access and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pastureland

and scenic spaces/vistas is allowed provided it does not have an unreasonable impact on natural resources. Development shall blend with the topography, vegetation, and natural land features. It shall not have an undue adverse impact on natural features, natural resources or renewable energy. This includes no adverse impact on forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soil unsuitable for development, impervious surfaces essential to storm water detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

Conclusions of Law: Not applicable

I. Wildlife Protection: No adverse impact on wildlife habitats or corridors

Conclusions of Law: Not applicable

J. Shoreland Protection: Shall be in conformity with the Shoreland Protection act – within 250 feet of a body of water equal to or greater than 10 acres

Conclusions of Law: Not applicable.

K. Flood Hazard Protection: Development must comply with the provisions of Article VI Flood Hazard District.

Conclusions of Law: Not applicable.

Section 732: Conditional Use – Other Specific Standards

F. Commercial Parking and Unloading Areas:

Findings of Fact: The project is in the Historic Design Review District which has no required parking.

Conclusions of Law: This standard is satisfied.

CONDITIONS:

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

1. Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with Exhibits, Findings and Conclusions of this Decision. 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.

2. Applicant shall return to the DRB if pruning of Crab Apple tree proves unsatisfactory and must be replaced with a new tree.

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

If unused, this Approval expires * 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 Manner Seaman
Tim Hall
Fred Houston
Peter Wallace

OPPOSED:
None

ABSTAINING:
None

For the Board: Wendy Manners Seaman, 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.