

**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: **Lockyear Windell, LLC. (Paul Lockyear)**

Owner/Applicant(s) Mailing Address: **153 West Main St, Wilmington, VT 05363**

Address of the subject property: **153 West Main St**

Tax Map: # **020-20-014**

A copy of the request is filed in the office of the Board and is referred to as: **#2017-005**

Description of Case per Public Notice:

Application # 2017-005; A request for a permit was made to the Board by: Lockyear Windell, LLC. (Paul Lockyear). Application is being made for a Conditional Use review to allow a Food Stand (food truck). Commercial/Residential zoning district. Location: 153 West Main Street.

Notice for a public hearing was published in the Valley News on: **February 16, 2017**

Notice was posted in three public places on: **February 16, 2017**

A copy of the notice was mailed to the applicant on: **February 16, 2017**

A copy of the notice was mailed to the abutters on: **February 16, 2017**

Public hearing was held on March 6, 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 6, 2017

Approval expires on: March 6, 2019

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”:

- Michele (Shelley) Lockyear – co-owner

The following persons who were not Interested Parties presented testimony: None

EXHIBITS

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

1. Application consisting of four pages including Abutters List
2. Site Plan
3. Photo of proposed truck location (winter view – with Nutmeg Inn sign on building)
4. Photo of proposed truck location (broader winter view, small corner of building)
5. Photo of truck – right facing
6. Photo of truck – left facing
7. Photo of barn studio
8. Flood Hazard map
9. Vermont Department of Health Assessment

SYNOPSIS

The applicant proposes providing fully prepared meals (initially this will be Chicken only) from a licensed, registered and safety inspected food truck, to be parked and operational on a full-time year-round basis on the property of 153 West Main St, Nutmeg Inn. The food truck (Food Stand) will have capability of main line hook-up to electrical and/or water supply as well as a self-contained water supply and generator.

APPLICABLE DISTRICT

Finding of Fact: Subject property is identified as Tax Map: # **020-20-014** and has an address of 153 West Main St.

Conclusions of Law: The proposed development lies in the **Commercial/Residential** District and will be reviewed under Article IV Section 450 E.

USES

Findings of Fact: Current Primary Use is a Commercial Inn. Secondary Use is as a Dwelling – Single Family. The proposed use will be another Commercial Secondary use as a Food Stand. Food Stand is “An establishment that serves food and beverages to the public for take-out and/or outdoor consumption.” The Food Stand will be operational year-round. This lot will have a principle Use as an Inn with two Secondary Uses, Residence and Food Stand.

Conclusions of Law: A Food Stand is a Conditional Use in the Commercial/Residential District and is allowed if meeting the requirements of a Conditional Use. The Commercial/Residential District for Commercial Use allows an unlimited number of Commercial Structures and Uses per Lot Section 450 E 5

Temporary Retail Stand:

Findings of Fact: The applicant plans a one day demonstration sale of the product on Main Street March 17 2017. Temporary Retail Stand is “Temporary outdoor business for less than or equal to four days, unless extended by the Development Review Board.” Temporary Retail Stand is a Permitted Use, not subject to this Development Review Board decision.

Conclusions of Law: A one day demonstration sale of product is a Permitted Use and not subject to this Conditional Use review of a year-round Food Stand.

Dimensional Requirements:

Findings of Fact: the Commercial/Residential District:

Density Limits: Max of 25% Lot Coverage

Dimensional requirements:

- 1 acre Min Lot Size
- 150 feet lot frontage
- 35’ to the eave line from average grade - height maximum
- 40 ft. front setback
- 20’ side & rear setback

The proposed location of the Food Truck meets the dimensional requirements. Site Plan

Conclusions of Law: Density & Dimensional requirements are met if the site plan is followed.

Article VI Flood Hazard District

Section 602 (A-C): Lands to Which These Regulations Apply

Regulations apply to development in all areas of the town identified as special flood hazard in and on the most current flood insurance studies and maps published by the Dept. of Homeland Security, FEMA, and National Flood Insurance Program (NFIP), as provided by the ANR pursuant to 10 V.S.A. section 753. The base flood elevations and floodway limits (zones A1 – A30, AE and AH) provided by the NFIP shall be used to administer provisions of the regulation. If none is provided by the NFIP then information available from the state or federal agencies or other sources shall be obtained and reasonably utilized.

Findings of Fact: 153 West Main St is in the Flood Hazard District flood hazard area as defined by NFIP or FEMA flood maps.

Conclusions of Law: Flood Hazard District regulations are applicable.

Section 610 Development Standards

Before a permit may be granted, the Development Review Board shall require the following standards:

A. Floodway Areas

1. Development within the regulatory floodway, as determined by Section 602, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
2. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

Findings of Fact: The proposed Food Truck is licensed, registered and safety inspected with the

Department of Motor Vehicles and is roadworthy. In the event of forecasted chance of flooding the Food Truck, together with any trash receptacles, will be removed from the Flood Hazard area until risk of flooding is passed. (Applicant testimony)

Conclusions of Law: This decision is conditioned on the food truck being maintained with an active license, registration and safety inspection and in good working condition at all times so that it may be removed in the event of a forecasted chance of flooding. The applicant agrees to ensure the removal the vehicle and trash receptacles from the flood hazard area in the event of forecasted chance of flood. The applicant will make such arrangements for the truck to be removed in the event that they are not in residence at the time of forecasted chance of flooding. The proposed Use will not be present during risk of flooding. As such Section 610 A (1) does not apply.

B thru K not applicable.

L. Securing Floatables

All floatables in any District and in an area which has historically flooded and all Flood Fringe Areas shall be raised above the Base Flood Elevation (BFE) or firmly secured so as to ensure they are not dislodged in the event of a flood. This includes but is not limited to propane, oil and gas tanks, chemicals, explosives, flammable liquids, toxic or hazardous materials.

Findings of Fact: The applicant proposes the placing of wooden picnic tables in the area around the food truck where customers may eat the products purchased. The picnic tables will be wooden to ensure they are floatable. (Applicant testimony)

Conclusions of Law: As a floatable, this decision is conditioned on wooden picnic tables being secured so as to ensure they are not dislodged in the event of a flood.

Article VII Standards

Section 710: Use Performance Standards

A. Vibration: No continuous, permanent, ongoing, or frequent vibration which is discernible at the property line.

Findings of Fact: There will be no continuous, permanent, ongoing, or frequent vibration (Applicant testimony)

Conclusions of Law: Standard 710 A is met.

B. Noise: Continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation must not exist at the property line. Recurring periodic noise in excess of that of a normal lawn mower at the property line is allowed provided it does not occur between the hours of 9PM and 7AM and does not significantly detract from or diminish other property's allowed use or land development.

Findings of Fact: There will be no continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation at the property line. The food truck is planned to run off of main line connection to electricity in the Barn Studio. While there is the possibility to run off of a 10 kw generator, any generator use will not create continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation at the property line. (Applicant testimony)

Conclusions of Law: Standard 7610 B is met.

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

1. Cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity.
2. Contaminate the property or beyond the property boundaries.
3. Have solid or liquid particulates in concentrations exceeding state standards.
4. Cause odorous matter in quantities as to be offensive.

Findings of Fact: There will be no emission of dust, ash, smoke or other particulate matter.

(Applicant testimony)

Conclusions of Law: Standard 710 C is met.

D. 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 will cause injury or damage to human or animal health, vegetation, or property.

Findings of Fact: The Inn currently has 2 dumpsters and will be adding a third in June/July to collect food waste separate from other waste, as required by food industry regulation. All food packaging materials will be compostable. At such time picnic tables are installed, refuse containers will be added to the picnic area and emptied daily to keep the picnic area clear of trash. Refuse is removed by TAM Waste Management. The proposed food truck will not create electromagnetic, liquid or solid refuse or waste, heat, cold, dampness, explosive, fire, glare, or other hazard which will cause injury or damage to human or animal health, vegetation, or property.

(Applicant testimony)

Conclusions of Law: Standard 710 D is met.

Section 721: General Standards

The proposed use shall protect against adverse effect on:

A: Community, Municipal or Educational Facilities

Findings of Fact: The proposed use will have up to 3 employees working at a time, with a total of up to 6 employees. The food truck will be a mobile licensed, registered and safety inspected food truck. The truck is equipped with fire extinguishers. The applicant has been working with the State of Vermont fire and safety officer and with Green Mountain Fire on fire and safety issues. The Vermont Department of Health has been contacted for health permitting. No 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 will not place an undue adverse effect on community services or facilities. This decision will be conditioned on obtaining any required fire, safety and health permits from the State of Vermont. Standard 721 A is met.

B. Traffic on Roads and Highways

Findings of Fact: The proposed site is accessed from the northerly side Route 9 West at the western perimeter of Wilmington Village District, in the Commercial/Residential District. The speed limit through this narrow and winding section of Route 9 is just 25 miles per hour. There are two access points to 153 West Main, an upper level drive to the Inn and a lower level drive to the Barn Studio. The Barn Studio was once an artist's studio but is not currently in use. The lower level drive will provide access to the food truck and is 1 ½ car widths wide. There is no opportunity for further widening due to physical constrictions. This lower level access point provides the greatest line-of-sight to oncoming traffic. While there is limited line-of-sight from this point of ingress/egress, there is a low speed limit. There have been no accidents or adverse incidents from

this access point in the past. There is an ability to service up to ten (10) customers at a time. (Applicant testimony) Anticipated actual hourly customer traffic is expected to be much less, with minimal impact on traffic.

Conclusions of Law: The proposed development will have minimal impact on traffic satisfying the standard requiring safe traffic, highways, and roadways. Standard 721 B is met.

C: Bylaws and Ordinances in Effect

Findings of Fact: Proposed development has been shown 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. Standard 721 C is met.

D. Utilization of Renewable Energy & Natural Resources

Findings of Fact: Renewable energy or natural resource impacts anticipated for this use have been addressed through refuse management planning and the use of compostable packaging materials as described in item 710 D above.

Conclusions of Law: Standard 721 D is met.

E. Air Quality

Findings of Fact: See Section 710 A above

Conclusions of Law: Standard 721 E is met.

F. Character of the Area

Findings of Fact: The purpose of the Commercial/District is to encourage clustered economic development while preserving designated open spaces to prevent sprawl and strip development. The proposed use expands an existing commercial property to encourage clustered economic development for the benefit of residents and visitors alike. Hours of operation will be no earlier than 10 AM and no later than 10 PM. The Food Stand, including employee hours for food preparation, will never occur before dawn. The applicant has taken steps to ensure that the use will not adversely impact neighboring properties.

Conclusions of Law: The proposed development is consistent with the defined purpose of the Commercial/Residential District and is consistent with the mixed-use character of the area. Standard 721 F is met.

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

A. Preserving the Town's Character

B. Economic Development contributing to the Character of the Town: Preserves the rural, agricultural character and ambiance of the community and historic downtown.

C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town: Merchandise and services shall not detract from the historic character and nature of the town as a family destination for tourists and a family focused residential community.

D. Formula Businesses – not applicable

E. Maximum Square Footage of Retail (2000 square feet) – not applicable

F. Building Scale Conformity – Not applicable

G. Utility Placement – Not applicable

Finding of Fact: The proposed use is outside of the historic downtown. It is proposed for an area that has been a mixed use commercial/residential area past and present. The addition of a Food Stand does not detract from the historic or rural/agricultural character of the town. The presence of a Food Stand serves the needs of tourists and residents alike, contributing to services available and character of the town.

Conclusions of Law: The proposed use preserves the character of the town consistent with the rural, agricultural, historic nature of the town as a family oriented tourist destination and a residential community. Standard 722 A is met.

Section 723: Conditional Use - Preserving the Character of the Town: Historic Preservation (required in the Historic Design Review District (HDRD), recommended in all other districts)

Findings of Fact: The proposed Use is not in the HDRD and does not impact a historic property.

Conclusions of Law: Not applicable

Section 730: Conditional Use – Specific Standards

A. Lighting and Glare: Shall be shielded and downcast. Glare and reflection is prohibited if it is a unreasonable nuisance to other property owners or tenants, does not contribute to aesthetics, scenic value or character of the area, or could impair vision of pedestrians or drivers. In HDRD and village must be consistent with historic character.

Findings of Fact: The food truck has downcast lighting mounted on the truck which will illuminate an area approximately 50 feet around the easterly side of truck. Lighting is shielded and downcast. The truck will be placed behind the Barn Studio to ensure that lighting does not project into or present an unreasonable nuisance to the neighboring property. The lighting will not project into the roadway or impair vision for drivers, or pedestrians. (Applicant testimony) It will not interfere with aesthetics, scenic value, or the character of the area.

Conclusions of Law: Standard 730 A is met.

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

Findings of Fact: State inspection (See Exhibit 9) of the proposed food truck service resulted in a score of 97 out of 100 points. Recommendations by the State include 1) a partition between the handwashing area and the 3 bay sinks and 2) sealing around gas pipes that come through a door. No significant safety issues were identified. There were no requirements or conditions of approval by the state. A state permit to operate has been issued. There is a stream running behind the proposed truck placement. The stream is protected by a hedge row and is, under normal conditions, no more than six (6) inches deep. (Applicant testimony) No significant safety issues are anticipated at the site.

Conclusions of Law: Standard 730 B is met.

C. Traffic and Pedestrian Safety: 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 reviewed for safety, ease of flow and efficiency.

Findings of Fact: Pedestrian areas will be kept separate and safe from vehicular traffic through placement of large rocks between the parking area and the pedestrian area. (Applicant testimony)

The Food Stand will be accessible from ground level creating no ADA compliance issues.
Conclusions of Law: Standard 731 C is met.

Section 732: Conditional Use - Other Specific Standards

- A. Affordable Housing
- B. Automotive Service Station and Repair Garage
- C. Junked Vehicles
- D. Medical Marijuana Dispensaries
- E. Mobil Home Parks (Trailer Parks)
- F. Commercial Parking and Unloading Areas
- G. Ponds/Water Impounds
- H. Quarry Operations
- I. Recreational Vehicle Storage
- J. Solar Projects
- K. Wind Turbines

Findings of Fact: The proposed development does not fall into any of the above categories with the exception of Commercial Parking and Loading Areas, provision F.

F. Commercial Parking and Loading: Commercial parking and loading areas in all districts shall:

- 1. Provide off-street parking** (except in the HDRD)
- 2. Parking spaces shall be 10 x 18** (smaller allowed only if need for added spaces outweighs the risk and public inconvenience of smaller spaces). Special consideration shall be given to safety, pedestrian and disabled persons concerns when smaller spaces are allowed.
- 3. Minimum number of spaces:** One (1) parking space for each 200 sq ft. retail.
- 4. Drive-up Windows:** no waiting lines in public ROW
- 5. Minimize visual impact of parking/loading areas**
- 6. Buffer parking areas** if needed for safety or aesthetics
- 7. Public Road Access:** minimize traffic interruption, provide for auto and pedestrian safety
- 8. Rainwater, Snow, and Ice Removal/Storage:** Plan for snow/ice removal, runoff, safety.
- 9. Safety:** Minimize physical hazards, provide safe pedestrian and vehicular movement with unobscured views, especially visibility at intersections, pedestrian safety, convenience, emergency access.
- 10. Neighboring properties:** integrate circulation and parking with neighboring properties. Work to maximize for efficiency, safety, and attractive solutions.

Findings of Fact: The lower level parking area of the proposed development has room for an estimated minimum of 20 cars. Anticipated maximum need for parking is no more than 10 customers with 3 employees at any time. The demand for parking will be more than met by the current available parking. The area will be plowed in the winter and salted and/or sanded as need to keep pedestrians and vehicles safe. (Applicant testimony).

Conclusions of Law: Precautions as defined above will be taken to ensure safe and efficient parking for pedestrians and autos. Standard 732 F is met.

Section 730: Conditional Use – Specific Standards - Continued

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

Findings of Fact: The proposed use does not involve road development.

Conclusions of Law: Section 730 D is not applicable

E. Landscaping, Screening and Development: Shall “preserve the rural and agricultural character and ambiance of the community”. Natural features characteristic of the town’s rural and agricultural nature shall be preserved. Landscaping and Screening shall be used 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 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.

b2. Screening and Buffer of Parking: Required where reasonable and possible when parking has an undue adverse impact on the aesthetics of properties and roads.

b3. Screening and Buffer of Ground Mounted Solar Arrays: Required when ground mounted solar arrays have an undue adverse aesthetic impact on surrounding properties and roads. Shall be minimum of 10 feet where reasonable and possible.

Findings of Fact: The food truck will have limited visibility from neighboring properties and from Route 9. The food truck is to be placed behind the Barn Studio for screening from the neighboring property approximately 300 feet away. No aesthetic concerns have been expressed by neighbors through Interested Party status in this hearing. The parking area is at a lower level than Route 9, providing limited visibility of the parking area. There is natural vegetation surrounding the dirt parking area. Some limited vehicular visibility is desirable for a commercial operation. This parking area is also natural dirt and surrounded by vegetation. As such, there is no need to shield or buffer the food truck or the parking area. Current and additional dumpsters shall be placed behind the Inn and shielded by Fir trees.

Conclusions of Law: No screening or buffer areas will be required as there are no undue impacts on the aesthetics of neighboring properties, the neighborhood, or the roadway. Standard 730 E is met.

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

- a. 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,

Findings of Fact: The proposed food truck will not release any water, waste or chemicals to the property. All food products and food production byproducts, equipment and supplies will be self-contained within the Food Stand and will be removed safely to protect and preserve land and water. The food truck will create no pollution. There will be no impervious surfaces created to impact stormwater absorption. The dirt parking lot will promote absorption. There will be no alteration of lands, rivers, streams, waterways. Nothing in this proposed development will create erosion.

Conclusions of Law: Standard 730 F is met.

G. Wastewater and Potable Water: A permit may be issued upon receipt of evidence there is a wastewater and potable water permit. If none is received with a submitted application, the Permit will be conditioned on receipt of a wastewater and potable water permit at which time a final Permit will be issued. DRB shall instruct the applicant on their responsibility to obtain state and federal permits and may condition their decision on obtaining such permits.

Findings of Fact: The food truck has a self-contained clean and wastewater management system. There is a 40 gallon fresh water storage capacity and a 46 gallon wastewater storage capacity (115% of the fresh water storage capacity). The food truck, while capable of tying into main water lines, will be operating on this self-contained water system.

Conclusions of Law: Standard 730 G is met.

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 stormwater detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

Findings of Fact: The Food Stand will not alter or have an adverse impact on existing vegetation, native species, native trees, scenic views, river access or other natural features including forested lands, streams, stream beds, stream banks, steep slopes, wetlands, watersheds or floodplains. There will be no land clearing. The Food Stand will not create any impervious surfaces. It has no impact on unique natural features or renewable energy resources. 153 West Main Street is not identified on the town Natural Resources Map, Nov 2016 as having an threatened, rare or uncommon plants; a significant natural community.

Conclusions of Law: There will be no adverse impact on natural resources and features. Standard 730 H is met.

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

Findings of Fact: 153 West Main Street is not identified on the town Natural Resources Map, Nov 2016 as having any rare or uncommon animals; a significant natural community; a deer wintering area or wildlife habitat.

Conclusions of Law: The proposed Use will not have any adverse impact on wildlife habitats or corridor. Standard 730 I is met.

J. Shoreland Protection: Compliance with Shoreland Protection Act if development is within 250 feet of a body of water greater than 10 acres.

Findings of Fact: Proposed development is not near a body of water.

Conclusions of Law: Standard 730 J is not applicable.

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

Findings of Fact: 153 West Main St is in a Flood Hazard area.

Conclusions of Law: See Flood Hazard conformity 610 A and L above.

L. Technical Review Costs: Applicant may be required to pay reasonable costs of technical review.

Findings of Fact: There are no technical review costs.

Conclusions of Law: Section 730 L is not applicable.

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. 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. The Food Truck shall be maintained in working condition and licensed, registered and safety inspected with the Registry of Motor Vehicles. In the event of a forecasted chance of flooding the Food Truck shall be promptly removed from the lot and place outside of the Flood Hazard area. The applicant shall make plans for removal of the Food Truck in their absence should they not be residence when a forecasted chance of flooding occurs.
3. Picnic tables shall be wooden and floatable. All picnic tables shall be firmly secured so as to ensure they are not dislodged in the event of a flood.
4. Dumpsters shall be shielded by placement behind the Inn with Fir tree screening.
5. Refuse containers to be placed in the picnic area shall be emptied daily and the picnic area shall be kept clear of trash and will be removed along with the Food Truck in the event of flooding.
6. The applicant shall provide to the zoning administrator copies of valid Green Mountain Fire and municipal fire and safety permits prior to commencing operations.
7. To maintain the character of the area and the district, hours of operation are approved for 10AM – 10PM.
8. There shall be a minimum of 13 parking spaces provided for by a pre-existing dirt parking lot.
9. The food truck site shall be managed to address safety hazards and to preserve pedestrian and vehicular safety.
10. To preserve pedestrian safety large rocks shall be placed between the customer service area and the parking area.
11. The parking area and food truck area lighting will be shielded and downcast with the minimum lumens necessary to meet the needs of the lighting purpose of preserving pedestrian and vehicular safety. Lighting shall not generate undue or excessive glare so as to interfere with neighboring

properties and will not impede the vision of drivers

12. 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:

Tim Hall
Fred Houston
Wendy Manners Seaman
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.

