

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 Fisher for Gregory & Brenda Adams**

Applicant(s) Mailing Address: **PO Box 621, Brattleboro VT, 05302**

Owner(s) Mailing Address: **202 Higley Hill Road, Wilmington VT, 05363**

Address of the entity to be served: **off Higley Hill Road, Wilmington, VT 05363**

Tax Map #**003-03-024.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2012-081

Description of Case per Public Notice:

Application # 2012-081; owner: Gregory & Brenda Adams; Agent: Robert Fisher. Application being made for a subdivision to divide a 74.5 acre lot into two parcels of 12 acres and 62.5 acres and merge the 12 acres with an adjoining lot; Zoning Ordinance Sections 6.A & 512; location: off Higley Hill Road.

Notice for a public hearing was published in the Valley News on: **7/27/2012**

Notice was posted in three public places on: **7/27/2012**

A copy of the notice was mailed to the applicant on: **7/27/2012**

A copy of the notice was mailed to the abutters on: **7/27/2012**

The public hearing was held on: **8/6/2012**

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 Environment Court.

Appeal period for this Case expires on: September 12, 2012

In *addition* to the Applicant / Agent the following persons were heard by the Board in connection with this request: (Copies were mailed to those persons listed below as having been heard.)

Alice Herrick	Zoning Administrator
Steven Brooks	Interested Party
Monique Brooks	Interested Party
Marvin S. Neuman	Interested Party

EXHIBITS:

- Application (two pages with cover letter)
- A Subdivision plan prepared for Greg Adams by Joyce Land Surveying Corp., 06/07/2012.
- B Abutters List
- C Lot Line Adjustment Sketch dated June 26, 2012

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. The subject property is an unimproved 75.01 acre parcel (Exhibit A) abutting the westerly side of Higley Hill Road in the Residential and Commercial Districts of the Town of Wilmington, Vermont. The owners of the subject property, previously merged parcels # 03-03-024.000 and 03-03-023.100, are Gregory and Brenda Adams.
2. Applicants have applied for a subdivision of their 75.01 acre parcel to create two lots. Lot #1 would consist of 12.59 acres and Lot #2 would consist of 62.5 acres per Exhibit A and Exhibit C. The resultant Lot #2 will have a road frontage of a minimum 1,200 feet after the lot line adjustment.
3. The purpose of the Applicant's Subdivision (lot line adjustment) is to merge the newly created Lot #1 consisting of 12.59 acres with Parcel #03-03-023.200, an improved lot of 10.43 acres, owned by Steven E. and Amy J. Adams. The resultant size of this lot will be 23.02 acres following the merger with a road frontage of at least 1,007 feet per tie line measurement (Exhibit A).
4. None of the identified interested parties had any questions or comments regarding the application

II. The Board CONCLUDES:

With regard to the request for a subdivision and merger (lot line adjustment) the Board concludes that this proposal **will** conform to the requirements of the Wilmington Zoning Ordinance.

With regards to the minimum lot size and road frontage, the minimum requirements of both the Residential and Commercial Districts are as follows:

Lot Size: A lot used for such building or structure shall be at least one acre in area, except that accessory uses shall also be permitted on such lot.

Frontage: Each lot which abuts upon a public road shall have at least one hundred fifty (150) feet frontage on such public road.

The Board concludes that:

1. The Gregory and Brenda Adams parcel 03-03-024.000 will be 62.51 acres with more than 1200 feet of frontage on Higley Hill Road after the lot line adjustment.
2. The Steven E. and Amy J. Adams parcel 03-03-023.200 will be 23.02 acres with at least 1,007 feet of frontage on Higley Hill Road after the merger.

Therefore, the newly created lots will both meet the requirements of the Wilmington Zoning Ordinance.

III. **CONDITIONS:**

This is granted subject to the following restrictions, requirements, limitations or specifications:

1. Approval of this proposal shall be conditioned upon merger of the 12.59 acre piece of Lot #003-03-024.000 with the Adams property, Lot # 003-03-023.100, for tax and zoning purposes by filing a new deed with the Town Clerk which merges both parcels and that a copy of the revised deed shall be submitted to the Zoning Administrator.

Thus, the Development Review Board does **approve** the application for **Subdivision (boundary adjustment) approval to allow a 12.59 acre piece to be merged with an adjoining lot (#03-03-023.200) in the Residential and Commercial Districts.**

If unused, this Approval expires 1 year 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.

IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Paul Tonon
Nicki (Polly) Steel
Dave Kuhnert
Andrew Schindel
Gil Oxley

OPPOSED:

None

For the Board: Polly Steel, Chairperson

Date: 08/13/2012

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.