

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: **Joseph Montano of Green Mountain Self Storage**

Owner/Applicant(s) Mailing Address: **PO Box 1450, Wilmington, VT 05363**

Address of the subject property: **207 VT Rte. 9 West, Wilmington, VT 05363**

Tax Map #**20-20-009.100**

A copy of the request is filed in the office of the Board and is referred to as:

Case #: 2014-012

Description of Case per Public Notice:

Application # 2014-012; owner: Green Mountain Self Storage. Application being made for Conditional Use review to allow construction of Mini Storage Facility in two structures of 3750 sq. ft. each, as second principal use; Zoning Ordinance Section 270.D, 320 & 340; location: 207 VT Rte 9 West.

Notice for a public hearing was posted in three public places and was published in the Valley News on: **3/21/2014**

A copy of the notice was mailed to the applicant and to the abutters on: **3/21/2014**

The public hearing was held on: **4/7/2014**

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 _____.

The Approval expires on _____.

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.)

None

- **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.

EXHIBITS:

Application (four pages)

A Attachment 1 – Planned work

B Attachment 2 – Use summary

C Overall Plot Plan for Green Mtn. Self Storage by Merrill Mundell, Nov 26, 2013, no revisions.

D Photo of sample building

E Abutters List

1. The subject property is in the Commercial/Residential District of the Town of Wilmington. The property is identified as Tax Map 20-20-009.100.

2. Subject property is currently has one building that contains three dwelling units on Route 9 West on 1.44 acres of land. The abutting property to the west and north is presently used by the school supervisory union. Until recently, the rear of this abutting building was also used as a hardware store. The abutting property to the east has a motel.

3. The Applicant is proposing to build two (2) one story 25' by 150' steel mini storage buildings divided into 72 units of various sizes totaling 7500 square feet of floor area. (Exhibit A) Access to the units will be available 24 hours a day.

4. Each Building will have ten (10) LED light fixtures all pointing down for a total of twenty (20) on one motion detector at the entrance with a 30 to 60 minutedelay for safe night time access.

5. Access to the buildings will be provided from an existing driveway on the abutting property to the west. The Applicant has a permanent deeded right of way for that access.

6. Proposed project will have a 6' wood stockade fence along the front, south facing border and a 6' black vinyl coated chain link fence connecting to existing security gate on the abutting property along the north, back border. The east border has a well established hedge row and stone wall to the neighboring property.

7. The Applicant stated that the proposal will generate little additional traffic. Most people who rent storage units do not visit them on a weekly or even monthly basis.

8. The Applicant made two corrections to the Plot Plan. (Exhibit C) The clump of maples is not healthy and will be removed. The large white pine near the house parking area will remain.

- **The Board CONCLUDES:**

Mini Storage Facility is a Conditional Use in the Commercial/Residential District and requires Conditional Use review. With regards to the criteria for a conditional use permit, the Board concludes that this proposal *will* conform to the requirements of the Wilmington Zoning Ordinance and the following standards:

- **Will the proposed Conditional Use have an undue adverse effect on the capacity of existing or planned community facilities?**

The Board finds that the proposed project does not have a undue adverse effect on the capacity of existing or planned community facilities. No town sewer or water hook up will be required.

- **Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?**

The Board finds that the proposed project does not have an undue adverse effect on traffic on roads and highways as the access to the storage units will be utilized from an existing driveway off of Route 9. As this property is on a state highway, the additional traffic will have minimal impact.

Will the proposed Conditional Use have an undue adverse effect on the character of the area, as defined by the purpose or purposes of the zoning district within which the project is located? The purpose of the Commercial/Residential District is to encourage clustered economic development. This proposal meets that goal.

The Board finds that the proposed project does not have an adverse effect on the character of the area and adheres to the bylaws within.

- **Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?**

The Board finds that the project does comply.

- **Will the proposed Conditional Use comply with other sections of the Zoning Bylaw?**

The Board concludes that the following Standards from Section 320 apply to this application:

D. Provisions shall be made for maximum traffic and parking safety. The Applicant is using an existing road cut for his proposal. Other than brief visits to load or unload articles for storage there will be no parking on site for the commercial use. The areas around the storage buildings are more than adequate for temporary parking.

F. Landscaping : The removal of the clump of maples will leave little or no vegetation along the stockade fence. The Board requests planting of several trees two (2) inches in caliper at planting along the South West side of the stockade fence to visually interrupt a portion of the fence from Route 9. (See Condition 1 below)

The Board concludes that the following Standards from Section 340 apply to this application:

F. Parking: Applicant will provide six (6) parking spaces for residence of the multifamily unit as seen on Exhibit C.

- **CONDITIONS:**

This is granted subject to the following restrictions, requirements, limitations or 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 storage 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 one (1) hour at a time.
5. There shall be at least six (6) parking spaces for the residents of the dwelling units. These spaces shall be maintained and kept open year round.
6. The fences shall be in the locations presented in Exhibit C. The southerly one shall be wood. Both fences shall be six (6) feet in height.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow commencement of a Mini Storage Facility and construction of two 3,750 sq. ft. buildings in the Commercial/Residential District.**

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.

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

Nicki (Polly) Steel

Peter Wallace

Sherry Brissette

OPPOSED:

None

For the Board: Polly Steel, Chairperson

Date: 04/09/2014

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.