

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: **Isabelle Alvarado of WMRE Holdings LLC**

Owner/Applicant(s) Mailing Address: **PO Box 669, Wilmington, VT 05363**

Address of the subject property: **20 West Main Street, Wilmington, VT 05363**

Tax Map #**20-20-080.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2013-117

Description of Case per Public Notice:

Application # 2013-117: Owner: Isabelle Alvarado. Application being made for Flood Hazard, Conditional Use and Historic Review District review to allow repair and restoration of an Historic Structure, including new windows, doors and roof, and establishment of an additional use consisting of Retail and construction of an unattached deck; Flood Hazard Area Regulation Sections 804, 811 & 820.B and the Zoning Ordinance Section 270.B, 320, 620; location: 20 West Main Street.

Notice for a public hearing was published in the Valley News on: **1/3/2014**

Notice was posted in three public places on: **1/3/2014**

A copy of the notice was mailed to the applicant on: **1/3/2014**

A copy of the notice was mailed to the abutters on: **1/3/2014**

The public hearing was held on: **1/20/2014**

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 Environment Court.

Appeal period for this Case expires on: March 5, 2014

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.)
Roger Alavarado, Co-Applicant
Alice Herrick, Zoning Administrator

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.

EXHIBITS:

- Application (six pages)
- A Summary of work (two pages)
- B Abutters List

1. The subject property is in the Flood Hazard District, the Historic Review District and the Village District of the town of Wilmington. The building is known as DCD # 56.
2. The previously use on the property consists of restaurant.
3. The Applicants are requesting a permit to add the additional usage of a retail store, to be located in the front/West Main Street portion of the building.
4. The Restaurant/Deli will offer take-out with seating available in the existing dining and deck areas. These same areas might also be used for special gatherings such as birthday parties.
5. The building's second floor will be used as office/storage space and not be open to the public.
6. The Applicants withdrew the request for Historic Review, with the exception of roof repair/replacement to the dining area. The HRD Application will be resubmitted following the results of applications for Historic Preservation Grants. The Applicant also withdrew the request for flood hazard review although they plan to incorporate many flood mitigation elements. It was noted that the deck that abuts West Main Street was never reviewed under the Flood Regulations and needs this review if the deck is to remain.
7. The existing asphalt shingled roof of the dining room is to be removed and replaced with painted metal roofing. The existing skylights will be eliminated. The Pickwell building and the barn behind Incurable Romantic both have metal roofing so this material is consistent with what is used in the immediate area.

II. The Board CONCLUDES:

The subject property lies within the Flood Hazard, Village and the Historic Review Districts and requires a permit for significant changes to site features. When further plans have been developed, the Applicant shall submit an application for review under Flood Hazard Regulations and Historic Review District Regulations. This application shall include the West Main Street deck.

Vermont Municipal and Regional Planning and Development Act: section 4414(E)
“Within such a designated design review district, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without approval of the plans by the appropriate municipal panel.”

With regards to the request for an additional use of retail sales to the previously approved restaurant use, the Board concludes that the proposal meets all the requirements for a Conditional Use as it is a use that should be in the Village District.

With regards to the repair to and change of materials for the dining room roof, the Board concludes that the roof is not visible from the public way and is similar to neighboring buildings and shall be approved.

III. CONDITIONS:

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

1. The maximum seating limits shall be reviewed, and the water and sewage allocations determined, prior to opening the Deli/Food service.
2. There shall be no alterations to the exterior of the structure, with the exception of the dining room roof repairs, until a Historic Review has been completed.
3. The roof repair/replacement shall include the installation of snow stops on the westerly side of the building to prevent large amounts of snow from falling onto the driveway/right of way and, potentially, causing personal injuries and/or blocking a portion of the access to the public parking area.
4. An application for Flood Hazard Review shall be submitted before the building is open to the public. This application will include a list of mitigation improvements and further information regarding the deck that abuts West Main Street.

Thus, the Development Review Board does **approve** the application for **roof repair and change of roofing material and establishment of an additional use, Retail Sales, in the Historic Review and Village Districts.**

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:

Gil Oxley
Nicki (Polly) Steel
Sherry Brissette
Sheila Osler

OPPOSED:
none

For the Board: Polly Steel, Chairperson

Date: 2/3/2014

Appeal Rights: An interested person may appeal this decision to the Vermont Environmental Court, pursuant to 24 VSA 4471 and VRCP 76, 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.