

**TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
TIME EXTENSION REQUEST
WILMINGTON, VERMONT 05363**

A request for a 2 year Time Extension was made to the Board by: **Hermitage Inn Real Estate Holding Company LLC [HIREHC]**
Owner/Applicant(s) Mailing Address: **PO Box 2210, West Dover, VT 05363**
Address of the subject property: **177 Fannie Hill Rd, Wilmington, VT 05363**
Tax Map: **#HAYSTACK.SKI**
Application # **2018-003**

Description of Case per Public Notice:

Owner: Hermitage Inn Real Estate Holding Company, LLC. Agent: Robert Rubin & Robert Fisher. Application is being made for an extension of time for Development Review Board Case #2015-045. The property is in the Resort-Commercial/Residential zoning district.

Notice for a public hearing was published in the Valley News on: **February 15, 2018**
Notice was posted in three public places on: **February 15, 2018**
A copy of the notice was mailed to the applicant on: **February 15, 2018**
A copy of the notice was mailed to the abutters on: **February 15, 2018**
The request for Time Extension was considered at a public hearing held on: **March 5, 2018**
Decision 2015-045 expired on: **September 2, 2017**
Application for Extension of Time was received on: **August 20, 2017**
A copy of the request is filed in the office of the Board.

The following presented testimony as agent on behalf of the Applicant:

- **Robert Rubin, President HIREHC**
- **Robert Fisher, Attorney for HIREHC**

There were no interested parties or others presenting testimony at the hearing.

Exhibit:

1. Revised security agreement

Present at the hearing were the following members of the Development Review Board
Wendy Manners Seaman – Case manager
Fred Houston
Jessica Couture
Peter Wallace
[Paul Lockyear recused himself from this hearing]

RELEVANT ZONING LANGUAGE

Section 222:

“The Development Review Board shall perform review functions, including but not limited to review of and making quasi-judicial decisions on the following: K. Extensions: Grant extensions to prior Development Review Board Decision(s) and approval of Land Development or Use.”

FINDINGS

The applicant testified that hotel development approved in decision 2015-45 and expiring September 2, 2017 was delayed due to financial concerns.

Applicant further testified that:

- 1) Sewer/water allocations for the hotel were rescinded on June 4, 2016, and
- 2) Security arrangement had been restructured, still ensuring 24/7 coverage.

Applicant testified that all Plans otherwise remain unchanged from testimony provided July 6, 2015 and July 20, 2015.

DECISION

The Board concludes that both water/sewer allocation and security coverage are pre-existing conditions of approval under decision 2015-045 and do not warrant further conditioning. Plans for the hotel are substantially unchanged.

The Board further finds that the applicant has made a good faith effort to exercise on the permit but has been prevented from moving forward due to financial concerns.

While the land use Plan may not be in conformity with all provisions of the current zoning ordinance, the Plan was in conformity with the Zoning Ordinance in place at the time of the original decision. In consideration of changes to the Zoning Ordinance occurring since this decision, including but not limited to changes in Height Maximums and Waiver Provisions, and in consideration of the good faith efforts of HIREHC to develop the Plan that was in conformity in 2015, the Board finds that an Extension of one-half the original duration, or one (1) year is warranted.

In due consideration of the Facts presented, the Board **APPROVES** a Time Extension of one (1) year. This Time Extension expires on **September 2, 2018**.

Dated March 15, 2018

Wendy Manners Seaman – Chair
Fred Houston
Jessica Couture
Peter Wallace

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.