

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: **3 & 5 East Main St, LLC (Robin Silverstein)**
Owner/Applicant(s) Mailing Address: **7 Seward Drive, Woodbury, NY 11797**
Agent Mailing Address: **7 Seward Drive, Woodbury, NY 11797**
Address of the subject property: **3 & 5 East Main Street**

Tax Map: **#021-22-007.008**

A copy of the request is filed in the office of the Board and is: **Application #2019-002**
Date of Application: **January 11, 2019**
Zoning Ordinance Then in Effect: **Adopted October 9, 2017**

Description of Case per Public Notice:

Application is being made for a Conditional Use review to allow a Retail Business on the first floor with an office on the second floor of 3 East Main St and a Restaurant (Coffee Shop) on the first floor and an Apartment on the second floor of 5 East Main St.

Notice for a public hearing was published in the Valley News on: **January 24, 2019**
Notice was posted in three public places on: **January 24, 2019**
A copy of the notice was mailed to the applicant on: **January 25, 2019**
A copy of the notice was mailed to the abutters on: **January 25, 2019**

Public hearing was held on: **February 11, 2019**
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: March 15, 2019

Approval expires on: February 14, 2021

In addition to the Applicant's agent, Eric Silverstein, the following persons heard by the Board in connection with this request, were determined by the Board to be "interested persons":

Fred Houston, 6 South Main St (abutter)
Travis Wendel, 1 East Main St (abutter)
Tom Fitzgerald representing Social Lodge #3 Free & Accepted Masons, 7 East Main St (abutter)

Copies of this decision have been mailed to those persons listed below. No additional persons.

EXHIBITS

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

1. Application consisting of 4 pages including abutters list
2. Front Elevation – 3 East Main St
3. Front Elevation – 5 East Main St
4. Parking – 5 East Main St
5. Applicant Comments – Form Relationship
6. Applicant Comments – Spatial Relationship
7. Photos: 3 East Main
 - Original John Bassett House constructed 1850
 - 1963 Tildy Real Estate pre-renovation
 - 1964, Tildy Real Estate post-renovation
 - year unknown, essential unchanged from original Bassett house 1850
8. Photos: 1920's Bassett House, renovated to flat roof. Year unknown. Possibly early 1920's as Mr & Mrs Frank Reid Bakery
9. Photo: 1934/1935 3 story Covey Allen undertakers, (Top photo unrelated -the Times Building)
10. Photo: 1934/1935 3 story Covey Allen undertakers
11. News Ad with photo: 1963 Tildy Reed Associates Real Estate
12. 1950 Historic document of describing Covey Allen acquisition and renovation timeline
 - Photo: the only picture of the old 5 Main St
13. Narrative of unknown origin describing East Main Street transitions
14. Town View boundary map, 3 East Main St
15. Town View boundary map, 5 East Main St

SYNOPSIS

This application requests approval of:

#3 Building: (Also referred to as the Professional Building or the Strong Block,) Restore first floor retail spaces, restore second floor office space as a private office, attic will be utilized as storage for second floor only. Replacement of all windows, restoration of all exterior trim and siding.

#5 Building: (Also referred to as the Carpenter Building) Restore second floor, 1 bedroom/1 bathroom apartment. Installation of a coffee shop on the first floor. New plumbing and electric. Replacement of all windows, restoration of all exterior trim and siding.

Structure History – (As recorded by Vermont Division of Historic Preservation)

3 East Main St

- c.1850: Built as a one story, eave-front, Classic Cottage with Greek Revival features such as a façade centered entryway with wide side pillars and a Greek Revival entablature over the entry, and 2 over 2 divided light windows, flanked by two evenly spaced windows on each side. (Description based on c. 1925 photo labeled “John Bassett House”)
- 1924: “John Bassett House” is remodeled, with the right portion being used as a lunch room. (*Deerfield Valley Times*, June 13, 1924, p. 1). Remodeling placed a doorway in the far right window bay. Lunch room called the “Midway Lunch Room” (as shown in c. 1925 photo)

- 1929: Covey & Allen purchased the Bassett House/Midway Lunch Room building. (*Wilmington Times*, August 20, 1950, p. 1)
- 1934: Covey & Allen built on the Greek Revival features of the Bassett House, adding a second and third story and changing its orientation from eave-front to gable-front with a classic Greek Revival triangular Pediment. They departed from Greek Revival when adding large picture windows on the first and second stories. (*Wilmington Times*, August 20, 1950, p. 1). Picture window technology was not available in the United States during the Greek Revival period.
- 1964: Building is remodeled to present configuration by Tildy Reed, Peter Ash, & Richard Heyward, Realtors. (Handwritten description titled “Village Map-East Main Street, #17”). This remodel replaced the 1934 picture windows with 12/12 double-hung windows, six on the 2nd story and four on the 1st story. They returned to a more classic Greek Revival entry with sidelights flanking a new double entry.
- 1980: Wilmington Village Historic District is listed in the National Register of Historic Places. 3 East Main Street is described as being “c. 1900, vernacular” and is identified as a contributing (historic) resource in the historic district. 1980 NR photo shows the building in its present exterior configuration.
- 2019: 3 East Main Street is still a contributing resource in the Wilmington Village National Register Historic District, and retains its 1964 appearance (55 years old).

#5 Carpenter Building

1. Circa 1860, this structure was a street facing white Greek Revival building. The only known pictures are from the 1930’s timeframe when it had dark trim and a front porch. Use appears to have been residential.

Greek Revival Characteristics

(ranging from the early 1820’s to late 1860’s) Being most prevalent in VT the 1830’s – 1860’s

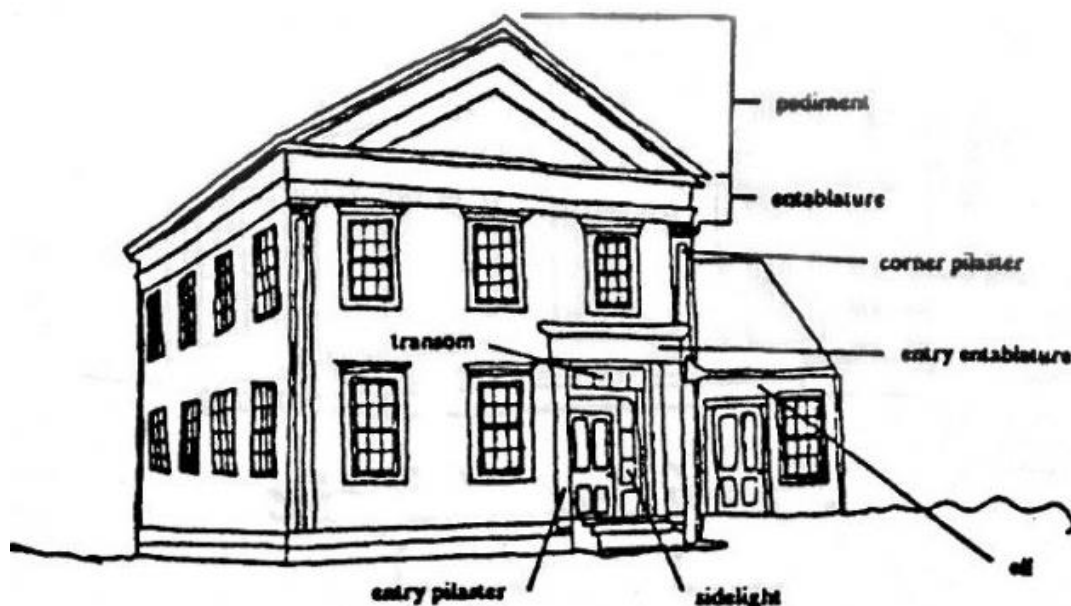
The applicant testified “both structures are being painstakingly restored to their authentic Greek Revival style of architecture, consistent with its historic New England character” (Exhibit 5). As outlined above, the original structure of 1850 had Greek Revival features. While not all additions to the structure, additional Greek Revival features were added in 1934 and 1964.

Greek Revival was the predominant architectural style from around 1820’s or 1830’s up until it started winding down with the onset of the Civil War in 1861 or even as late as 1875. Inspiration came from Grecian temples, characterized by:

- Wooden clapboard siding
- Low-pitched gable roof
- Gable end typically faced street-side
- There were columns or wide boards (simple or paneled) on the corners topped by a wide horizontal entablature (consisting of architrave, frieze, and cornice)
- Triangular pediments often carried across the gable end of the structure to form a full triangle, or cornices were finished with a return on the gable end to form the corner lines of a triangle
- Window panes were hand-blown glass and somewhat larger than those of the Federal period

that preceded Greek Revival.. However, windows in this period were still blown glass. Plate glass technology allowing for window size panes without muntins was not developed until 1850 in France and took year before becoming available in the United States

- Windows therefore had muntins and were wooden double-hung (or occasionally triple hung) sash with 6 over 6 or sometimes 2 over 2 panes. 6 over 6 was most common
- Windows were sometimes topped with a triangular pediments, elliptic fanlights or rectangular stone lintels
- Early frame construction necessitated that windows be directly above one another
- Doors were typically surrounded by a narrow band of rectangular windows on the sides (sidelights) and tops
- Greek Revival doors were “bold” and on the street facing gable end, and unlike Federal were sometimes to the side
- Doorways were often recessed or with a built out columned portico or porch
- Most were 2 – 2 ½ stories tall and 3-5 bays wide, fewer were 1 story
- Predominant colors were white or other pale colors such as light yellow, gray or stone



Greek Revival (c.1835 - c.1875)

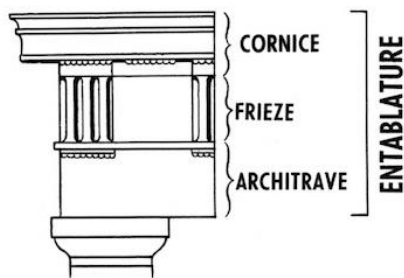


Diagram of the parts of an entablature

Finding of Facts and Conclusions of Law

APPLICABLE DISTRICT

Finding of Facts: Subject property is identified as Tax Map: 021-22-007.008 and has an address of 3 East Main Street (hereinafter “Professional Building”) and #5 East Main Street (hereinafter the “Carpenter Building”).

Conclusion of Law: The proposed development is located in the **Village District** within the **Historic Design Review District**.

USES

Findings of Fact:

The most current Use of the 3 East Main St, the Professional Center was Office space. The Use was discontinued on 08/28/2011 due to flooding by Tropical Storm Irene and has been vacant since. The most current Use of the Carpenter Building was a Retail thrift shop (Twice Blessed). The Use was discontinued in June 2003 and has been vacant since.

Conclusions of Law: All prior Uses have been discontinued for an extended period of years and are not considered in active Use. The intended Uses of Retail Business, Office and Accessory Apartment are allowed Uses in the Village District. Retail is a Conditional Use. Office and Accessory Apartment are Permitted Uses.

The specifics of Office, Accessory Apartment, and Retail Uses are not available at this time, and as such, cannot be reviewed in this decision. While Office and Accessory Apartment are Permitted Uses requiring no further Board review, Retail is a Conditional Use and will require Development Review Board approval prior to commencing operations.

The scope of this decision is limited to proposed structure reconstruction and does not include a review of Uses. This structure is in the Village District within the Historic Design Review District. It allows an unlimited number of Structures and Uses per Lot (Sections 450 B 4 and 5a). All intended Uses are allowed.

Dimensional Requirements: Village District – Inside the Historic Design Review District

Findings of Fact:

Minimum Lot Size: 1/8acre (5445 sq ft) Actual 2980 sq’ 3 E Main 4921 sq’ 5 E Main

Minimum Lot Frontage: 40 ft Actual 43.84’ 3 E Main 29.99’ 5 E Main

Structure Height Max 38 ft (> 24’ to eave line or 38’ to ridge line need fire safety review)

Not applicable at this time, no change in structure height

Setback Front, Rear, Side 0 ft Actual front 0 ft 3 East Main 27’ 5 East Main

Actual Rear 21’ 3 East Main 12’ 5 East Main

Actual W Side 9’ 3 East Main 0’ 5 East Main

Actual E Side 0’ 3 East Main 4’ 5 East Main

Reconstruction of 3 East Main and 5 East Main is structural only and does not involve any changes to the footprint. While the lot does not conform to current Dimensional Requirements, this lot is grandfathered as a pre-existing non-conforming lot.

Conclusions of Law: No changes to footprint of this pre-existing non-conforming structure, therefore

dimensional requirements are not applicable.

Article V Design Review Districts

Section 530: Development Review Board Site Plan and Design Review Required on Design Review District Development

As required by Section 4414(E), no Structure in any Design Review District (Historic or Village),”may be erected, renovated, substantially altered, restored, moved, demolished, or changed in Use or type of occupancy without a written decision and approval of the plans by the appropriate municipal panel.” (The Development Review Board).

Findings of Fact: 3 & 5 East Main St are located is in the Village and Historic Design Review District.

Conclusions of Law: The property is subject to the Standards of the Historic Design Review District

Article VI Flood Hazard District

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

These 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.

Finding of Facts: 3 & 5 East Main Street are not within the Floodway or the Floodway Fringe of the Flood Hazard District as defined by DHS, NFIP or FEMA flood maps (Testimony of Applicant and Craig Ohlson, Zoning Administrator. 3 East Main Street was flooded during Tropical Storm Irene on August 28, 2011. Therefore, as this property is not in the Floodway or Floodway Fringe as defined in this Ordinance Section 610 A – L are not applicable.

Conclusions of Law: Flood Hazard Standards are not applicable. However, in consideration of the history of flooding of 3 East Main, for the protection of the applicant, the Board encourages the applicant to consider bringing the property into compliance with Flood Hazard Standards of the Zoning Ordinance. This is strictly voluntary and not a requirement of this decision.

Section 610 Flood Hazard Development Standards

Findings of Fact: The following standards do not apply as, based on applicable maps, the property is not in the Floodway or the Floodway Fringe area.

A. 1. Floodway Areas:

A. 2. Floodway Fringe Areas:

B. Residential Development

C. Non-Residential Development

D. Subdivisions

E. Enclosed Areas Below the Lowest Floor

F. Recreational Vehicles

G. Accessory Structures

H. Water Supply Systems

I. Sanitary Sewage Systems

J. On-Site Waste Disposal Systems

K. Watercourse Carrying Capacity

L. Securing Floatables

Conclusions of Law: This section is not applicable.

Article VII Standards

Section 710: Use Performance Standards

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

Finding of Facts: No Use review included in this decision

Conclusions of Law: Standard is not applicable

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.

Finding of Facts: No Use review included in this decision

Conclusions of Law: Standard is not applicable

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

Finding of Facts: No Use review included in this decision

Conclusions of Law: Standard is not applicable

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.

Finding of Facts: No Use review included in this decision

Conclusions of Law: Standard is not applicable

Section 721: General Standards

The proposed use shall protect against adverse effect on:

A: Community, Municipal or Educational Facilities

Findings of Fact: Fire and safety impact on the municipality will be addressed through seeking and addressing any issues or concerns noted by the fire and police departments. Applicant testified a meeting is scheduled with Brian Johnson. They will also meet with Police to update them on intended plans.

Conclusions of Law: No additional stress will be placed on the Town educational system. The Applicant will meet with Wilmington Police and Fire representatives and address any safety or impact concerns raised by those departments.

B. Traffic on Roads and Highways

Finding of Facts: The proposed site is accessed from East Main Street in the heart of the Village. Stoplights at the intersection of North, South, East and West Main St are within 100 feet of the access road for this property, keeping traffic speeds to a minimum. Turning into this property will resemble the current access way. There is a 12 foot right-of-way held by 7 East Main, the Masonic building, along the west and south sides of the building. There have been no known issues with the current traffic configuration between the Masonic building and 5 East Main.

There is an illegal curb cut between 3 West Main and 1 East Main. The applicant and Travis Wendel would like to remove the illegal curb cut and return that space to green space. However, before doing so they must determine if there is impact on any right-of-way or easement in the Ranslow deed (4 South main) and seek their approval. (Testimony of Eric Silverstein and Travis Wendel) The speed limit is 25 miles per hour, keeping traffic slowed through the area of these properties.

Conclusions of Law: The proposed development will have minimal impact on the current traffic situation. To the extent possible and if not in conflict with any easements or right-of-ways to the Ranslow property at 4 South Main, the curb cut between 3 and 1 East Main will be eliminated and turned into green space. This standard is met.

C: Bylaws and Ordinances in Effect

Finding of Facts: Proposed development, with the conditions as defined in this decision, 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: Standard is met.

D. Utilization of Renewable Energy & Natural Resources

Findings of Fact: Heat and air conditioning will be furnished by propane or oil. If propane, the tank will be buried and if oil, the tank will be in the basement. The structure will have open cell and closed cell insulation and double and triple glazed windows for heat retention.

Conclusions of Law: Standard is met.

E. Air Quality

Finding of Fact: See Section 710 C above

Conclusion of Law: Standard 721 E is met.

F. Character of the Area

Findings of Facts: The purpose of the Village District is:

“To retain the character of the existing village, provide for future residential and commercial development through historically appropriate Structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

Development and reconstruction shall reflect the character and ambiance of the historic village. Businesses shall promote economic stability and sustainability of the town through contributing substantially to the economic viability of the community. Businesses shall provide a substantially unique retail and service experience to attract visitors and meet the needs of residents. Businesses shall reflect the special character and ambiance of the town. Businesses shall be small in scale consistent with the clustered downtown of the historic village.”

The Professional Building and the Carpenter Building will be preserved consistent with the historic character of the structure. The Uses of coffee shop, retail, and office will promote the vitality of a mixed Use downtown for both residents and visitors alike.

Conclusions of Law: The proposed development is consistent with the defined purpose of the Village District and is consistent with the historic nature of the Village. Standard 721 F is met.

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

Findings of Fact:

A. Preserving the Town's Character: The proposed Uses are within existing unoccupied buildings in the historic downtown. The addition of a coffee shop, office, accessory apartment and some other form of retail is consistent with the historic or rural/agricultural character of the town. While the details of the Uses are not yet specific, the proposed Uses are conceptually appropriate for the historic downtown. Retail, specifically is subject to further Development Review Board approval before a final determination can be made on this Standard. The presence of these Uses may serve the needs of tourists and residents alike, contributing to services available and to the character of the town.

B. Economic Development Contributing to the Character of the Town: See A above

C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town: The proposed development is for the restoration of the structure consistent with its historic nature.

D. Formula Businesses – Not applicable, not a formula business as defined

E. Maximum Square Footage of Retail (2000 square feet) – Retail space in 3 East Main is 1200 square feet. Retail Space in 5 East Main St is approximately 1250 square feet.

F. Building Scale Conformity – The overall scale of the proposed structure is in proportion the surrounding structures and consistent with the existing structure.

G. Utility Placement – Propane or Oil tanks will be non-visible to the public (either buried in the ground or in the basement as appropriate). Utility boxes are on the west side of the 3 East Main structure and on the East side of the 5 East Main structure. To minimize the appearance of utilities from public areas the Applicant agrees shrubbery will be used to screen utility boxes.

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, B, C, E, F, and G are met. Section D is not applicable.

Section 723: Conditional Use - Preserving the Character of the Town: Historic Preservation

A Historic Structures: All Conditional Uses or a certified historic Structure as defined by the Internal Revenue Code 26 USC Section 47(c) and/or recognized in the National Register of Historic Places, or by the Preservation Trust of Vermont shall not engage in land development that will compromise the Structure's historic status. Every effort shall be made to preserve and enhance the historic features of structures dating to 1920 or earlier. Preservation and enhancement of the historic Structures shall be compatible with the historic character of the town and region.

Finding of Facts:

Both structures are listed in the state and federal registries. The original structures dates to:

3 East Main – 1850

5 East Main – 1860

This Standard requires that development " Preserve and enhance the historic features of (the) structures." Applicant testifies "both structures are being painstakingly restored to their authentic Greek Revival style of architecture, consistent with its historic New England character." (Exhibit 5)

Conclusions of Law: To the extent that restoration and renovation is restored to the Greek Revival style of the historic structures (Applicant testimony and Exhibit 5), this standard is met

B. Historic Preservation, Rehabilitation, and Restoration

A. With particular attention to those historic Structures listed in the state or federal registries of historic places (see Appendix II) Historic features and historic Structures shall, to the extent reasonable and possible, be preserved, rehabilitated, or restored. In determining whether historic elements will be Preserved, Rehabilitated or Restored, the following guidelines shall be considered.

1. Preservation: If historic elements are in good repair, historic materials, features and Structures shall be maintained and repaired to preserve the form and character of the property.
2. Rehabilitation: If historic elements are not in good repair, to the extent that historic materials, features and Structure must be altered or added to meet continuing or changing Uses, the original material, feature or Structure shall be preserved and any alteration or addition shall retain the property's historic character and not detract from the historic materials, features and Structures.
3. Restoration including Reconstruction: **If historic elements are not salvageable, historic materials, features and Structures that have been altered over time or have had elements added to the Structure from other periods, a restoration shall occur, removing evidence of those elements not in keeping with the historic character of the original Structure and restoring the original features of the Structure.** Reconstruction shall re-create vanished or non-surviving portions of a property for interpretive purposes.
4. Historic Features: For reconstruction, historic features of the Structure or complimenting the historic features of the region shall be retained or reconstructed.

B. Criteria for Determining Preservation, Rehabilitation, Restoration/Reconstruction: In considering the reasonableness of requiring preservation, rehabilitation, and restoration the Development Review Board shall consider the following criteria:

1. Property's historical significance
 2. Property's physical condition
 3. Proposed Use
 4. Reasonableness of undertaking preservation, rehabilitation, or restoration
 5. Degree to which the preservation, rehabilitation, or restoration will contribute to preserving or enhancing the character of the community
- C. Demolition of Historic Structures: Not Applicable

Pre-existing Structural Alterations

Finding of Facts: 3 East Main St has "been altered over time or (has) had elements added to the Structure from other periods." In the 1920's the one story building had a flat roof. In the 1930's the building was renovated as follows:

- A second and third floor added.
- Clapboard siding was used
- A triangular piedmont with wide corner boards was used
- The gable end was moved to face the street
- A central door was surrounded by divided light sidelights
- Windows were placed one over the other
- Windows were changed to 12 over 12.

This represents the current state of the structure. The Ordinance requires that "a restoration shall

occur, removing evidence of those elements not keeping with the historic character of the original Structure". The Board finds that all of the changes defined above with the exception of 12 over 12 windows are in "keeping with the historic character of the original structure" (Greek Revival) and can be retained. The 12 over 12 windows are not in keeping with the Greek Revival style and, in that the applicant seeks to replace windows anyway, window divided light shall be made consistent with the Greek Revival style, 6 over 6 or 2 over 2 divided light.

Proposed Renovation

Finding of Facts: The following proposed renovation is in keeping with the requirements of this Standard that the change "retain the property's historic character and not detract from the historic materials, features and Structures."

Exhibit 5:

1. Both structures are being painstakingly restored to their authentic Greek Revival style of architecture, consistent with its historic New England character
2. The existing roof pitch will be maintained
3. Slate roofs will be restored. Asphalt shingles on the rear of 5 East Main roof will be replaced with GAF Timberline HD "Charcoal Blend"
4. 3 East main existing clapboard siding will be restored and painted "Coventry Gray (Benjamin Moore HC-169)
5. 5 East Main existing lapboard siding will be replaced with 12" pine board and batten with a clear sealer finish consistent with the "barn style" siding of the time. (Applicant testimony)
6. All rotted trim board will be replaced with PVC trim with concealed fasteners (while this is not the original material used in 1850, the Ordinance allows the use of "Synthetic materials that are more durable and of high quality in appearance, retaining a very similar look to the materials commonly found" (Site Plan and Design Guidelines, Design Section, G Building Materials)
7. Exterior doors will be restored and painted black
8. Exterior door hardware will be manufactured by Emtek, Lausanne series in satin brass finish. Hardware shall be consistent with the Greek Revival style (Applicant testimony)

Exhibit 6:

9. All spatial relationships will be retained in their existing condition
10. Windows will be manufactured by Pella Pro Line series, wood with black cladding
11. With the exception of 6 plate glass windows described below, windows will be double-hung sash windows, 2 over 2
12. A stone walkway will be created with metal edging
13. A stone wall will be added at the sidewalk/grass intersection. The wall is to be sourced from a stone wall on Lisle Hill road (Testimony of Craig Ohlson, Zoning Administrator, movement of stonewalls is allowed in VT to the extent that it is not a boundary line.)
14. Gravel areas will be raked and maintained weekly April – November as weather permit

The following proposed renovation is NOT in keeping with the requirements of this Standard that the change "retain the property's historic character and not detract from the historic materials, features and Structures"

Windows: The applicant proposes use of large plate glass windows, 3 over 3 on the 1st and 2nd floors of 3 East Main similar to those used in the 1934 renovation. Plate Glass windows do not "retain the property's historic character (1850 Greek Revival) and (sic) detract(s) from the historic materials, features and Structures." (Section 723 B (3)) Plate glass windows were not invented until 1850 in

France. Plate glass was not available in the United States for many years thereafter and is inconsistent with the Greek Revival style.

Conclusions of Law: While the structure has been altered over time, the following changes made in the 1930's and remaining on the existing structure are in keeping with the Greek Revival and may be retained:

- a second and third floor added,
- Clapboard siding was used,
- A triangular piedmont with wide corner boards was used,
- The gable end was moved to face the street,
- A central door was surrounded by divided light sidelights,
- Windows placed one over the other.

12 over 12 windows are not in keeping with the Greek Revival style and the applicant shall "remove evidence of those elements" (Section 723 B (3)). The applicant was seeking to change out these windows regardless and, as such, removal does not place any additional hardship on the applicant in the planned renovation (Section 723 B (B)). This decision will be conditioned on 12 over 12 divided light windows being replaced with either 6 over 6 or 2 over 2 divided light.

Of the restoration proposed by the applicant, changes 1 - 14 in the finding of Facts of this Section are consistent with the requirements of this Standard that changes "retain the property's historic character and not detract from the historic materials, features and Structures." For those changes the requirements of this Standard are met.

For the 6 large plate glass windows the Board finds this do not "retain the property's historic character" and they do "detract from the historic materials, features and Structures" as required by Section 723 B (3). Plate glass windows are not consistent with the Greek Revival style and were not available in the United States in the 1850's. The decision will be conditioned on replacing those windows with double hung sash windows, with 2 over 2 divided light, consistent with the rest of the structure.

Section 730: Conditional Use – Specific Standards

A. Lighting and Glare: Shall be shielded and downcast. Glare and reflection is prohibited if it is an 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 & Village District exterior lighting must be in keeping with historic character of the commercial area.

Finding of Facts: Exhibit 6 states "Dusk to dawn, downcast low-voltage LED path lighting will be used to illuminate the front walkway of the #5 building. Greek revival styled wall mounted copper fixtures will be installed on the front, rear, and side elevations of both buildings. All wall-mounted fixtures will be illuminated with 800 lumen/2700 kelvin bulbs. This is considered the minimum needed to meet the functional purpose of the lighting (Applicant testimony)

Conclusions of Law: Standard is met.

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

Findings of Fact: There will be an illuminated walkway leading to 5 East Main. The East Main sidewalk will provide access to 3 East Main. Accommodation has been made in front of 5 East Main

for the discharge of snow from the neighboring Gable roof. Surveillance and alarm systems will be installed. The applicant will meet with Police and Fire to establish safety requirements and make accommodations as needed. Driveways and walkways will be cleared of snow and salted/sanded as needed for pedestrian and vehicular safety. Snow previously plowed against the building, causing structural damage due to melt, has been stopped to preserve the structure. (Applicant testimony). No other safety issues are anticipated.

Conclusions of Law: Standard is met. The applicant is required to meet with fire and police to apprise them of plans and accommodate safety issues and solutions raised by those departments.

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 review for safety, ease of flow and efficiency.

Finding of Facts: There will be an illuminated walkway leading to 5 East Main St. The East Main sidewalk will provide access to 3 East Main St. Entrance and egress will not change substantially from the current configuration. Due to the configuration of the congested downtown, few alternative traffic flows are possible. See also Section 721 B above.

Conclusions of Law: Standard is met.

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

1. **Provide off-street parking** (except in the Historic Design Review District)
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 un-obscured 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.

Finding of Facts: In the Historic Design Review District there is no requirement for on-site parking due to the clustered nature of the downtown. However, there will be parking for up to 5 vehicles in a sure-pack or gravel area to the side of 5 East Main St behind the Masonic building. The applicant intends to limit use to patrons of 5 East Main St as well as 1 space each for town and police employees. (Exhibit 4) The Masonic building will use the Church St lot. Office staff will park behind 5 East Main St in designated on-site spaces. Parking spaces in both lots will not be lined as this is a sure-pack or gravel area. (Applicant testimony) The parking area will be minimally visible from Main Street.

Conclusions of Law: This Standard is met

E. 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 is not applicable

F. 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.

Findings of Fact: There will be a perennial bed on the Main Street facing side of 5 East Main St (See Exhibit 4) and a vegetation barrier of shrubs, small trees, and perennials between 5 East Main and the property of Fred Houston. To the extent possible (after review of the Ranslow deed and speaking with Ms. Ranslow of 4 South Main), shrubs, small trees, and perennials will be planted between 3 East Main Street and 1 East Main Street to eliminate an illegal curb cut and create a new green space for the downtown area. (Applicant and Travis Wendel testimony) See the Site Plan and Design Guidelines for a listing of Suggested Tree Species by Use.

Conclusions of Law: This Standard is met.

G. 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: This property is on town water and sewer. There will be a backflow device installed to ensure no flow coming back into the structure. All parking areas will maintain their pervious nature with sure-pack and gravel. No additional impervious surfaces or runoff will be created. No pollutants are to be released to the soil and no erosion will be caused by this land development. (Applicant testimony)

Conclusions of Law: Standard is met.

H 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 premises are served by the municipal water and sewer service. Existing water allocations are sufficient for the proposed use. (Applicant testimony)

Conclusions of Law: Standard 730 H is conditionally met. The applicant shall file with the Zoning Administrator documentation showing sufficient municipal water and sewer allocations.

I. 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 Facts: This repurposing of an existing structure will not have any undue negative effects on any natural resources or features as defined above.

Conclusions of Law: Standard is met.

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

Findings of Fact: 3 and 5 East Main is in the congested downtown area and 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 is met.

K. 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 is not applicable.

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

Findings of Fact: 3 & 5 East Main St are not within the Flood Hazard District

Conclusions of Law: Standard is not applicable.

M. Energy Resources: Commercial Development shall comply with the Commercial Building Energy Standards. Residential development shall comply with Vermont Residential Building Energy Standards. 30 V.S.A. (51 & 54)

Findings of Fact: Construction will comply with the Vermont Commercial and Residential Building Energy Standards. (Applicant Testimony)

Conclusions of Law: Section is met.

N. 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 is not applicable.

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. Ponds/Water Impounds

G. Quarry Operations

H. Recreational Vehicle Storage

I. Solar Projects

J. Wind Turbines

Findings of Fact: The proposed development does not fall into any of the above categories.

Conclusions of Law: Not applicable

BOARD DECISION

This application for development is **approved** with the conditions, restrictions, requirements, limitations and specifications as defined below.

Conditions

1. All windows will be 6 over 6 or 2 over 2 divided light, consistent with Greek Revival style.
2. Proposed plate glass windows are **not approved** as they are not consistent with the Greek Revival style of this historic structure and shall be replaced with double hung sash windows with divided light as described above. Double hung windows in lieu of plate glass windows shall be placed one above the other as was the structural approach used on Greek Revival structures. While the number of openings is up to the applicant and openings may be expanded for larger double hung windows to let in more light, the same size and style shall be used throughout the structure and reasonable space shall be maintained between windows for visual symmetry and style consistent with Greek Revival. Revised plans shall be reviewed by the Zoning Administrator prior to commencing construction.
3. While the front entrance must remain on the street-facing gable end façade, placement may be central or to the side.
4. Any synthetic materials (i.e.: PVC) shall be of “high quality in appearance, retaining a very similar look to the materials commonly found” in Greek Revival style.
5. Utility hardware boxes for 3 & 5 East Main St shall be screened, to the extent possible, with vegetation to minimize impact on public viewshed.
6. Vegetative barriers and landscaping beds will be created as described in Exhibit 4 and such plantings will be maintained in good condition in perpetuity.
7. To the extent possible and if not in conflict with any easements or right-of-ways to the Ranslow property at 4 South Main, the curb cut between 3 and 1 East Main will be eliminated and the land between the structures turned into green space.
8. The Applicant shall file with the Zoning Administrator documentation showing sufficient municipal water and sewer allocation for the operation of a coffee shop. An accessory apartment, and an office.
9. The Applicant will meet with Wilmington Police and Fire representatives to determine any additional safety requirements and comply with any such requirements.
10. Any dumpsters or containers for the disposal of refuse shall be screened from public view by plantings or other screening.
11. 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. Lighting will be consistent with the Greek Revival style.
13. There shall be no significant air emissions of dust, ash, smoke or other particulate matter.
14. There shall be no permanent or ongoing vibrations created.
15. There shall be no ongoing or permanent noise created.
16. Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with Exhibits, Findings of Fact and Conclusions of Law in this decision. Any changes to the plans will require an administrative approval from the zoning administrator or a review by the Development Review Board as required by the Zoning Ordinance.

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:

Jessie Couture
Cheryl LaFlamme
Wendy Manners Seaman

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.