

**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: **Todd Gareiss**

Owner/Applicant(s) Mailing Address: **P.O. Box 356, Wilmington, VT 05363**

Address of the subject property: **9 South Main St**

Tax Map: # **020-22-020.100**

A copy of the request is filed in the office of the Board and is referred to as: **#2020-002**

**Description of Case per Public Notice:**

Application # **2020-002**: Owner(s): **Todd Gareiss**

Application is being proposed to replace a single window on the southern elevation of the second story at 9 Main Street with three (3) smaller windows; identified to the window on the front elevation of the same building. The property in question falls within the Wilmington Historic Design Review District.

Applicable Wilmington Code Section 522, 530, 602, 610, 720, 722, 723.

Notice for a public hearing was published in the Valley News on: **February 6, 2020**

Notice was posted in three public places on: **February 5, 2020**

A copy of the notice was mailed to the applicant on: **February 5, 2020**

A copy of the notice was mailed to the abutters on: **February 5, 2020**

**Appeal period for this Case expires on: April 30, 2020**

**Approval expires on: March 31, 2022**

The following presented testimony as the applicant or on behalf of the Applicant or as an Interested Person:

Todd Gareiss

**EXHIBITS**

The following Exhibits were placed in evidence by the Applicant or their Agent:

1. Revised Proposed Window Elevations – Issued at hearing March 2, 2020 (5 pages)
2. Application - 11 pages, including:

- Pgs 1-4 Application
  - Pg 5 Project Summary
  - Pgs 6–8 Structure Photos
  - Pgs 9-11 Apartment Plans and Elevations
3. Nine South Main Photo Gallery (21 pages)
  4. Flood Hazard Map
  - 4a. Administrative Permit-Flood Hazard Area Compliance at 9 S.Main Street Letter; dated 2/28/20
  5. Samples of Work Completed: Section E: Exterior Pictures (16 pages)
  6. Hearing Notice
  7. Abutter List
  8. Map of Lots

**SYNOPSIS**

The application proposes replacement of a single window on the south side on the second story with three (3) smaller windows; identical to the windows on the front elevation of the building.

**ARTICLE IV: DISTRICTS & USES**

Section 430-433 Legal Non-Conforming Structures, Lots, or Uses

Section 440-441 Height Limitations

Section 445-448 Exceptions (Setbacks, Small Structures, Agricultural, and Community Facility (Municipality))

Section 461-463 Business Uses within a Dwelling

**Finding of Facts:** This application for window replacement does not fall into any of the above categories

**Conclusions of Law:** Not applicable

**ARTICLE IV (CON’T) – SECTION 450 DISTRICTS**

A) Conservation

B) Village (a) within the HDRD and (b) outside the HDRD have unique dimensional requirements

C) Residential

D) Resort Residential

E) Commercial/Residential

F) Resort Commercial/Residential

**ARTICLE V: DESIGN REVIEW DISTRICTS- OVERLAY DISTRICTS**

Section 510 – 512: Village Design Review District

Section 520 – 522: Historic Design Review District

**DISTRICT**

**Finding of Fact:** Subject property is in the Village District within the Historic Design Review Overlay District (Section 450 Ba). The property is identified as Tax Map: # **020-22-020.100**

**Conclusions of Law:** The proposed land development is subject to zoning applicable to the Village District and to those applying to the Historic Design Review Overlay District.

**USES**

**Finding of Facts:** The Primary Use of the structure is Retail Business; a Conditional Use in the Village District. There is also an Accessory Apartment; a Permitted Use in the Village District Use.

**Conclusions of Law:** The current Uses not changing and have previously been approved for this property; see decision 2015-127.

**Finding of Facts:** The application is for a property within the Historic Design Review District  
**Conclusions of Law:** HDRD provisions are applicable to the proposed land development.

**Section 522: Goals of the Historic Design Review District**

The Site Plan and Design Goals of the Wilmington Historic Design Review District are as follows:

- A. To preserve the historic and cultural heritage of the historic downtown.
- B. To support maintenance, change and preservation of building and property in accordance with the design guidelines of this zoning ordinance and consistent with recognized and accepted standards for historic preservation projects.
- C. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving those features that have architectural or historic merit.
- D. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- E. To encourage maintenance and preservation of building and property and changes to support a visually attractive village for the pleasure of residents and visitors.
- F. To encourage and support economic growth and prosperity within the community while maintaining the New England Character.
- G. To encourage public and private investments that may result in a positive contribution to visual harmony and economic vitality, and protect these assets for future generations.

The goals of this District shall be considered by the Development Review Board when considering proposed window replacement.

**Findings of Fact:** The subject property is listed in the State and National Registers of Historic Places. As noted in Appendix II of the Zoning Ordinance, the structure was built between 1870-1880. The structure is considered a contributing historic structure to the historic downtown.

**Conclusion of Law:** Window changes to the structure do not require adherence to any one architectural style but should be consistent with a style used between 1870-1880 and should contribute to the overall historic character of the downtown.

**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.

**Finding of Facts:** Nine South Main St is next to the North Branch of the Deerfield River within the Floodway. Although the building is in the designated Flood Hazard Area, the second story window elevation is well above the designated base flood elevation benchmarks for this section of the North Deerfield River. This application is for only window replacement on the second story of the structure and does not represent a significant improvement or expenditure under the ANR guidelines and therefore does not necessitate ANR permitting.

**Conclusions of Law:** Flood Hazard District regulations are not applicable since the changes to the building would not necessitate any engineering to address potential flood impacts as a result of the adding new second story windows. Refer to Exhibit 4 & 4A.

**Permitted and Conditional Uses:**

Permitted Uses include A) Agricultural Uses, B) Recreational Uses, C) Residential Uses such as lawns, gardens, unpaved areas and play areas, and D) Municipal roadways, culverts and bridges. (Section 605)

Conditional Uses include all other Uses that fall within any designated flood hazard area and may be permitted only upon granting of a Conditional Use approval from the Development Review Board (Section 606)

**Finding of Facts:** This application is for a property within a flood hazard area, for a Use other than those that are Permitted.

**Conclusions of Law:** The proposed land development is subject to Development Review Board approval.

**STANDARDS:**

**Residential Development:**

1. New construction and existing buildings to be substantially improved shall have the lowest floor, including basement, elevated to or above the base flood elevation.

2. Manufactured homes to be placed and existing manufactured homes to be substantially improved: ....

**Finding of Facts:** The proposed application is for an existing building to be substantially improved. The structure has previously been addressed for flood hazard mitigation consistent with decision 20150127. The current application addresses only window placement on the second story.

**Conclusions of Law:** The proposed change is not applicable to this section.

**DIMENSIONAL REQUIREMENTS**

**Finding of Facts:** Dimensional requirements of lot size, frontage, building height, and setbacks are not applicable. The proposed change is for window replacement only.

**Conclusions of Law:** 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.

**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.

**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

**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.

Findings of Fact: The proposed change is not for a change of Use.

Conclusions of Law: Use Performance Standards are not applicable.

### **SECTIONS 721: GENERAL STANDARDS**

The proposed use shall protect against adverse effect on:

**A: The Capacity of Existing or Planned Community, Municipal or Educational Facilities**

**B. Traffic on Roads and Highways**

**C: Bylaws and Ordinances in Effect**

**D. Utilization of Renewable Energy**

**E. Air Quality**

**F. Character of the Area**

**Findings of Fact:** 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.”

**Finding of Facts:** Proposed window changes do not apply to provisions A-E. Only the character of the area provision is relevant.

**Conclusions of Law:** The proposed window change 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**

**A. Preserving the Town’s Character**

**B. Economic Development Contributing to the Character of the Town**

**C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town**

**D. Formula Businesses**

**E. Maximum Square Footage of Retail (2000 square feet)**

**F. Building Scale Conformity**

**G. Utility Placement**

**Findings of Fact:** The proposed window change is not applicable to provisions D-G. Only provisions A-C apply.

- Proposed changes add to the historic character of the town (A).
- Building improvements will enhance the downtown area, promoting the economic development of the area consistent with its historic nature (B).
- The proposed change is not found to conflict with the Rural, Agricultural, or Historic Nature of the Town (C)

**Conclusions of Law:** The proposed window changes meet the requirements of Section 722

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

(compliance is required for properties in the Historic Design Review District (HDRD), and is recommended but not required in all other districts and overlay districts)

**A. Historic Structures:**

All Conditional Uses for a certified historic Structure as defined by Internal Revenue code 26 U.S.C. 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 historic Structures shall be compatible with the historic character of the town and region.

**Findings of Fact:** 9 Main Street is one of 59 buildings and sites nominated into the National Register of Historic Places by the US Department of the Interior, National Park Service. It was described in the nomination form in the following way: *La Morder's c. 1870-80: Two -story, frame structure with clapboard siding and a flat roof. An Italianate entablature with paired, scrolled brackets and molded cornice surmount the building while the corners have plain boards. The first floor has two shop entrances and two large display windows; the second floor has even fenestrations of six bays with windows having sills and cornices and 2/2 lights. The side elevations have three bays and the south side has a fire escape leading from a second-floor doorway to the ground.*

In the forty years since, the building has undergone numerous changes that have diminished much of the original windows which are important character defining elements. Based on photos and description given in 1980, the second-floor fenestration of six equally spaced windows are now two pairs of windows. The three bay windows on the north are gone and the three bay windows on the south are barely evident. There are still two shop entrances and picture windows, but they are in new locations and re-configured in past alterations. The front façade has newer second story 2/2 windows with trim of a slightly different style than seen in earlier photos, but the trim appears in proportion and of a style one would expect to see for this age of building. The Italianate entablature with the double scrolled brackets is still mostly intact, with some exceptions to accommodate an overhang for a newer wooden fire escape. The newer second floor windows retain a 2/2 pattern using simulated divided lights. The proposed smaller window changes are also a 2/2 simulated divided lite and will have similar matching wood trim and sills. While the proposed introduction of a window size and grouping seems inconsistent with recognized and accepted standards for most historic preservation projects, given the already compromised changes to the window fenestrations that have occurred over the years and the positive improvements that have been made to restore the clapboard, doors and windows and front façade of the building, this minor side elevation change is considered compatible and consistent with the architectural style that was previously re-created as a way to preserve the historic character and contribution the building makes to the downtown area.

**Conclusions of Law:** This standard is met.

**B. Historic Preservation, Rehabilitation and Restoration.** Historic features and historic Structures shall, to the extent reasonable and possible, be preserved, rehabilitated, or restored. (Preservation, Rehabilitation, Restoration including Reconstruction as defined in the Wilmington Zoning Ordinance)

**Findings of Fact:** Based on the applicants DRB application summary and testimony the current window configuration does not allow for the placement of a bed on the 2<sup>nd</sup> floor studio. Applicant testified that the current window was too low and was in conflict with the placement of a proposed headboard in the second-floor studio apartment. The applicant wants to eliminate the current

window, which is not believed to be original, (the 1980 photo from the national registry indicates at one time it was a door with a metal fire escape) and replace it with three new smaller windows. The Board concludes that the proposed change does not interfere with or compromise the historic structure as listed on the National Registers or diminish its contributing status to the historic downtown. It was not unusual for placement of small windows historically to accommodate functional need. The current structure is being restored with historically appropriate materials. As such, the Board finds that it is not reasonable to require a restoration, preservation or rehabilitation of the current window. The proposed windows represent an appropriate modification of the structure.

**Conclusions of Law:** This condition is satisfied.

**C, Historic Features:** For reconstruction, historic features of Structures or complimenting the historic features of the region shall be retained or reconstructed.

**Finding of Facts:** In accordance with this Standard the window features must compliment the historic features of the structure or the region. The Board finds the proposed windows compliment both the windows previously approved for the structure under decision 2015-127 and are also complimentary to the historic features of the region.

**Conclusions of Law:** This condition is satisfied.

**D. 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.

**Finding of Facts:** 9 Main St is a "contributing structure" to the historic register designations of the town. While many of the the original windows have been altered or disappeared over time, it still has major contributing characteristics, namely the wood clapboard and trim, two story scale, flat roof structure with its Italianate entablature of double scrolled brackets. The remaining pairs of second story windows still bear some legacy to the original fenestrations. The Board finds that the minor nature of the inclusion of three new small 2/2 windows with trim to match the front will not take away from the historic character of the community.

**Conclusions of Law:** This standard is satisfied.

**E. Demolition of Historic Structures**

The owner of a historic structure that may reasonably be Preserved, Rehabilitated, Restored/Renovated shall not demolish any historic Structure certified as a historic Structure as defined by Internal Revenue Code 26 U.S.C. Section 47 (c) or listed on any State or Federal Register of Historic Places.

**Finding of Facts:** No demolition is proposed for this structure.

**Conclusions of Law:** This standard is not applicable.

**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 and Village District exterior lighting must be consistent with historic character of the commercial area of the village

**Findings of Fact:** There is not proposed lighting change.

**Conclusions of Law:** Standard 730 A is not applicable.

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

**Findings of Fact:** No specific physical hazards are anticipated.

**Conclusions of Law:** Standard 730 B is not applicable.

**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.

**Findings of Fact:** During window replacement the following precautions will be taken to ensure pedestrian safety: Safety cones will be placed along the sidewalk to ensure pedestrian safety. If necessary, the sidewalk will be closed. Window installation will take place from the interior side of the second-floor.

**Conclusions of Law:** The decision will be conditioned on the safety precautions noted above. Standard 730 C 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 unobscured 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:** There are no parking impacts from the proposed window change.

**Conclusions of Law:** Standard 732 D is not applicable.

**E. Road Development:** New roads, public and private, shall conform to the town's Highway Ordinance.

**Findings of Fact:** The proposed change does not involve road development.

**Conclusions of Law:** Section 730 E 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 are no landscaping or screening impacts from this window replacement.

**Conclusions of Law:** This condition is not applicable.

**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:** There are no land and water management impacts from this window replacement.

**Conclusions of Law:** Standard 730 G is not applicable.

**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:** There are no wastewater or potable water impacts from this window replacement application.

**Conclusions of Law:** Standard 730 H is not applicable.

**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 Fact:** There are no natural resource impacts from the proposed window change.

**Conclusions of Law:** Standard 730 I is not applicable.

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

**Findings of Fact:** 7 North 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. The proposed Use will not have any adverse impact on wildlife habitats or corridor.

**Conclusions of Law:** Standard 730 J is not applicable.

**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:** This waterway is not a Shoreland to a body of water of greater than 10 acres.

**Conclusions of Law:** Standard 730 K is not applicable.

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

**Findings of Fact:** Property is within flood district.

**Conclusions of Law:** See responses under Article VI above.

**M. Energy Resources:** Commercial Development shall comply with the Vermont Commercial Building Energy Standards

**Findings of Fact:** The proposed window replacements are for Commercial Development and the proposed windows are consistent with Vermont Commercial Building Energy Standards. Per the applicant's testimony and exhibits the new windows will be Energy Star rated with insulated glass, Low E2 w/argon.

**Conclusions of Law:** Section 730 M 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 730 N is not applicable.

## **CONDITIONS:**

The application for development is **approved** with the following conditions, restrictions, requirements, limitations and specifications.

1. Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with Exhibits 5, 6, 7 and the testimony provided. Any changes to the plans will require an administrative approval from the Zoning Administrator and/or a review by the Development Review Board, in conformance with the ordinance.

During construction During window replacement the following precautions will be taken to ensure pedestrian safety: Safety cones will be placed along the sidewalk to ensure pedestrian safety. If necessary, the sidewalk will be closed. Window installation will take place from the interior side of the second-floor.

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:

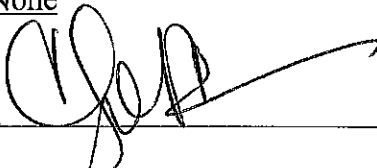
Diane Abate  
Cheryl LaFlamme  
Fred Houston  
Charles Foster

OPPOSED:

None

ABSTAINING:

None

  
\_\_\_\_\_

Date: 3/31/2020

For the Board: Cheryl LaFlamme, Vice Chairperson

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.*