

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: **Timothy French of State of Vermont**

Agent(s) Mailing Address: **Christopher Galipeau, Civil Engineering Associates, 10 Mansfield Drive, South Burlington, VT 05403**

Owner/Applicant(s) Mailing Address: **State of VT, AOT, One National Life, Montpelier VT, 05633**

Address of the subject property: **23 Haystack Road, Wilmington, VT 05363**

Tax Map #**020-20-005.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2013-015

Description of Case per Public Notice:

Application # 2013-015; owner: State of Vermont; Agent, Timothy French. Application being made for Conditional Use and Non-Conforming Use review to allow construction of a garage building of 6,000 sq. ft.; Zoning Ordinance Section 3.A, 6.A & 7; location: 23 Haystack Road.

Notice for a public hearing was published in the Valley News on: **3/15/2013**

Notice was posted in three public places on: **3/15/2013**

A copy of the notice was mailed to the applicant on: **3/15/2013**

A copy of the notice was mailed to the abutters on: **3/15/2013**

The public hearing was held on: **4/1/2013**

Action taken on this application may be appealed by anyone identified as an interested party, pursuant to Vermont Statutes Annotated. Said appeal shall be made to the Vermont Environment Court.

Appeal period for this Case expires on: May 6, 2013

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.)

Alice Herrick, Zoning Administrator
Brad McAvoy, Facility Manager for AOT

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 (five pages)

A Plan set, District 1 Wilmington Garage, by Civil Engineering Associates, Inc.

a. Proposed Conditions Plan, C1.0, Oct 2012.

b. Existing Conditions Plan, C1.1, Oct 2012.

c. Elevations, A1.1, no date

d. Elevations, A1.2, no date

B Abutters List

C Case Summary

D [no exhibit]

E e-mail from Christopher Galipeau, Staff Engineer, March 12, 2013

1. The subject property is in the Residential District of the Town of Wilmington. The property is identified as Tax Map 020-20-005.000.
2. The property is owned by the Vermont Agency of Transportation (AOT) and is used for the storage of vehicles, materials used on roads and as office space. Presently on the property there is (Exhibit E):
 - State Garage: 4,472 square feet
 - 4-Bay Shed: 1,184 Square feet
 - Two Salt Sheds: 6,720 and 3,757 square feet
 - Small Shed: 155 square feet
3. The proposal is to demolish the existing State Garage and replace it with a new 6,000 square foot building. The uses of the building will remain as storage and maintenance of State equipment and for office space. The present garage is in disrepair and needs replacement. The larger size will accommodate larger vehicles and also allow inside storage of equipment that is presently stored outside.
4. All setbacks for the new building exceed 57 feet.

5. The new building will have down-cast lighting fixtures over the proposed door locations.
6. The parcel is located in the Residential District but there are no nearby houses. The parcel abuts the Town of Wilmington Garage and a Green Mountain Power building along with other properties not used for dwelling units.
7. Other work includes removing a fuel tank and drilling a new well. There are also plans to connect to the municipal sewer line. A State of Vermont Water Supply and Wastewater Disposal Permit will be required.
8. Traffic to and from the site will be consistent with present levels of traffic.
9. The property has no road frontage and is accessed through a right-of-way. It is barely visible from the traveled way.

II. The Board CONCLUDES:

State Garage is a State-owned and operated institution and facility in the Residential District and is subject to the provisions of 24 VSA 4413(a).

§4413 (a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
(1) State- or community-owned and operated institutions and facilities.

The Board finds that even though the parcel is in the Residential District there are no nearby dwellings. In fact, there are municipal and utility uses on two sides. It also has no road frontage and does not need any additional landscaping or screening. It meets setback requirements and there will be little or no additional traffic or noise.

With regards to the criteria in 24 VSA 4413(a), the Board concludes that this proposal *will* conform to the requirements of the Wilmington Zoning Ordinance and 24 VSA 4413(a).

III. CONDITIONS:

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

1. All additional lighting shall be down-cast and placed on timers or motion sensors when feasible.

Thus, the Development Review Board does **approve** the application for **Conditional Use**

review to allow construction of a VTrans Maintenance Garage of 6,000 square feet in the Residential District.

If unused, this Approval expires 1 year from the date of issue. A request for extension may be made in writing to the Development Review Board before the expiration date. Such request shall be in the form of an APPLICATION FOR EXTENSION.

There is a thirty (30) day appeal period from the date of signature before this Approval becomes final. In addition, all fees must be paid and a Zoning Permit *must* be issued prior to the commencement of any work requested in this application. When a Zoning Permit is issued, there is an additional fifteen (15) day appeal period before the Permit becomes final. Work may commence when the Permit has been issued and all Appeal periods have ended.

This approval ***does not relieve you***, as applicant, from obtaining any and ALL applicable State and other local permits.

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

Nicki (Polly) Steel
Andrew Schindel
Frank Sprague
Gil Oxley

OPPOSED:
none

For the Board: Polly Steel, Chairperson

Date: 4/5/2013

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.