

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: **Edward Molitor for Catherine Haynes**

Agent(s) Mailing Address: **14 North Main Street, Wilmington, VT 05363**

Owner/Applicant(s) Mailing Address: **19 Sandle Drive, Fairport, NY 05363**

Address of the subject property: **155 VT Route 9 East, Wilmington, VT 05363**

Tax Map #**021-22-045.B00 & 021-22-044.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2013-057

Description of Case per Public Notice:

Application # 2013-057; owner: Catherine Haynes; Agent, Edward Molitor.
Application being made for Subdivision review to allow adjustment of the lot lines
between two adjoining lots improved with one Single-family dwelling; Zoning
Ordinance Section 3.A(1)(a) & 7.C; location: 155 VT Rte 9 East.

Notice for a public hearing was published in the Valley News on: **7/12/2013**

Notice was posted in three public places on: **7/12/2013**

A copy of the notice was mailed to the applicant on: **7/18/2013**

A copy of the notice was mailed to the abutters on: **7/18/2013**

The public hearing was held on: **8/5/2013**

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 Environment Court.

Appeal period for this Case expires on: September 16, 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.)

Interested Parties:

Randy and Michelle DeBlois, Abutter

Adam Grinold, Abutter

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.

1. The Board noted that the Warning for the Public Hearing listed one of the relevant Sections of the Zoning Ordinance as Section 7.C. This should have read Section 6.B.
2. The Applicant is requesting an adjustment to the property line that would reduce the 1.93 acre lot to 1.02 acres. The lot will continue to include the single family house and a barn. This adjustment would in turn increase the adjacent lot size from 10.86 acres to 11.60 acres.
3. The change to the location of the property line will reduce the smaller lot's road frontage from 418.81 feet to 214.84 feet and increase the larger lot's from 237.84 feet to 441.81 feet.
4. Access to both lots will remain unchanged.
5. It was determined from the survey map that both lots have access to the Wilmington Town sewer line.

EXHIBITS:

Application (two pages)

A Durable Power of Attorney (page 1 only)

B Abutters List

C Lot Line Adjustment prepared for Catherine Haynes by Joyce Land Surveying Corp., June 30, 2013.

The subject property is in the Commercial District of the Town of Wilmington. Lot #021-22-045.B00 is improved with a Single-Family Dwelling.

II. The Board CONCLUDES:

With regards to the request for a subdivision with right-of-way approval the Board concludes that this proposal **will** conform to the requirements of the Wilmington Zoning Ordinance and the following standards:

Section 6: Permitted Uses and Minimum Requirements of Districts

B. Commercial Districts

2. Minimum Requirements in Commercial Districts

Lot Size: A lot used for such building or structure shall be at least one acre in area, except that accessory uses shall also be permitted on such lot.

Set Back: A building shall be placed on a lot at least forty (40) feet from the public road limits and forty (40) feet from any other property line.

Frontage: Each lot which abuts upon a public road shall have at least one hundred fifty (150) feet frontage on such public road. No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the *Development Review Board* access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width. [Subchapter 7, §4412 (3)]

Coverage: The total ground floor area of all buildings on a lot shall not exceed twenty-five per cent of the lot area.

The Board finds that:

1. The reduction of the lot size to 1.02 acres would exceed the minimum requirement of a 1 acre lot.
2. The 214.84 feet of road frontage for the new lot exceeds the minimum Zoning requirement of 150 feet.
3. The ground floor footprint does not exceed the 25 percent maximum allowance.

III. CONDITIONS:

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

1. That in order to comply with the Zoning Bylaw, approval of this proposal shall be conditioned upon merger of the 1.02 acre piece of Lot #021-22-045.B00 with the small pieces now part of Lot #021-22-044.000, for tax and zoning purposes by filing a new deed with the Town Clerk upon transfer which includes a perimeter description of the 1.02 acre parcel and that a copy of the deed shall be submitted to the Zoning Administrator.

Thus, the Development Review Board **does approve** the application for **Subdivision (boundary adjustment) approval to allow reconfiguration of a 1.02 acre lot (#021-22-045.B00) in the Commercial 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:

Gil Oxley
Andrew Schindel
Frank Sprague
Sheila Osler

OPPOSED:
None

For the Board: Andrew Schindel, Vice-Chairperson

Date: 8/15/2013

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.