

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: **William LaBonte and co-applicant James Millar**

Owner/Applicant(s) Mailing Address: **PO Box 975, Wilmington, VT 05363**

Co-Applicant(s) Mailing Address: **145 West 6th Street, 38D, New York, NY 10023**

Address of the subject property: **19 Titus Farm Road, Wilmington, VT 05363**

Tax Map **#07-01-062.200 and #07-01-062.100**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2014-011

Description of Case per Public Notice:

Application # 2014-011; owner: William LaBonte; Co-applicant: James Millar. Application being made for Subdivision review to allow division of a 7.4 acre lot into two lots of 5.024 acres and 2.376 acres and merging the smaller lot with an adjoining lot; Zoning Ordinance Section 300 & 305; location: 19 Titus Farm Lane.

Notice for a public hearing posted in three public places and was published in the Valley News on: **2/28/2014**

A copy of the notice was mailed to the applicant and to abutters on: **2/28/2014**

The public hearing was held on: **3/17/2014**

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.

The appeal period for this Case expires on: April 25, 2014

The approval for this Case expires on: March 26, 2015

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

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 (two pages)
- A Map showing boundary adjustment
- B Abutters List

The subject properties are in the Residential District of the Town of Wilmington. The lots are improved with one Single-Family Dwelling on each lot.

1. The LaBonte property is currently 7.4 acres with over 150 feet of road frontage on Titus Farm Road and 25 feet of road frontage on Ballou Hill Road.
2. The Millar property is currently 4.3 acres with over 150 feet of road frontage on Ballou Hill Road and over 150 feet of road frontage on Titus Farm Road.
3. The Applicant LaBonte is proposing to divide off 2.376 acres at the rear of his property and sell it to Applicant Millar. Millar would merge the 2.376 acres with his 4.3 acres for a total of approximately 6.676 acres. After the subdivision LaBonte would have 5.024 acres. Both newly created lots would have over 150 feet of road frontage. Both Single Family Dwellings will meet all required setbacks.

II. The Board CONCLUDES:

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

The Board finds that:

1. In the Residential District, the minimum lot size is one acre and the minimum road frontage is 150 feet. Both newly created lots will meet required lot size and minimum road frontage requirements.
2. The proposed division of land and subsequent merger will result in two conforming lots.
3. All existing buildings on both new lots will meet required setbacks.
4. All lots will meet Minimum lot depth.

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 2.37 acre piece of Lot #07-01-062.200 with the Millar property, Lot # 07-01-062.100, for tax and zoning purposes by filing a new deed with the Town Clerk which merges both parcels and that a copy of the revised deed shall be submitted to the Zoning Administrator.

Thus, the Development Review Board does approve the application for **Subdivision (boundary adjustment) approval to allow a 2.37 acre piece to be merged with an adjoining lot (#07-01-062.100) 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:

Sherry Brissette
Nicki (Polly) Steel
Sheila Osler

OPPOSED:
None



For the Board: Polly Steel, Chairperson

Date: 3/26/2014

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.