

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: Doug Furlon

Owner/Applicant(s) Mailing Address: PO Box 13349, Wilmington, VT, 05363

Address of the subject property: 400 Rt 100, Wilmington, VT 05363

Tax Map #006-02-021.100

A copy of the request is filed in the office of the Board and is referred to as:

Case #: 2014-066

Description of Case per Public Notice:

Application # 2014-066; owner: Inn the Wind Properties; Application being made for a change of use from a two bedroom residence to a hair salon in the Cm/ Res zoning district; Section 224 & 270D,4. Location: 400 Route 100.

Notice for a public hearing was published in the Valley News on: 7/31/2014

Notice was posted in three public places on: 7/31/2014

A copy was mailed to the applicant on: 8/1/2014

The public hearing was held on: 8/18/2014

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 Vermont Environment Court.

Appeal period for this Case expires on: _____

Approval expires on:

In addition to the Applicant and 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.)

Craig Ohlson, 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 investigation.

EXHIBITS:

Application (four pages)

- A Tax Map of the property
- B Site Plan
- C Case summary

1. The subject property is in the Commercial/ Residential District of the Town of Wilmington. The property is identified as Tax Map

2. The building has housed various businesses since its construction. It presently includes a two bedroom residence and storage area. The proposed use is for the residence to be converted into a hair salon on first floor with office and tanning salon on second floor. Square footage remains the same.

3. Some minor plumbing needs to be done.

4. An ADA approved ramp is being installed on the right side of porch. It will have a stone-faced facade and is 14" high.

5. The exterior update will be of wood construction and will include some vinyl molding. A new window has replaced an old window on the south side.

6. New downward directed lighting will be installed for the entrance area by porch and will be on a motion sensor. Landscaping with shrubs and gardens along the whole front of the building are planned for the future. The signage will have greenery.

7. The parking area is 50' by 24', which provides (5) 10' by 20' parking spaces. This is more than ample for the building size requirements.

8. It was stated by the Applicant that the hours of operation may be from 8AM – 8PM Monday through Saturday.

9. The parcel is in the Flood Hazard area and Doug testified that no further flood mitigation was deemed necessary upon Act 250 inspection. The floor is comprised of durable materials and all heating and wiring is updated and well above flood level.

II. Regarding the Conditional Use criteria, the Board CONCLUDES:

Service businesses are Conditional Uses in the Commercial/ Residential District and require Conditional Use review. The change in use caused the proposal to come before this Board. With regards to the criteria for a conditional use permit, the Board concludes that this proposal will conform to the requirements of the Wilmington Zoning Ordinance and the following standards:

A. Will the proposed Conditional Uses have an undue adverse effect on the capacity of existing or planned community facilities? No. The size of the building will be no larger than the existing building.

B. Will the proposed Conditional Uses have an undue adverse effect on traffic on roads and highways in the vicinity? No. Route 100 is a high traffic road and the number of customers will not make an impact.

C. Will the proposed Conditional Uses have an undue adverse effect on the character of the area, as defined by the purpose or purposes of the zoning district within which the project is located? No, service business is appropriate conditional use.

D. Will the proposed Conditional Uses comply with specifically stated policies and standards of the Town Plan? Yes.

E. Will the proposed Conditional Uses comply with other sections of the Zoning Bylaw? Yes.

III. CONDITIONS for Conditional Use:

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

1. Hours of operation will not exceed 8AM to 8PM Monday through Saturday.
2. Exterior lighting will be a downward directed style and located as indicated on the plan submitted at the hearing.
3. Landscaping will include greenery at signpost and shrubs/ garden beds in front of building as testified to. Handicap ramp will have stone facade.

Thus, the Development Review Board does approve the application for Conditional Use review to allow commencement of change of use to a hair salon.

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:

Peter Wallace

Debby Dorsett

Wendy Manners

Sybil Idelkope

Meg Streeter

For the Board: Peter Wallace,
Chairperson

Date:

Appeal Rights: An interested person may appeal this decision to the Vermont Environmental Court, pursuant to 24 VSA 4471 and VRCP 76, 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.