

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: **Robin W. Kingsley**

Owner/Applicant(s) Mailing Address: **P.O. BOX 974 - Jacksonville, Vt. 05342**

Address of the subject property: **19 Haystack Rd. - Wilmington, Vermont 05363**

Tax Map **#020-20-006**

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

Case #: 2014-093

Description of Case per Public Notice:

Application # 2014-093; Owner: Green Mountain Power; Applicant: Robin W. Kingsley. Application is being made for a change of use in the former Green Mountain Power building to allow a service business and storage facility in the Commercial/Residential zoning district; Zoning Ordinance Section 270,D.4; location: 19 Haystack Road.

Notice for a public hearing was posted in three public places and was published in the Valley News on:

A copy of the notice was mailed to the applicant and to the abutters on:

Public hearings were held on: **10/06/2014**

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 _____.

The Approval expires on _____.

In addition to the Applicant/ Agent the following persons were heard by the Board in connection with this request: (Copies were mail to those persons listed below as having been heard.)

Ken Spicer

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 evaluation.

EXHIBITS:

Application (three pages)

A Abutters List

B Fee Schedule

C Floor Plan

D Site Plan

E Photo of Building

1. The subject property is in the Commercial/Residential District of the Town of Wilmington. The property is identified as Tax Map 020-20-006
2. Subject property was most recently a storage facility and office space for Green Mountain Power.
3. The Applicant is proposing to stage his personal plumbing business and office at the site.
4. The Applicant is proposing to rent additional office space to a common business like an electrician or builder.
5. The Applicant is proposing to offer outside secure storage for RV's, Boats and trailers.
6. The Applicant is proposing to offer inside secure storage.
7. The property has sewer and water allotment for 12 employees.
8. The property has parking for 21 vehicles.
9. The property has Motion sensitive lighting covering the outside storage areas. Testimony was given that no additional lighting will be added to the property at this time.
10. Hours of operation will limited to 7 days a week 6 AM - 9 PM
11. Property is currently handicap accessible and does have two handicap bathrooms.

12. No Hazardous materials will not be stored at this property as part of the storage business.

The Board CONCLUDES:

Storage/Warehouse space is a Conditional Use in the Commercial/Residential District and requires Conditional Use review. 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. The board concludes that office space is a permitted use under section 270 D-3. Storage Facility and service Business are Conditional Uses under section 270 D-4

Will the proposed Conditional Use have an undue adverse effect on the capacity of existing or planned community facilities?

The board finds that the proposed project does not have a undue adverse effect on the capacity of existing or planned community facilities. The building currently has water and sewer allotment for 12 employees.

Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?

The Board finds that the proposed project does not have an undue adverse effect on traffic on roads and highways as the property will be used in a similar manner as before in regards to traffic density.

Will the proposed Conditional Use have an undue adverse effect on the character of the area, as defended by the purpose or purposes of the zoning district within which the project is located? The purpose of the Commercial/Residential District is to encourage clustered economic development.

The board finds that the proposed project does not have an adverse effect on the character of the area and adheres to the bylaws within.

Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?

The board finds that the project does comply.

Will the proposed Conditional Use comply with other sections of the zoning Bylaw?

The board concludes that the following standards from section 340 apply to this application:

H. Setbacks and Screening: The board requests plantings along Haystack Road and some form of screening within the existing chain link fence at the commencement of the outside storage. (See Condition 1 and 2 below)

Conditions:

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

1. At least three trees of at least (2) inches in caliper shall be planted along Haystack Road in such a manner as to provide screening of storage area from view from road

and or

2. Additional infilling to wire fence as you enter the storage area to screen outside storage are from Haystack Road. Woven vinyl or the like.

The Development Review Board does **approve** the application for Conditional Use review to allow commencement of Service Business and storage facility in the Commercial/Residential District.

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.

The applicants in the Historic Review District are responsible for obtaining and maintaining approvals for “historic” designation from the National Register of Historic Places, which may be required to obtain and maintain flood insurance in the towns of Wilmington and to enable the town of Wilmington to be eligible for certain grants.

The applicants within the flood plain are responsible for compliance with all town of Wilmington Flood Hazard regulations as well as any requirements of the agency of Natural Resources as stipulated in their Flood Hazard review.

The applicant is responsible for obtaining any and all applicable state and local permits as defined by the Agency of Natural Resources Permit Specialist and as required by law.

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

Peter Wallace

Wendy Manners

Sybil Idelkope

Meg Streeter

Debby Dorsett

OPPOSED:

None

For the Board: Peter Wallace, Chairperson

Date: 00/00/2014

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.