

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: **Renee Galle and Vincent Gubin**  
Owner/Applicant(s) Mailing Address: **P.O. Box 295 Wilmington, Vt. 05363**  
Address of the subject property: **4 North Main Street - Wilmington, Vermont 05363**  
Tax Map #**021-20-033.000**

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

**Case #: 2015-001**

**Description of Case per Public Notice:**

Application # 2015-001; Owner: Red Hen & Grey Goose, LLC; Agents: Renee Galle & Vincent Gubin. Application is being made for a conditional Use review to allow establishment of a restaurant in the Village zoning district (Historic Review District); Sections 270 B(4) & 320 A; location: 4 North Main Street.

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: **1/14/2015**

Public hearings were held on: **02/02/2015**

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 3/5/15.**

**The Approval expires on 9/5/15.**

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.)

Jerry Osler, Abutter

## **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 (nine pages)

A Abutters List

B Fee Schedule

C DRB case 2012-093, Signed and Dated 09/10/2012

1. The subject property is in the Village zoning district/Historic District of the Town of Wilmington. The property is identified as Tax Map 021-20-033.000
2. Vincent Gubin spoke for the Application.
3. Subject property was approved by the Wilmington DRB on 09/10/2012 for use as a 109 seat restaurant with a one year expiration date, case #021-093.
4. The Applicant testified that no changes have been made to the original approved permit.
5. The Applicant testified that the project is coming to a close and will be in operation soon.
6. Abutter Jerry Osler (Co-Owner of the Red Mill) testified that for his permitted 175 seats he provides parking for 52 vehicles. Mr. Osler also asked for clarification on service periods and hours of operation. The Board noted that in the Wilmington Historic District parking is not a Performance Standard, Section 340 F.

## **The Board CONCLUDES:**

Restaurant is a Conditional Use in the Village zoning 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.

**Will the proposed Conditional Use have an undue adverse effect on the capacity of existing or planned community facilities?** No.

Municipal sewer has been allocated and the building will continue to be a centerpiece in the Wilmington Historic District.

**Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** No. The building is on the corner of Route 9 and 100. Parking is not a factor as per Section 340 F in our town bylaws.

**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 Village zoning district is to encourage clustered economic development.** No.

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

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

## **Conditions:**

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

As found in case #2012-093

1. That noise from the live entertainment shall be contained within building and not project onto the street.
2. That the restaurant is in full compliance of all requirements of the Vermont Department of Labor and Industry, including fire safety standards.

The Development Review Board does **approve** the application for Conditional Use review to allow commencement of Restaurant in the Commercial District.

**If unused, this Approval expires 6 Months 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  
Meg Streeter  
Debby Dorsett

OPPOSED:

None

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For the Board: Peter Wallace, Chairperson

Date: 2/5/2015

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.*