

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: **Wilmington School District**

Owner/Applicant(s) Mailing Address: **1 School Street - Wilmington, Vermont 05363**

Address of the subject property: **1 School Street - Wilmington, Vermont 05363**

Tax Map #**021-22-026**

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

**Case #: 2015-063**

**Description of Case per Public Notice:**

Application # 2015-063; Owner: Wilmington School District. Application is being made for a change of use in the former high school building to allow a Mixed use/Multi business facility. Village zoning district; Section 270 B & 320; location: 1 School Street.

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

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

Public hearings were held on: **08/03/2015**

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 \_\_\_\_\_.**

**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.)

## **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 (six pages)

A Abutters List

B Fee Schedule

C Floor Plan as drawn by Broadloaf Architects (2 pages)

1. The subject property is in the Village District of the Town of Wilmington. The property is identified as Tax Map 021-20-026
2. Dennis Richter gave testimony for the application.
3. Kathy Lartson gave testimony for the application
4. The subject property was most recently the High School for the residence of Wilmington.
5. Applicant testified that the school district would like to attract tenants under the heading of Mixed-Use and Multi Business Center to rent space in the new portion of the building to off set associated costs of maintaining the building.
6. Applicant testified hours available for proposed tenants would be 7 A.M. until 10 P.M.
7. Applicant testified that parking would be available in the current parking lot that has space for 50+- cars.

### **The Board CONCLUDES:**

Multi business facility/ Mixed use is a Conditional Use in the Village 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 and water is currently connected to the building

**Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** No. The building is off of Route 9 and provides adequate parking and egress.

**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.** 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.

1. Parking requirements will be addressed as per type of tenant addressing Section 340 F: Parking

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 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.

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.

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

Tim Hall

Alan Taylor

Debby Dorsett

OPPOSED:

None

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For the Board: Peter Wallace, Chairperson

Date: 00/00/2015

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.*