

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: **Lizandra, LLC**

Owner/Applicant(s) Mailing Address: **801 North Main St. Ext.; Wallingford, CT 06492**

Address of the subject property: **Gatehouse Trail aka South Access Road**

Tax Map: HSPOWDHN-LND

A copy of the request is filed in the office of the Board and is referred to as: **Case # 2015-122**

Description of Case per Public Notice:

Application # 2015-122; Owner: Lizandra, LLC. Agent; Michael A. Kimack. Application is being made for a Conditional Use in a Planned Unit Development to construct six buildings, three (3) with six (6) units per building and three (3) with seven (7) units per building. Resort-Commercial/Residential district, Sections 270 €. 320, 330, 335 & 340; location: Powderhorn Village off from Gatehouse Trail.

Notice for a public hearing was published in the Valley News on: **December 4, 2015**

Notice was posted in three public places on: **December 4, 2015**

A copy of the notice was mailed to the applicant on: **December 4, 2015**

A copy of the notice was mailed to the abutters on: **December 4, 2015**

The public hearing was held on: **December 21, 2015 and the continuance date was January 18, 2016**

Site Visit was conducted on December 29, 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: March 17, 2016

Approval expires on: February 17, 2018

In *addition* to the Applicant/Agent the following persons, heard by the Board in connection with this request, were determined by the Board to be “interested persons”: Copies of this decision have been mailed to those persons listed below.

Jim Barnes of Hermitage Inn Real Estate Holding Co. LLC; PO Box 2210; Dover, VT 05356

Mary Tarinelli of Mirror Lake Project; Wilmington, VT

Craig Ohlson Zoning Administrator

The following Exhibits were placed in evidence by the Applicant or Interested Person:

- Application
- Abutters list
- Exhibit A Powderhorn Development Phase 23 November 2015
- Exhibit B Powderhorn Plot Plan 1 December 2015
- Exhibit C Powderhorn Plot Plan 15 January 2016

I. The Board FINDS the following:

- The subject property is known as Powderhorn Village constructed in 1987-88. It currently has four (4) buildings with 26 units; three (3) buildings along Haymaker Lane with carports and parking spaces and one(1) off Dutchman Lane with carport and parking spaces.
- The applicant is requesting to construct six buildings, three with six units and three with seven units for a total of 39 units.
- The applicant is requesting to build for each building a carport sufficient to accommodate one vehicle per unit.
- The applicate driveway for units (7,8 and 10) will be served by an existing driveway that serves the existing pump station. This driveway will be upgraded and extended to serve the three buildings with a length of 830 feet. The proposed buildings: Upper units (1,2 and 3) will be served by a driveway off Dutchman Lane at 810 feet in length.

- **The Board CONCLUDES:**

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:

Section 320: Conditional Uses, Standards and Procedures

A. General Standards for Conditional Use: The Development Review Board shall require that the proposed Conditional Use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities:
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the Ordinance and the Town Plan:
3. Traffic on roads and highways in the vicinity:
4. By-laws and ordinances in effect at the time:
5. Utilization of renewable energy sources:

The existing four buildings in the Village do not have an existing community and none is planned. The buildings in Phase II will retain the profiles as presently exists with similar color tones. The proposed project will add little traffic to the area. The proposed buildings will meet or exceed State standards for new construction.

B. Specific Standards for Conditional Use: The Development Review Board shall require that, where applicable, Conditional Uses shall meet the following standards:

1. General Performance Standards of this Ordinance – See Article III, Section 340
2. Flood Hazard Regulations – Article VIII

Not Applicable

C The area, dimensional, density, and coverage standards for the district in which the proposed Conditional Use will be located shall be considered. The stated purpose of the District in which the Conditional Use will be located shall also be considered (See Article II)

The plan conforms to the original PUD submitted in 1987

D. Provisions shall be made for maximum traffic and parking safety et al.

Traffic will not change and there will be two parking spaces for each unit

E. Provision shall be made for snow removal, maintenance of parking areas and internal roads.

This is the responsibility of Powderhorn Homeowners Assoc.

F. Landscaping and screening et al.

The existing site provides significant natural screening.

G. In granting a Conditional Use Permit, the Board may attach conditions et al.

Not applicable

H. The Board may require an applicant for Conditional Use review to pay the reasonable costs of an Independent Technical Review et a.

Not Applicable

I. Any substantial alteration, extension or other change to an existing Conditional Use shall require application to the Development Review Board under the requirements of this section

Not Applicable

Section 335: PUD Standards and Requirements

A General Standards for a PUD

Section 1, 2, 3 4 5.

The development is all consistent with these Sections

6. The cumulative effect of a phased PUD shall not cause transportation networks, municipal facilities or other public services to be unduly burdened.

The development is consistent with this section. One interested party Mary Tarinelli of Mirror Lake Project; Wilmington, VT concerned about the future ability of Power and Water and this is outside of the DRB's purview

Section 7, 8, and 9

The development is all consistent with these sections

B PUD Requirements

1. Building Setbacks

a. Buildings abutting the perimeter of the PUD parcel shall have a setback of at least 50 feet from the lot line of the PUD.

Interested Party Jim Barnes of The Hermitage was concerned about the carports abutting to close to Stags Leap development. All of the garages abutting Stags Leap are at least 50 feet from property line. The set back on Building 7 is 42 ft. from the existing road and its relation to wetlands. By prior approval on Case # 2013-044 Hermitage Inn with the same issue, Building 7 is approved.

Sections 1 b, c, d, e, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

All matters addressed elsewhere or not applicable.

Section 340: General Performance Standards (for Conditional Uses and PUDS)

This section has been addressed elsewhere in the conclusion and/or not applicable.

The Development Review Board **approves** the application for the development of additional buildings at Powderhorn Village

If unused, this Approval expires two 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.

Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

Allan Taylor

Tim Hall

OPPOSED:

None

ABSTAINING:

None

For the Board: Peter Wallace, Chairperson

Date: February 17, 2016

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.

