

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: **Honora Winery & Vineyard**

Owner/Applicant(s) Mailing Address: **PO Box 458, Jacksonville VT, 05342**

Address of the subject property: **211 VT Rte. 9 East, Wilmington, VT 05363**

Tax Map #**021-22-063.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2015-123

Description of Case per Public Notice:

Application # 2015-123; owner: Honora Winery & Vineyard. Application being made for Conditional Use review to allow to establish uses consisting of a Brewpub/ Brewery, Restaurant and Retail at an existing structure. Commercial/ Residential zoning district; Sections 270 (D) & 320; location: 211 VT Rte 9 East.

Notice for a public hearing was published in the Valley News on: **12/3/2015**

Notice was posted in three public places on: **12/3/2015**

A copy of the notice was mailed to the applicant on: **12/3/2015**

A copy of the notice was mailed to the abutters on: **12/3/2015**

The public hearing was held on: **12/21/2015 and 01/4/2016**

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: __03/2/2016

In *addition* to the Applicant / 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.)

Adam Grinold, abutter
Ken March , fire chief

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 (seven pages)
- A Proposal summary (two sheets)
- B Lighting specifications for interior and exterior lighting (two sheets)
- C Act 250 Energy Guidelines for lighting systems (two sheets)
- D Abutters List
- E Case Summary

- F Plan set by Savoy Engineering for Honora Winery
 - Sheet 1 Plot Plan dated 4-18-05
 - Sheet 2 Site Layout dated 4-18-05
 - Sheet 3 Site Layout and Parking Plan, dated 12-15-15
 - Sheet 4 Water Supply and Wastewater Plan, dated 01-18-05
 - Sheet 5 Wastewater Plan details
 - Sheet 6 Front Elevation View
- G Parking Space Calculations (3 pages)
- H Wastewater System and Potable Water Permit, dated 4-18-2005 (4 pages)

1. The subject property is in the Commercial District of the Town of Wilmington. The property is identified as Tax Map 021-22-063.000.
2. In DRB Case #899 Honora Winery applied for and received approval to reconstruct on the original footprint a series of connected barns on the subject property. The exterior construction was completed. However, not all the interior work was completed. It also applied and received approval to have a wine tasting room, retail sales, manufacturing and one apartment. None of these uses was ever started and the property is presently unoccupied.
3. In DRB case #2011-080 Honora Winery applied for and received approval for retail, restaurant and artist co-op at existing structure. None of these uses was ever started and the building is presently unoccupied.
4. The subject building has four main areas. For the purposes of this application, the eastern-most part of the building will be identified as Barn 1. It has three levels and will have an entrance. The next area located to the west will be identified as Barn 2. In front of this area is a covered patio measuring approximately 20 by 60 feet. The next area will be identified as Barn 3. It measures approximately 41 by 82 feet. The western-most area will be identified as Barn 4. It measures approximately 42 by 77 feet and has three levels. The total square footage for all parts of the building is approximately 22,000 square feet.
5. The Applicant stated that the exact areas for the proposed uses are unknown at this time. Interior walls still need to be constructed and, at this point, no firm contracts have been signed. However, the Applicant stated that the general areas for the various uses will be as follows:
 - Barn 1 – This area will contain a one bedroom apartment on the upper level, brew pub/restaurant and kitchen on main level with seating for up to 36 persons. Lowest level may possibly be used as state tourism space.
 - Barn 2 – This area will be the wine and beer tasting area with associated retail sales. The patio area may have seating and will comply with ADA standards.
 - Barn 3 – This area will contain the brewery and retail.
 - Barn 4 – The lower level use is unknown. The second level may be available for classes and/or work space. The top level will be accessory uses such as storage and office space.

There would be an average of eight employees on site at any one time. The building will be open seven days a week. There will be business hours from 11 am to 1 am.
5. There will be beer manufacturing on site.
6. Parking: There is currently sufficient parking for 44 cars. These areas may be graveled or covered in “surepak”. The owner identified parking needs as 12 for 36 seat pub/restaurant, 9 for tasting room/retail space, 2 for manufacturing employees, 2 for apartment, 2 for ADA and 6 for other employees. Total required 33 for specified uses.
7. Lighting: There will be exterior lighting on Barn 1. The lights will be turned off when the businesses are closed and then be on motion detectors. There will also be smaller lighting fixtures by the entrances. The parking areas will have pole lights with “cut off” fixtures. The poles will be about 14 feet tall. The smaller parking area will have approximately two light poles and the larger area will have approximately eight poles.
8. Access to the subject property will be an existing driveway located toward the eastern property line. The driveway will comply with requirements of AOT (Exhibit G). There is a second smaller driveway at the western end of the property but this driveway is a right of way to the abutting property and will not be used for access to the barns. Adam Grinold voiced concern about patrons entering his private drive and his being able to continue using driveway past barn due to safety issues.
9. Owner spoke of current well having capacity for 55 gallons per minute. There was discussion about tying into the town aquifer, as the sprinkler system may exceed this.

10. Details as to capacity for septic system were yet to be worked out. It appears that the capacity of existing system can handle 400 gallons per day, while the need may be 1000 gallons per day. There was some talk about the possibility of tying into town sewer system also. Owner will continue to work with necessary agencies to meet requirements.

II. The Board CONCLUDES:

The single family dwelling/apartment is a Permitted Use and does not need review by this Board.

The approval for the uses in DRB Case #2011-080 has expired.

Retail, Pub/Restaurant and Brewery are Conditional Uses in the Commercial District and require 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:

- A. **Will the proposed Conditional Use have an undue adverse effect on the capacity of existing or planned community facilities?** No. There should be little impact on community facilities.
- B. **Will the proposed Conditional Use have an undue adverse effect on traffic on roads and highways in the vicinity?** No. The property is on a busy State highway. Any additional traffic will be easily handled. The driveway will meet AOT standards.
- C. **Will the proposed Conditional Use 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. It is in a commercial area with other commercial properties in the immediate area.
- D. **Will the proposed Conditional Use comply with specifically stated policies and standards of the Town Plan?** Yes.
- E. **Will the proposed Conditional Use comply with other sections of the Zoning Bylaw?** Yes.

III. CONDITIONS:

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

1. The driveway shall meet the specifications laid out by the Agency of Transportation. The driveway at the western end of the property shall not be used as access to the barns.
2. Any large exterior lighting including pole lights in the parking area shall be turned off within an hour of close of business. Motion sensors may be used. All lighting shall be downcast.
3. All ANR and Act 250 approvals must be granted before construction shall commence.
4. Approval is for Barns 1,2 and 3. Further expansion and use will require returning to the DRB for approval.

Thus, the Development Review Board does **approve** the application for **Conditional Use review to allow commencement of Retail Sales, Classrooms, Restaurant and Wine Tasting operation in the Commercial 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.

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

Peter Wallace
Timothy Hall
Allen Taylor
Debby Dorsett

OPPOSED: None

For the Board: Peter Wallace, Chairperson Date: _____

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.