

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: **Isabelle Alvarado - WMRE Holdings LLC**

Owner/Applicant(s) Mailing Address: **P.O. Box 669 Wilmington, Vt. 05363**

Address of the subject property: **20 West Main Street - Wilmington, Vermont 05363**

Tax Map **#020-20-080.000**

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

Case #: 2014-034

Description of Case per Public Notice:

Application # 2014-034; owner: Isabelle Alvarado. Application being made for Flood Hazard, Historic District Review to allow the deck to be made handicap entrance/exit, move deck stairs to new location, create boardwalk 5'8" wide, adjust roof pitch, open timber frame and french door entry, replace windows and doors; Flood Hazard Area Regulation Sections 804 & 811 and the Zoning Ordinance Section 630 and 7, 9; location: 20 West Main Street.

Notice for a public hearing was posted in three public places and was published in the Valley News on: **3/21/2014**

A copy of the notice was mailed to the applicant and to the abutters on: **3/21/2014**

The public hearing was held on: **5/19/2014**

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 mailed to those persons listed below as having been heard.)

Adam Grinold,

- **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 (Eleven pages)

- A Attachment 1 - Planned work
- B Exhibit A - Proposed Handicap access from deck
- C Exhibit B - Proposed moving of deck stairs from side to back of deck
- D Exhibit C - Proposed Boardwalk to run full length of building and deck, 5'8" wide to match boardwalk on other side of driveway.
- E Exhibit D - Change side entrance by changing Roof Pitch, Open timber frame and french door entry. Stairs from both sides from boardwalk
- F Exhibit E - Replace windows and 3 doors with Marvin 6 over 6 simulated divided light aluminum or vinyl or wood clad windows. The doors will be a set of french doors and 2 - 36" exterior doors. Doors and 7 windows will have historical appearance.
- G Exhibit F - Letter from Scott Murphy, Town Manager regarding concerns over proposed boardwalk.

1. The subject property is in the Flood Hazard District, the Historic Review District and the Village District of the Town of Wilmington. The building is known as DCD #56.

2. Subject property was most recently a restaurant.

3. The Applicants are requesting a permit for the following work.

A. Existing deck on East side of building to be brought to state code, ADA compliant for handicap accessibility.

B. Move rear deck stairs from side to back and create an exit only status.

C. Change West side entrance to a french door with exposed open timber frame with converging stairways

D. Create boardwalk along public drive on West side of building up to property line, leaving 19' of roadway.

E. Replace windows and doors with Marvin simulated divided light aluminum or vinyl or wood clad. Doors will be 36" and all will have historical appearance.

• **The Board CONCLUDES:**

1. Based on Section 320 article D and E that states, Provisions shall be made for maximum traffic and parking safety. Particular consideration shall be given to visibility at intersections, pedestrian safety and convenience and access in case of emergency. Provision shall be made for snow removal, the maintenance of parking areas and internal roads.

Thus the Development Review Board does **not approve** proposed boardwalk on the West property line, but wants to encourage further development and discussion with the town as sidewalks are redesigned and the Town of Wilmington's safety hazard concerns and snow removal are addressed.

2. Based on section 620 article A. - 1, that states, Form Relationships - Style: New construction or renovations should be of similar historic architectural style to that found within the subject building

Subsection B2 Visual Appearance - Architectural Details: For new construction, architectural details characteristic of the particular architectural style proposed should be incorporated into the design. It is the intent to promote architecture of a traditional New England character in areas where design compatibility does not exist. Renovations should retain existing architectural details.

Thus the Development Review Board does **not approve** the style and character of the West side entrance with the open timber frame as that style is not found to be of character in the existing structure. The board would like to encourage a style more in keeping with existing architectural details in subject building. The revised plan shall consider pedestrian traffic to the parking lot so that people will not have to navigate new stairs.

3. The Development Review Board **does approve** of all window and door changes, handicap ramp access, and moving of stairs on rear deck.

• **CONDITIONS:**

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

1. That all construction of handicap access is to State of Vermont code, ADA compliant and approved by the Vermont Department of Public Safety, Division of Fire Safety.

2. Handicap ramp must not interfere with current existing sidewalk.

3. All new construction shall be adhered to Section 820 B. 1.

All Development - All development shall be reasonably safe from flooding and:

(a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood.

(b) constructed with materials resistant to flood damage,

(c) constructed by methods and practices that minimize flood damage, and

(d) contracted with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. A concerted effort shall be taken to preserve green space and add natural plantings as feasible.

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

Debby Dorsett

Wendy Manners

Paul Tonon

Fred Houston

OPPOSED:

A handwritten signature in black ink, appearing to be 'P. Wallace', is written over a horizontal line.

For the Board: Peter Wallace, Chairperson

Date: 6/6/14
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.