

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: **Robert Grinold**

Owner/Applicant(s) Mailing Address: **210 VT Rte 9 East, Wilmington, VT 05363**

Address of the subject property: **3 Larson Road, Wilmington, VT 05363**

Tax Map #**10-04-006.000**

A copy of the request is filed in the office of the Board and is referred to as:  
**Case #: 2014-007**

**Description of Case per Public Notice:**

Application # 2014-007; owner: Robert Grinold. Application being made for Subdivision review to allow division of a lot into four additional lots; Zoning Ordinance Section 300; location: 3 Larson Road.

Notice for a public hearing was published in the Valley News on: **2/14/2014**

Notice was posted in three public places on: **2/14/2014**

A copy of the notice was mailed to the applicant on: **2/14/2014**

A copy of the notice was mailed to the abutters on: **2/14/2014**

The public hearing was held on: **3/3/2014**

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 Environment Court.

**Appeal period for this Case expires on: April 9, 2014**

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.)

Alice Herrick, Zoning Administrator  
Arthur & Ellen Bailey, Abutters and Interested Parties  
Bruce & Barbara Cole, Abutters and Interested Parties

## EXHIBITS:

Application (two pages)

A Preliminary Site Plan by Trinity Engineering, 1/28/2014.

B Proposed 5 lot subdivision by John Dupras, 1/28/2014, no revisions.

C Abutters List

D Wastewater system and potable water supply permit ww-2-4604, Feb 24, 2014. (three pages)

E Overshadowing Locations (two pages)

### **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.

1. The subject property is in the Residential District of the Town of Wilmington. The 22 acre lot is improved with one Single-Family Dwelling and a garage.
2. The present single family dwelling is accessed from a driveway that comes off Larson Road. This driveway would become a 50 foot wide road access for all of the proposed lots. Each lot would abut the road and own a share of the road.
3. The Applicant is proposing to divide the property into five lots (Exhibit B):  
Lot 1 would be approximately 7.1 acres and have 615 feet of road frontage.  
This lot would contain the existing one family dwelling. This dwelling will meet required setbacks from the proposed property lines.  
Lot 2 would be approximately 3.1 acres and have 480 feet of road frontage.  
Lot 3 would be approximately 4.5 acres and have 597 feet of road frontage.  
This lot would contain the existing garage.  
Lot 4 would be approximately 3.8 acres and have 341 feet of road frontage.  
Lot 5 would be approximately 3.5 acres and have 157 feet of road frontage.
4. All lots have received wastewater system and potable water supply permits for one single family dwelling on each lot (Exhibit D).
5. Interested Parties Arthur and Ellen Bailey stated that the wastewater shield for Lot 5 extends onto their property (Exhibit E). Their well is not in this shield area and they are unlikely to put a well in that area. However, they do have concerns regarding run off. Both the Applicant and the Zoning Administrator stated that the State has done this with other properties and it is not against the law. The State has approved the plans.
6. Interested Party Barbara Cole asked general questions regarding the proposal.

## II. The Board CONCLUDES:

With regards to the request for a subdivision with right-of-way approval the Board concludes that this proposal **will** conform to the requirements of the Wilmington Zoning Ordinance and the following standards:

***Lot Size:** A lot used for such building or structure shall be at least one acre in area, except that accessory uses shall also be permitted on such lot.*

All of the proposed lots exceed 1 acre.

***Frontage:** Each lot which abuts upon a public road shall have at least one hundred fifty (150) feet frontage on such public road. No land development may be permitted on lots which do not have frontage on a public road or public waters or, with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width. [Subchapter 7, §4412(3)]*

All proposed lots have at least 150 feet along a permanent right of way that is greater than 20 feet.

The Board finds that:

1. The proposed setbacks for the existing Single-Family Dwelling will conform to the requirements of the Wilmington zoning bylaw.

## III. CONDITIONS:

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

1. That a Right-of-Way of at least 20 feet in width providing access to all of the new lots shall be included in the deed for the transfer of the each lot.
2. That a copy of the deed transferring each lot shall be submitted to the Zoning Administrator within 10 days of recording the deed in the Wilmington Land Records.
3. That the location of the new property lines, the lot sizes and the location of the access road shall be substantially as shown in Exhibit B.

Thus, the Development Review Board does **approve** the application for **Subdivision approval to allow creation of four additional lots, resulting in lots of 7.1 acres, 3.1 acres, 3.5 acres, 3.8 acres, and 4.5 acres in the Residential 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:

Nicki (Polly) Steel  
Sherry Brissette  
Sheila Osler

OPPOSED:

None

---

For the Board: Polly Steel, Chairperson

Date: 3/10/2014

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.*