

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: **Patricia Farrington of Honora Winery & Vineyard Inc. and Co-Applicant Anthony Lopez**

Co-Applicant's Mailing Address: **10 Old Coach Road, East Setauhet NY, 11733**

Owner/Applicant(s) Mailing Address: **1950 Collins Road, Brattleboro, VT 05301**

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

Tax Map #**21-22-060.000**

A copy of the request is filed in the office of the Board and is referred to as:
Case #: 2014-010

Description of Case per Public Notice:

Application # 2014-010; owner: Patricia Farrington of Honora Winery; co-applicant: Anthony Lopez. Application being made for Subdivision review to allow division of a 15.08 acre lot into two lots of 1.68 acres and 13.4 acres and merging each lot with an adjoining lot; Zoning Ordinance Section 300 & 305; location: 211 VT Rte 9 East.

Notice for a public hearing posted in three public places and was published in the Valley News on: **2/28/2014**

A copy of the notice was mailed to the applicant and to abutters on: **2/28/2014**

The public hearing was held on: **3/17/2014**

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.

The appeal period for this Case expires on: April 24, 2014.
The approval expires on: March 25, 2015

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
Merrill Mundell
Anthony Lopez

EXHIBITS:

- Application (two pages)
- A Property deed (four pages)
- B Proposed Subdivision Plan for Anthony & Jeanette Lopez by Merrill Mundell, Feb 4, 2014, no revisions.
- C Abutters List

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 properties are in both the Residential and Commercial/Residential Districts of the Town of Wilmington.
2. A lot owned by Honora Winery & Vineyard Inc. (Exhibit B) totaling 15.08 acres will be divided to create Lot #3A of 1.68 acres and Lot #3B of 13.4 acres.
3. Lot #3B will be merged with “The Barn Lot” (2.8 acres) currently owned by Honora Winery & Vineyard Inc. After merger, the total acreage will be 16.2 acres. The Barn Lot has road frontage of 650 feet on Vermont Rte 9 East.
4. The lots to be merged for purchase by Anthony and Jeanette Lopez from Honora Winery & Vineyard Inc. (Exhibit B) are Lot #3A, 1.68 acres and Lot #4, approximately 20 acres. This will provide a road frontage, also on Rte 9 East, of approximately 409 feet. Neither of these two lots has a structure on it.

II. The Board CONCLUDES:

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

1. The subject lots are almost entirely in the Commercial/Residential District with only a small portion at the rear of the approximately 20 acre lot in the Residential District.
2. In both the Residential and the Commercial/Residential Districts the minimum lot size is one acre. The minimum road frontage is 150 feet in the Residential District and 300 feet for commercial uses and 150 feet for residential uses in the

Commercial/Residential District. Both newly created lots will exceed one acre and will exceed the minimum road frontage for either residential or commercial uses.

3. Both newly created lots exceed the required lot depths.
4. A survey of the subject parcels, submitted by Merrill Mundell, P.E., meets all required criteria.

III. CONDITIONS:

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

1. That in order to comply with the Zoning Bylaw, approval of this proposal shall be conditioned upon merger of the 1.68 acre piece of Lot #21-22-060.000 with the adjoining property, Lot # 21-22-059.000, and upon merger of the 13.4 acre piece of Lot #21-22-060.000 with the adjoining property, Lot # 21-22-063.000 for tax and zoning purposes by filing new deeds with the Town Clerk which merges both pieces of the divided lot and that a copy of the revised deeds shall be submitted to the Zoning Administrator.

Thus, the Development Review Board does **approve** the application for **Subdivision (boundary adjustment) approval to allow a 1.68 acre piece to be merged with an adjoining lot (#21-22-059.000) and a 13.4 acre piece to be merged with an adjoining lot (#21-22-063.000) in the Commercial/Residential 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.

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: 3/25/2014

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.