

TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for permit was made to Board by: **Christian Engel and Jennifer Betit-Engel and Great River Hydro., LLC.**

Owner/Applicant(s) Mailing Address: **1549 Route 9 West, Wilmington, VT 05363**

Address of the subject property: **36 West Main Street**

Tax Map: **Parcel ID # 20-20-074.000**

A copy of the request is filed in the office of the Board and is referred to as: **#2022-018, #2022-019.**

Description of Case per Public Notice: Construction of a pedestrian ramp access Reardon Bridge

Application # 2022-018: Owner: Christian Engel and Jennifer Betit-Engel

Application #2022-019: Great River Hydro., LLC.

Agent: Gretchen Havreduk, Wilmington Economic Development Consultant

Application is being made for for the construction of a pedestrian bridge ramp to access Reardon Bridge.

Applicable Wilmington Code Sections:

Article II- 222, 223, 224, 226, 227, 228

Article IV- 420, 423, 440, 450 B

Article V – 511, 512, 530, 540

Article VI – 602, 603, 604, 606, 610 C, J

Article VII- 721, 722 B

Notice for a public hearing was published in the Valley News on: **April 14, 2022**

Notice was posted in three public places on: **April 12, 2022**

A copy of the notice was mailed to the applicant on: **April 14, 2022**

A copy of the notice was mailed to the abutters on: **April 14, 2022**

HEARING DATE: May 2, 2022

Appeal period for this Case expires on: June 16, 2022

Approval expires on: May 16, 2024

The following presented testimony as the applicant or on behalf of the Applicant or as an Interested Person:

Gretchen Havreduk – Town of Wilmington

Cory Freshee – Steven & Associates

Scott Tucker – Town of Wilmington

Matthew Cole – Great River Hydro., LLC.

EXHIBITS

The following Exhibits were placed in evidence by the Applicant or their Agent:

1. Notice of Hearing
2. Application for DRB Review (3 pages) #2022-018
3. Parcel Map (Engel/Betit-Engel)
4. Abutter List (2 pages)
5. Application for DRB Review (3 pages) #2022-019
6. Parcel Map (Great River Hydro)
7. Abutter List (5 pages)
8. Stevens and Associates Architectural Drawings (6 pages)
9. Photographs of Reardon Bridge
10. Images/photographs of river rock retaining walls (2 pages)
11. Previous Application for DRB Review – 2019 (3 pages)
12. Previous DRB Decision for case #2019-009 (11 pages)
13. Letter from John Broker-Campbell re: special flood hazard area requirements for Reardon Bridge dated 14 Mar 2017
14. Email communication from John Broker-Campbell dated May 2022
15. Stevens and Associates drawing indicating Compensatory reallocation
16. Floodway map

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 222 Conditional Uses

Section 223 Development Review Board Site Plan and Design Review

Section 224 Development Review Board Site Plan and Design Review Submission Requirements

Section 226 Development Review Board decisions

Section 227 Plan Changes after receiving a DRB decision

Section 228 State & Federal Permits & Development Review Board Decisions

Finding of Facts: Sections noted outline administrative procedures, definitions, role of the DRB, and responsibility of the applicant. Application was received containing all necessary documents.

Conclusion of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 420 Uses

Section 423 Conditional Uses

Section 440 Districts & District Requirements

Section 450 District Purposes & Descriptions

Finding of Facts: Subject property is in the Village district inside the Historic Design Review District.

Conclusions of Law: Applicant testified to understanding the requirements of this district. Article is met.

ARTICLE V: DESIGN REVIEW DISTRICTS

Section 511 Village Design Review District Boundaries

Section 512 Goals of the Village Design Review District

The site plan and design goals of the Village Design Review District are as follows:

- A. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving the visual character of the village
- B. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- C. To encourage maintenance of buildings and property, and support a visually attractive village for the pleasure of residents and visitors
- D. To encourage and support economic growth and prosperity within the community while maintain the visual character of the village
- E. To encourage public and private investment and to protect the interests of future generations.

These goals will be considered by the DRB when considering proposed development.

Section 530 Development Review Board Site Plan and Design Review Required on Design Review District Development

Section 540 Site Plan and Design Review Standards

Finding of Facts: Subject property is subject to Village Design Review District requirements.

Applicant testimony confirmed the project will support the goals of the Village Design Review District.

Conclusions of Law: This article is met.

ARTICLE VI: FLOOD HAZARD DISTRICT

Section 602: Lands to Which These Regulations Apply

Section 603: Development Permit Required

Section 604: Interpretation of Flood Hazard Area Boundaries

Section 606: Conditional Uses

Section 610: Development Standards

Findings of Fact: Proposed project has undergone review by ANR and the design has been approved.

Conclusions of Law: This article is met.

ARTICLE VII: STANDARDS

SECTIONS 721: CONDITIONAL USE - GENERAL STANDARDS

The proposed use shall protect against adverse effect on:

- A: The Capacity of Existing or Planned Community, Municipal or Educational Facilities**
- B. Traffic on Roads and Highways**
- C: Bylaws and Ordinances in Effect**
- D. Utilization of Renewable Energy**
- E. Air Quality**
- F. Character of the Area**

Findings of Fact: Applicant testimony confirms that these general standards are understood and will be maintained.

Conclusion of Law: General Standard is met with conditions.

SECTIONS 722: CONDITIONAL USE – Preserving the Character of the Town

Land development and Uses in all Districts shall preserve the character of town consistent with its rural and agricultural heritage, conforming to the following:

A. Economic Development Contributing to the Character of the Town:

Merchandise or services shall not detract from the historic character and nature of the town as a family destination for tourists and a family focused residential community.

Findings of Fact: Applicant testimony indicates that this project will enhance the economic development of the town and preserve the character.

Conclusion of Law: Conditional use is met.

CONDITIONS:

The application for development is Approved, with the following conditions, restrictions, requirements, limitations and specifications.

1. Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with testimony and plans provided. Any changes to the plans will require an administrative approval from the Zoning Administrator and/or a review by the Development Review Board, in conformance with the ordinance.
2. According to testimony, the proposed design meets all standards of the Agency of Natural Resources (ANR).
3. During and after construction the town shall inspect the structure to verify that it was built to the dimensions proposed and development in the floodway was completed using ANR approved plans.
4. Ramp construction shall employ standard construction practices to ensure stormwater runoff is managed so as to prevent erosion and destabilization of the riverbanks during construction.
5. Ramp construction shall not permanently alter stormwater runoff or cause erosion.
6. The construction site shall be managed so as to ensure pedestrian and vehicular safety

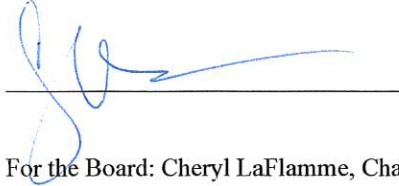
- throughout the construction process.
7. Ramp construction shall not take place before the hours of 8AM or after 8PM, and will not occur on the weekends.
 8. Ramp development shall meet all Flood Fringe Area requirements outlined by the Agency of Natural Resources and the requirements of the National Flood Insurance Program (NFIP), ensuring the development is “reasonably safe from flooding” and in no way jeopardizes the availability of NFIP insurance in the town of Wilmington.
 9. The metal railing shall be powder-coated to match the green of the existing bridge.
 10. Traffic calming methodologies (those currently in place or others as appropriate to achieve slowed traffic) shall be employed consistently and in perpetuity on route 9 west of the proposed development area to ensure a safe pedestrian environment.
 11. The town will work with the state to ensure that state traffic signs do not present pedestrian safety or visibility issues.
 12. Traffic and parking areas at 36 West Main Street will be differentiated from pedestrian areas to ensure pedestrian and vehicular safety.
 13. According to testimony, three (3) parking spaces will be available.

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

Cheryl LaFlamme
Charles Foster
Justin Linder
Chrystal Holt

OPPOSED:

ABSTAINING:



A handwritten signature in blue ink, appearing to be 'CL', is written over a horizontal line.

Date: 5/17/2022

For the Board: Cheryl LaFlamme, Chairperson

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.
