

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: **18 N. Main – 2022, LLC**

Owner/Applicant(s) Mailing Address: PO Box 216, West Orange, NJ 07052

Address of the subject property: **18 N. Main Street, Wilmington, VT**

Tax Map: parcel # **02120023.000**

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

Description of Case per Public Notice

Application # 2022-090:

Owner: 18 N. Main – 2022, LLC

Address: 18 North Main Street

Agent: Chrystal Holt

Proposal: Conditional Use from an Inn, Restaurant, and Office use to an Inn, Retail, and Brewpub use within the Village District. Underlying zoning to remain Mixed-Use.

Applicable Code Sections:

Article II- Sections: 222, 226, 227, 228

Article IV- Sections: 420, 423, 424, 425, 426, 440, 450 B.

Article V- Sections: 500, 512, 521, 522, 530, 540

Article VI- Sections: 602, 603, 604, 606, 610 C

Article VII- Sections: 721, 722 B, 730 A, C, H, L

Notice for a public hearing was published in the Valley News on: **

Notice was posted in three public places on: *

A copy of the notice was mailed to the applicant on:

A copy of the notice was mailed to the abutters on:

Appeal period for this Case expires on: _____

Approval expires on: _____

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

Chrystal Holt

Brian Holt

Mike Eldred

Carolyn Palmer

John McLeod
MaryAnn McLeod
Jerry Osler
Sheila Osler
Betty Butchko

EXHIBITS

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

1. Notice of Hearing
2. Application (3 pages)
3. List of Abutters (2 pages)
4. Interior plans (3 pages)
5. Photographs of current building exterior and interior (7 pages)
6. Proposed exterior lights (4pages)
7. Valley Craft Ales Layout V1
8. Wilmington Wastewater Treatment Plant allocation dated 3/20/2018
9. Parcel Viewer 18 N. Main Street, Wilmington with abutters (3 pages)
10. Survey Guy C. Hawkins dated June 1959
11. Survey dated 1964
12. Letter dated 1/21/2008 from Wilmington Zoning Administrator regarding 3 N. Main Street
13. Vermont ANR Floodway Map (2 pages)

SYNOPSIS

Applicant proposes a change of use to Inn, Retail and Brewpub/restaurant within the Village District. Underlying zoning will remain Mixed-use.

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 222 Conditional Uses

Section 226 Development Review Board Decisions

Section 227 Plan Changes after Receiving a Development Review Board Decision

Section 228 State and Federal Permits and Development Review Board

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 424 Secondary Uses

Section 425 Uses Not Allowed

Section 426 Uses Not Provided For

Section 440 Districts and District Requirements

Section 450 B District Purposes and Descriptions- Village District (VIL)

Finding of Facts: Subject property is within the Village district (Section 450 B). The property is identified as Tax Map: parcel # **02120023.000**. The primary use is currently Mixed-Use as Inn, Restaurant and Office.

Conclusion of Law: This is an approved Conditional Use with approval from DRB within the Village district. Article IV is met.

ARTICLE V: DESIGN REVIEW DISTRICTS

Section 500 Authority

Section 512 Goals of the Village Design Review District

Section 521 Historic Design Review District Boundaries

Section 522 Goals of the Historic Design Review District

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 falls within the Historic Design Review District Boundaries.

District by promoting the use of the buildings and property in a manner that benefits the community. Article V 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 C Non-Residential Development

Finding of Facts: According to ANR floodway map, the subject property falls within the 0.2% annual chance of flood hazard area.

Conclusion of Law: Article VI is met.

ARTICLE VII: STANDARDS

Section 721 Conditional Use- General Standards
Section 722 B Conditional Use- Preserving the Character of Town

Section 721: General Standards

The proposed use shall protect against undue adverse effect on:

- A. The capacity of existing or planned community, municipal, or educational facilities
- B. Impact on traffic, roads, highways, transportation systems, pedestrian walkways in the vicinity.
- C. By-Laws and ordinances in effect at the time
- D. Utilization of renewable energy resources
- E. Air Quality
- F. The character, aesthetics, and scenic value of the neighborhood and area affected

Findings of Fact: Applicant testifies that no undue adverse effects shall arise from approval of this application. Based on testimony and proposed use, the DRB finds no areas of concern regarding these general standards.

Conclusions of Law: This General Standard is met.

Section 722: Conditional Use- Preserving the Character of the Town

B. Economic Development Contributing to the Character of the Town-

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

Finding of Facts: Proposed change of use allows the town's building to be used in a way that promotes the character of town and also meets community needs. It encourages the shared use of a town building, which supports economic development in our town.

Conclusions of Law: Standard 722 B is met.

Section 730 Specific Standards

The proposed use shall protect against undue adverse effect on:

- A. Lighting and Glare
- B. Safety
- C. Traffic and Pedestrian Safety
- H. Wastewater and Potable Water
- L Flood Hazard Protection

Findings of Fact: Applicant provides new lighting design for the outside of the building and the sign all of which meet required standards. Applicant provides testimony and exhibits that the building has necessary potable water and wastewater approval. Applicant testifies that no undue adverse effects shall arise from approval of this application. Based on testimony and exhibits provided, the DRB finds no areas of concern regarding these specific standards.

Conclusions of Law: These Specific Standards are 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 Exhibits and the testimony 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. The Zoning Administrator will be provided with copies of potable and wastewater permits
3. All food and bar service will be within the hours of 12 – 8 daily inside and outside.
4. Any live entertainment will be contained within the interior of the building to limit residual noise.
5. The applicant agrees to discourage loud noise which could disturb the abutters.

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.

Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

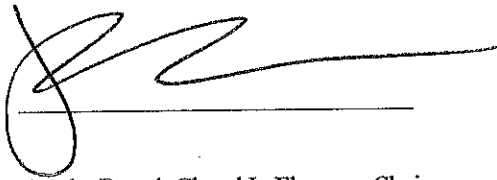
Justin Linder
Diane Abate
Cheryl LaFlamme

OPPOSED:

None

ABSTAINING:

None



Date: 10/3/2022

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.