

**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: Happy Haven Properties, LLC – Mary and Kevin Sheehy

Owner/Applicant(s) Mailing Address: 14 Sleepy Hollow Road, Ho-Ho-Kus, NJ 07423

Address of the subject property: 27 Happy Haven Road, Wilmington

Tax Map: #00602094.000

A copy of the request is filed in the office of the Board and is referred to as: **#2022-105**

**Description of Case per Public Notice:**

Application is made for addition of one-car garage, deck and front porch. Requires set back variance on the East.

**Applicable Wilmington Code Sections:**

Article II -Sections: 222, 223, 224, 226, 227, 228, 234

Article IV –Sections: 440; 450 C

Notice for a public hearing was published in the Valley News on: **November 17, 2022**

Notice was posted in three public places on: **November 10, 2022**

A copy of the notice was mailed to the applicant on: **November 10, 2022**

A copy of the notice was mailed to the abutters on: **November 10, 2022**

**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:

Kevin Sheehy

Timothy Severance

Jeffrey Goldstone on Zoom

**EXHIBITS**

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

1. Application - 4 pages
2. Hearing Notice

3. Abutters List
4. Goldstone Architects Preliminary 10 pages
5. Goldstone Architects memo with Additional Information Regarding Proposed Addition/Renovation at 27 Happy Haven Road
6. Town of Wilmington Tax Map

### **SYNOPSIS**

Applicant proposes to renovate the property addressing water damage and general disrepair of second floor and the addition of one-car garage.

### **ARTICLE II: ADMINISTRATIVE PROCEDURES**

Section 222 Land Development and Uses Requiring Development review Board Written Decision and Approval

Section 223-224 Development Review Board Site Plan and Design Review Submission Requirements

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 Decisions

Section 234 Dimensional Variances Granted by the Development Review Board for other than Renewable Energy Resource Structures

**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.

**Conclusions of Law:** Article II is met.

### **ARTICLE IV: DISTRICTS & USES**

Section 440 Districts and District Requirements

Section 440 C District Purposes and Descriptions Residential

**Finding of Facts:** Subject Property is in the Residential District.

**Conclusions of Law:** Article IV is met.

### **Dimensional Requirements for this District**

**Finding of Fact:** Property is an undersized lot and as such the zoning allows set back reductions in proportion to the lot size provided that the side yard setback is not less than 10'.

**Conclusions of Law:** Due to site constraints, namely the location of septic tank, leach field, topography and a small lot there does not appear to be a feasible option to relocate the garage or reduce the side yard encroachment in order to meet the 10' minimum. The garage size, location and alignment are bound by existing constraints and, as presented, the design demonstrates the best solution. It is noted that the encroachment within the 10' setback is marginal, This appears to be a solution that will improve the usability of the property and does not adversely affect the adjoining property provided the conditions 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 5, 6, 7 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. Since a small portion of the garage sits within the 10' setback, new construction of garage must have one hour rated fire protected walls and windows the entire length of the wall adjacent to the side yard..

The applicant is responsible for obtaining all state and federal permits.

**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:

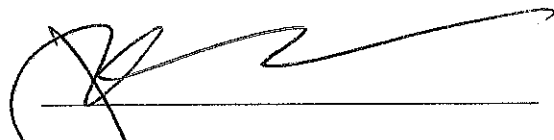
Diane Abate  
Cheryl LaFlamme  
Paul Lockyear

OPPOSED:

None

ABSTAINING:

None

  
\_\_\_\_\_

Date: \_\_\_\_\_

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 VREC 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.*