

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

A request for permit was made to the Board by: Cozy VT Properties LLC/Chris Brown

Owner/Applicant(s) Mailing Address: PO Box 1261, Wilmington VT
Address of the subject property: 37 West Main Street, Wilmington VT

A copy of the request is filed in the office of the Board and is referred to as: #2022-114

Description of Case per Public Notice: Date of Hearing April 17, 2023

Application # 2022-114: Owner: Cozy VT Properties, LLC c/o Chris Brown

1. Application is being made for permit #2022-114 for a Change of Use and exterior additions at 37 West Main Street (Parcel ID 20-20-63), by Cozy VT Properties LLC/Chris Brown. This permit requires Development Review Board approval as it is within the front setback area and requires a waiver, design review of the exterior updates, as well as Conditional Use permission for the proposed uses: multi-unit dwellings, lodging, storage, and retail in the Village District with a Historic Design Review District overlay.
2. Summary: The subject building at 37 West Main Street is listed in the National Register of Historic Places and was constructed in the 1840's in a vernacular Greek Revival style. The original portion is a 1 ½ - story gable -front structure with a molded cornice which returns at the gable surrounds with two windows in the gable peak with 2/2 lights and plain surrounds. The second portion of the building was built sometime after and is also 1 ½ stories with dormers and 2/2 lights with plain surrounds. The entire building is sheathed in board and batten siding. The property is in the historic district and is a historic structure.
The applicant/owner is looking to keep the exterior of the building the same with the following added elements; new windows and doors to match the historic profiles and look of existing doors and windows and new entry overhangs at entry doors. The applicant as noted above is also looking for conditional use permission for (2) studios, (2) One Bedrooms and (1) 3 Bedroom apartments. Two units will be used for short term lodging and three long term rentals. In addition, there will be a small retail area and a storage/garage for painting supplies both of these uses are allowed uses in the district.

Include but are not limited to the following Wilmington Code Sections:

Article II- 222, 223, 224, 226

Article IV- 450

Article V: 500, 510, 520, 530, 540

Article VI: 602, 604, 606, 608, 609, 610

Article VII- 710, 720, 721, 722, 723, 730

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

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: XXX

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:
Chris Brown

EXHIBITS

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

1. Notice of Hearing
2. Application (3 pages)
3. Existing & Proposed Interior floor plans Ground & 1st floor (4 pages)
4. Proposed Sample of Exterior Canopy (1)
5. Parcel Lines – Building Locations Flood Zone (2 pages)
6. Photo Images – Interior Demo / Exterior (5 pages)
7. Abutter list
8. Abutter notice
9. Warning of Hearing

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 222 A. Conditional Uses: 1, 3, 4 and 5

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

Finding of Facts: This standard has been met, all exhibits have been received & verified.

Conclusions of Law: Article II is met

ARTICLE IV: DISTRICTS & USES

District:

- VIL = Village

In addition, these three (3) zonings overlays apply:

- HDRD = Historic Design Review District (Article V)
- VDRD = Village Design Review District (Article V)
- FLOOD = Flood Hazard Area Regulations (Article VI)

Section 450: District Purposes and Descriptions

Village District (VIL)

1. Purpose: To retain the character of the existing village, provide for future residential and commercial development through historically appropriate Structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

Development and reconstruction shall reflect the character and ambiance of the historic village.

Building Structures will be reflective of the historic nature of the town.

The Historic Design Review District, as defined in Article V, is included in this district. Some of the parcels in the village are also subject to the Historic Design Review District Guidelines in Article V.

Site Criteria – Village District inside the Historic Design Review District:

Density Limits	Unlimited
Structures/Uses Per Lot	Unlimited
Dimensional Requirements - New Lots	
Minimum Lot Size:	1/8 acre
Minimum Lot	40 ft

Frontage:	
Structure Height (Max):	38 ft to the highest point of the ridge line All Structures over 24 feet from average grade to the eave line or 38 feet to the ridge line are subject to Development Review Board written decision and approval. *
Setback-Front (Min):	0 ft Measured from edge of the actual or proposed road right-of-way to the dripline for 0 setback
Setback-Side/Rear (Min):	0 ft Measured from the dripline.

Allowed Uses: (no zoning permit needed)

Lodging (i.e.: Short-Term Rentals) with less than or equal to two (2) Guest Bedrooms, **with an operator living on site**, (see Wilmington's Bylaws, Article X)

Conditional Uses, Village District: (Requiring Development Review Board written decision and approval and a zoning Permit)

Lodging > two (2) guest rooms: The rental of bedrooms for overnight accommodations. Meals may be provided to the general public.

Retail Business: A business delivering goods or providing services to the public.

Dwelling, Multiple-Family: A building containing separate dwelling units for three (3) or more families having separate or joint entrances, services, or facilities.

Mixed Use: Any combination of Permitted or Conditional Commercial and Residential Uses allowed in the district.

- Retail Business
- Storage (Paint)
- Dwelling, Multiple Family (2) two bedrooms & (1) 3 Bedroom apartments)
- Lodging (2 studio units - short term)
- Mixed-Use

Lodging with less than or equal to two (2) guest bedrooms are allowed without a zoning Permit in the Village District.

ARTICLE 1V:

Findings of Fact: The project includes mixed use, multiple family dwellings, lodging, retail and storage – all Conditional Uses within the Village District

Conclusion of Law: These Uses require DRB approval and subject to review under Section 710: Use Performance Standards, Section 720: Conditional Use Standards, Section 721: General Standards.

ARTICLE V: DESIGN REVIEW DISTRICTS- OVERLAY DISTRICTS

Section 500: Authority

Within the **Village Design Review** District and the **Historic Design Review** District no Structure may be erected, reconstructed, altered, restored, moved, demolished or changed in Use or type of occupancy, except as otherwise provided for in Section 531 (A) & (B) of this Article, without a written decision and approval of the plans by the Development Review Board, subject to Site Plan and Design Review and administrative approval by the Zoning Administrator as provided for within this zoning ordinance pursuant to 24 VSA § 4464 (C).

Section 510: The basis for a **Design Review District** is to preserve the natural beauty, vistas and the visual character of the Village of Wilmington. The visual aspects of the Design Review Districts represent an important asset to the community by providing a source of pleasure for both residents and visitors and contributing to the economic development of the community.

Section 520: Goals and Purpose of the Historic Design Review District

The basis for the Historic Design Review District is to preserve the beauty, vistas and visual character of the many buildings of historic significance as defined by the National and State Registers of Historic Places dating from the early 19th century.

To protect these characteristics, it is necessary to ensure that proper attention is given to the historic exterior features of buildings and Structures so as to provide a means by

which long term economic prosperity may be supported, property values can be stabilized or improved, and economic well-being of the community protected and fostered.

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

As required by §4414(1)(E), no Structure in any Design Review District (Historic or Village), “may be erected, renovated, substantially altered, restored, moved, demolished, or changed in Use or type of occupancy without a written decision and approval of the plans by the appropriate municipal panel.” (The Development Review Board).

Section 540: Site Plan and Design Review Standards

- A. All development and land improvements within a Design Review District are subject to the Standards as defined in Article VII as well as any applicable standards as set forth in Article VI Flood Hazard Area, Article VIII Signs, and Article IX Telecommunications.
- B. All development and land improvement with the Village Design Review District shall preserve the character of the village and conform to the Goals of this District as defined in Section 513.
- C. All development and land improvements within the Historic Design Review District shall conform to the Site Plan and Design Guidelines of Appendix I to the extent reasonable and possible to satisfy the intent of this ordinance and preserve, rehabilitate or restore the historic Structures of the town as defined in Sections 730, 731, and 732 of this ordinance.

ARTICLE V:

Findings of Fact: In addition to interior rehab to accommodate new uses, the applicant testified that they will be installing the following new elements to the building; New windows to match the existing historic profile, trim with 2 over 2 divided lites. New Entry Doors that will match the existing historic wood paneled profiles. New entry overhangs in a heavy timber style, based on an image of overhang submitted as part of the exhibits. The overhangs will not project beyond the established sidewalk, however based on testimony from the Zoning Administrator (ZA) the overhangs do project into the VTrans (Vermont Agency of Transportation) right-of-way, measured from the center of road. Per testimony from the applicant; VTrans is agreeable to the entry overhangs provided they are bracketed to the building and not supported by posts – since the posts would be permanent structures built within the right-of-way. The applicant intends to bracket the overhangs and not use posts.

Conclusion of Law: These changes with the exception of the architectural style of the entry overhangs are in keeping with the historic character of the village and structure and given that the overhangs would be bracketed should satisfy VTrans requirements. It is the opinion of the DRB that the heavy timber overhangs are stylistically not compatible or sympathetic to the Greek Revival Style of the Historic structure. The heavy timber overhang which features large bulky wood framing appears mismatched with the vernacular Greek Revival style of the building.

ARTICLE VI: FLOOD HAZARD OVERLAY DISTRICT

Section 602 (A-C): Lands to Which These Regulations Apply

These regulations apply to development in all areas of the town identified as special flood hazard in and on the most current flood insurance studies and maps published by the Dept. of Homeland Security, FEMA, and National Flood Insurance Program (NFIP), as provided by the ANR pursuant to 10 V.S.A. section 753. The base flood elevations and floodway limits (zones A1 – A30, AE and AH) provided by the NFIP shall be used to administer provisions of the regulation. If none is provided by the NFIP then information available from the state or federal agencies or other sources shall be obtained and reasonably utilized.

Section 604: Interpretation of Flood Hazard Area Boundaries

The Zoning Administrator shall determine the boundaries of the designated flood hazard area by scaling distances on the National Flood Insurance Maps of the Federal Emergency Management Agency.

Finding of Facts: The Zoning Administrator confirmed the building is within the Flood Hazard Area. Based on FEMA and the National Flood Insurance Program Historic structures are exempt from having to be brought into compliance so long as the work to building doesn't prevent the continuation of the building's historic designation.

Conclusions of Law: It is the opinion of the DRB that the proposed work will not prevent the continuation of the historic designation and is exempt from having to elevate or limit use of the first floor to bring it into current flood regulations. The owner should consider the benefits of implementing measures to minimize flood damage. Guidance for ways to minimize impact of flooding on Historic structure can be found in *Floodplain Management Bulletin Historic Structures (FEMA P-467-2)*

Section 606: Conditional Uses

Except for the Permitted Uses as defined by Section 610, all other uses listed for the zoning district that fall within any designated flood hazard area may be Permitted only upon the granting of a Conditional Use Permit by the Development Review Board.

Sec Section 608: Conditional Use Application Requirements

Application submission requirements shall include:

- A. Two (2) copies of plans drawn to scale showing the nature, location, dimensions, and elevations of, and distance between, the body of water and the proposed construction or land development.
- B. Existing and proposed structures including the elevation of the lowest habitable floor including basement and confirmation as to whether such structure contains a basement.
- C. Proposed fill and/or storage of materials.
- D. Proposed flood proofing measures and the level to which any structure will be flood-proofed.
- E. The relationship of the proposal to the location of the channel.
- F. The extent of the flood hazard area and the base flood elevation utilizing the best information available.
- G. For all subdivision and development which requires a Permit under Sections 602 & 603 and which involves more than 50 lots or 5 acres, whichever is the lesser, the base flood elevation for that portion that lies within Zone A.Se

Section 609: Review Procedures

- A. Upon receipt of an application and plans, the Zoning Administrator shall transmit one copy to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424.

Finding of Facts: Refer to response above: Section 604.

Conclusions of Law: N/A

Section 610: Development Standards

Before a Permit may be granted, the Development Review Board shall require the following standards:

A. Floodway and Floodway Fringe Areas:

1. Floodway Areas

- a. Development within the regulatory floodway, as determined by Section 602, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
- b. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

2. Floodway Fringe Areas (i.e., special flood hazard areas outside of the floodway)

- a. All Development - All development shall be reasonably safe from flooding and:
 - i. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
 - ii. constructed with materials resistant to flood damage,
 - iii. constructed by methods and practices that minimize flood damage, and
 - iv. constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

v.

B. Residential Development:

1. New construction and existing buildings to be substantially improved shall have the lowest floor, including basement, elevated to or above the base flood elevation.

C. Manufactured homes to be placed and existing manufactured homes to be substantially improved that are: N/A

D. Non-Residential Development:

1. New construction and existing buildings to be substantially improved shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. A Permit for a building proposed to be flood-proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

E. Subdivisions: N/A

F. Enclosed Areas Below the Lowest Floor: N/A

G. Recreational Vehicles: N/A

H. Accessory Structures: N/A

I. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

J. Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

K. On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

L. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

M. Securing floatables: All floatables in any district and in an area which has historically flooded and all Flood Fringe Areas shall be raised above the Base Flood Elevation (BFE) or firmly secured so as to ensure they are not dislodged in the event of a flood. This includes but is not limited to propane, oil and gas tanks, chemicals, explosives, flammable liquids, toxic or hazardous materials. While hay bales and logs are protected Agricultural and Silviculture industries in Vermont, conformity with this provision is encouraged.

Finding of Facts: Section 610 – A M - Refer to Response in Section 604.

Conclusion of Law: N/A

ARTICLE VII: STANDARDS

Section 710: Use Performance Standards

Pursuant to 24 V.S.A. § 4414(5) Performance Standards, the following standards shall apply to all Uses and land development in the town.

- A. Vibration: No continuous, permanent, ongoing, or frequent vibration shall be produced which, when transmitted, is discernible at the property line without the aid of instruments.

Temporary vibration created during land development should be limited to daylight hours to preserve quality of life in neighboring properties.

- B. Noise: continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation (in the judgment of the Development Review Board) must not exist at the property boundary line. Recurring periodic or intermittent noises in excess of that of a normal lawn mower (in the judgment of the Development Review Board) at the property line is allowed provided it does not occur between the hours of nine (9) PM and seven (7) AM, and does not significantly detract from or diminish other property's allowed Use or land development.

Temporary noise created during land development should be limited to daylight hours to preserve quality of life for neighboring properties.

- C. Air Emissions for Commercial Operations: There shall be no emission of dust, ash, smoke or other particulate matter:

1. Which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity
2. Which can cause contamination of the subject property or beyond the property boundaries
3. Which is composed of solid or liquid particles in concentrations exceeding current state authority standards
4. Which causes emission of non-farming, odorous matter in such quantities, as determined to be offensive.

- D. Injurious or Noxious Practices: No operations or Use shall create electromagnetic, liquid or solid refuse or waste, heat, cold, dampness, explosive, fire, glare, or other hazard which may cause injury or damage to human or animal health, vegetation, or property.

Findings of Fact: Applicant testimony that new occupancies will not create Vibration, Noise, or Air Emissions as noted by standards above.

Conclusions of Law: Conditions met.

Section 720: Applicability of Conditional Use Standards and Site Plan and Design Guidelines

Conditional Uses are subject to both General and Specific Standards as defined below.

Site Plan and Design Guidelines of Appendix I shall be applied to development within the Historic Design Review District and are recommended in all other districts.

The Development Review Board will complete a Site Plan Review and a Design Review as needed to determine conformity with the Standards of this Article VII.

The Development Review Board shall utilize the Listing of Structures in the State and Federal Registers of Historic Places (Appendix II) to determine the historical significance of all pre-existing Structures seeking written decision and approval for alteration, renovation or change.

The Development Review Board shall require conformity with Section 732 within the Historic Design Review District.

SECTIONS 721: GENERAL STANDARDS

In all districts, all Conditional Use development shall protect from undue adverse effects. No Land Development or Use shall result in an undue adverse effect on any of the following:

- 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: The Conditional Uses will not have an undue adverse effect on items A-F.

Conclusion of Law: General Standards are met.

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

- A. Preserving the Town's Character
- B. Economic Development Contributing to the Character of the Town
- C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town
- D. Formula Businesses
- E. Maximum Square Footage of Retail (2000 square feet)
- F. Building Scale Conformity
- G. Utility Placement

Findings of Fact: The project with exception to the style of the overhang, is consistent with the Historic nature of the Town, preserves it's character, contributes to the economic development. The applicant will modify the overhang to be more in keeping with the building scale and historic character of the building.

Conclusions of Law: Conditions are met with exception to a modification to the overhang as presented.

Section 723: Conditional Use - Preserving the Character of the Town: Historic Preservation

(compliance is required for properties in the Historic Design Review District (HDRD))

A. Historic Structures:

All Conditional Uses for a certified historic Structure as defined by Internal Revenue code 26 U.S.C. Section 47 (c) and/or recognized in the National Register of Historic Places, or by the Preservation Trust of Vermont shall not engage in land development that will compromise the Structure's historic status. Every effort shall be made to preserve and enhance the historic features of Structures dating to 1920 or earlier. Preservation and enhancement of historic Structures shall be compatible with the historic character of the town and region.

Findings of Fact: Based on the Appendix II listing of the Zoning Ordinance: This property is listed in the National and State Registers of Historic Places, The original 1 ½ story gable front structure was built in 1840 in a vernacular Greek Revival style. The other added structures are more modern.

B. Historic Preservation, Rehabilitation and Restoration. Historic features and historic Structures shall, to the extent reasonable and possible, be preserved, rehabilitated, or restored.

(Preservation, Rehabilitation, Restoration including Reconstruction as defined in Section 723 B of the Wilmington Zoning Ordinance)

Consistent with Section 723 D, criteria to be applied in determining which of these approaches is most appropriate for the structure include the property's:

1. Historical significance
2. Physical condition
3. Proposed Use
4. Reasonableness of undertaking Preservation, Rehabilitation, or Restoration/Reconstruction
5. Degree to which it will contribute to preserving or enhancing the character of the community

C. Historic Features: For reconstruction, historic features of Structures or complimenting the historic features of the region shall be retained or reconstructed.

Findings of Fact: Applicant has testified that they will be preserving, restoring or reconstructing historic features of the building such as doors and windows. Existing wood siding and trim is to be repainted.

Applicant will modify the design of the overhangs to be more in keeping with the Greek Revival character of the building.

Conclusions of Law: Condition is met with overhang exception.

D. Criteria for Determining Preservation, Rehabilitation, Restoration/Reconstruction:

E. Demolition of Historic Structures

The owner of a historic structure that may reasonably be Preserved, Rehabilitated, Restored/Renovated shall not demolish any historic Structure certified as a historic Structure as defined by Internal Revenue Code 26 U.S.C. Section 47 (c) or listed on any State or Federal Register of Historic Places.

Finding of Facts: Interior demolition only.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

All land development and Uses in all Districts and Overlay Districts shall conform to the following:

A. Lighting and Glare: Shall be shielded and downcast. Glare and reflection is prohibited if it is an unreasonable nuisance to other property owners or tenants, does not contribute to aesthetics, scenic value or character of the area, or could impair vision of pedestrians or drivers. In HDRD and Village District exterior lighting must be consistent with historic character of the commercial area of the village

Findings of Fact: Exterior light fixture submitted illustrated a simple shielded and down cast light fixture.

Conclusions of Law: No objection to style and downcast and shielded meets the criteria for lighting and glare.

B. Safety: Shall minimize physical hazards where there are potential safety hazards.

Findings of Fact: Based on testimony and nature of ordinary occupancy there does not appear to be potential safety hazards.

Conclusions of Law: Standard is met.

C. Traffic and Pedestrian Safety: Pedestrian walkways to ensure safe and efficient navigation by foot or bicycle. Special consideration shall be made for children's safety. Traffic patterns will be review for safety, ease of flow and efficiency.

Findings of Fact: Based on scope of work there are no changes or impact to traffic.

Conclusions of Law: Standard is met.

D. Commercial Parking and Loading: Commercial parking and loading areas in all districts shall:

1. **Provide off-street parking** (except in the Historic Design Review District)
2. **Parking spaces shall be 10 x 18** (smaller allowed only if need for added spaces outweighs the risk and public inconvenience of smaller spaces). Special consideration shall be given to safety, pedestrian and disabled persons concerns when smaller spaces are allowed.
3. **Minimum number of spaces:** One (1) parking space for each 200 sq. ft. retail.
4. **Drive-up Windows:** no waiting lines in public ROW
5. **Minimize visual impact of parking/loading areas**
6. **Buffer parking areas** if needed for safety or aesthetics
7. **Public Road Access:** minimize traffic interruption, provide for auto and pedestrian safety
8. **Rainwater, Snow, and Ice Removal/Storage:** Plan for snow/ice removal, runoff, safety.
9. **Safety:** Minimize physical hazards, provide safe pedestrian and vehicular movement with un-obscured views, especially visibility at intersections, pedestrian safety, convenience, emergency access.
10. **Neighboring properties:** integrate circulation and parking with neighboring properties. Work to maximize for efficiency, safety, and attractive solutions.

Finding of Facts: There are no significant changes to parking on site per understanding of work scope and testimony of applicant.

Conclusions of Law: Standards are met.

E. Road Development: New roads, public and private, shall conform to the town's Highway Ordinance.

Findings of Fact: The proposed change does not involve road development.

Conclusions of Law: Section 730 E is not applicable.

F. Landscaping, Screening and Development: Shall "preserve the rural and agricultural character and ambiance of the community". Natural features characteristic of the town's rural and agricultural nature shall be preserved. Landscaping and Screening shall be used to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

Findings of Fact: Per applicant testimony and review of scope this project preserves the town's character

Conclusions of Law: Section is met.

G. Land and Water Management: Protect properties, transportation systems, and public safety by a. Safe and appropriate water management including water supply/availability, stormwater retention/absorption, and impervious surface/runoff management.

b. prevent and control against water pollution

c. make provision for management of erosion, preservation of rivers & streams, river/stream bank management, wetland protection, waterway and channels management, and agricultural land protection,

H Wastewater and Potable Water: A permit may be issued upon receipt of evidence there is a wastewater and potable water permit. If not received with a submitted application, the Permit will be conditioned on receipt of a wastewater and potable water permit at which time a final Permit will be issued. DRB shall instruct the applicant on their responsibility to obtain state and federal permits and may condition their decision on obtaining such permits.

Findings of Fact: Based on work scope there are no changes to surface runoff. The applicant testified they have been approved for the wastewater and water supply permit. Applicant will need to provide copy of permit for record.

Conclusions of Law: Standard conditionally met.

I. Natural Resources and Features: Existing vegetation, native species, native trees, scenic views, river access and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pastureland and scenic spaces/vistas is allowed provided it does not have an unreasonable impact on natural resources.

Development shall blend with the topography, vegetation, and natural land features. It shall not have an undue adverse impact on natural features, natural resources or renewable energy. This includes no adverse impact on forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soil unsuitable for development, impervious surfaces essential to stormwater detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

Findings of Fact: No changes

Conclusions of Law: N/A

J. Wildlife Protection: No adverse impact on wildlife habitats or corridors.

Findings of Fact: Given limited scope in town, this project will not have an impact on wildlife or corridors.

Conclusions of Law: Standard 730 J is met

K. Shoreland Protection: Compliance with Shoreland Protection Act if development is within 250 feet of a body of water greater than 10 acres.

Findings of Fact: This project is not located within a Shoreland to a body of water of greater than 10 acres.

Conclusions of Law: Standard 730 K is not applicable.

L. Flood Hazard Protection: Development must comply with the provisions of Article VI Flood Hazard District.

Findings of Fact:

Conclusions of Law: See responses under Article VI above.

M. Energy Resources: Commercial Development shall comply with the Vermont Commercial Building Energy Standards

Findings of Fact: Historic Structures are exempt.

Conclusions of Law: N/A

N. Technical Review Costs: Applicant may be required to pay reasonable costs of technical review.

Findings of Fact: Not Applicable

Conclusions of Law: N/A

CONDITIONS:

The application for a Change of use and exterior additions is approved based on the following conditions.

1. Except as otherwise required to accommodate the conditions of this decision, changes will be executed in accordance with all 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. Letter of approval from Vtrans.
3. Letter of approval for waste and potable water.
4. Revision to the style of the Overhang from a heavy timber style to a vernacular Greek revival compatible with the historic structure.

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:

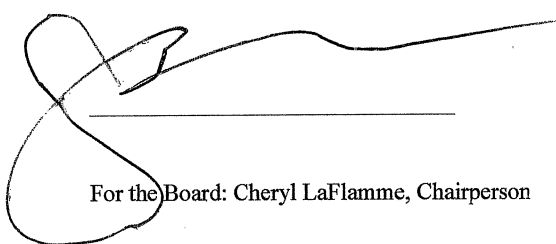
Cheryl LaFlamme
Diane Abate
Chrystal Holt
Justin Liner

OPPOSED:

None

ABSTAINING:

None



For the Board: Cheryl LaFlamme, Chairperson

Date: 6/14/23

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.
