

**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: **Corriston- Reed Dev Group LLC**

Owner/Applicant(s) Mailing Address: 1201 Merrifield Rd, Whitingham, VT 05361

Address of the subject property: **40 East Main St, Wilmington, VT**

Tax Map: parcel # **21-21-79**

A copy of the request is filed in the office of the Board and is referred to as: **Permit #2023-022**

**Description of Case per Public Notice**

Application # **2023-022**

**Applicant proposes the addition of 1 parking space for tenants in the Village District and Village Design Review District Overlay.**

**Applicable Code Sections:**

Article II- Sections: 222, 223, 226, 234, 272

Article IV- Sections: 440, 444, 450 B

Article V – Sections: 510, 511, 512, 530 E, 540

Article VII- Sections: 730 B, C, D, F


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:** \_\_\_\_\_

7.31.23 

**Approval expires on:** \_\_\_\_\_

**Date of Public Hearing: 1 May 2023, continued to 5 June 2023**

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

Raymond Reed

## **EXHIBITS**

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

1. Warning of DRB Hearing
2. Application for DRB Review (4 pages)
3. Image showing parcel map and drawing of parking space location.
4. List of abutters (2 pages)
5. Letters from abutter Judith Nelson, dated 1 May 2023 and 2 June 2023

## **SYNOPSIS**

Applicant proposes the addition of 1 parking space for tenants in the Village District and Village Design Review District Overlay.

## **ARTICLE II: ADMINISTRATIVE PROCEDURES**

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

Section 223 Development Review Board Site Plan and Design Review

Section 226 Development Review Board Decisions

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

Section 272 Who May Attend and Be Heard at A Public Hearing

**Finding of Facts:** Sections noted outline administrative procedures, definitions, role of the DRB, and responsibility of the applicant. Section 234 explains the dimensional variance requirements, and these were explained to the applicant. This application was received containing all necessary documents and those in attendance were advised of who may provide testimony during the hearing.

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

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

Section 440 Districts and District Requirements

Section 444 Calculation of Lot Dimensions and Setbacks

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 # **21-21-79**. The primary use is currently residential, with the property containing three separate rental units. This application seeks approval to add one parking space in front of the house to provide safe and accessible parking for the tenants. The applicant testified that the setback distance from the center line of the road with the proposed parking spot addition is approximately 18 feet. Applicant also testified that the size of the parking pad was approximately 10ft x 12ft. Applicant testified that all the tenants were not able to park in the existing parking area/driveway because of its shape and orientation- which doesn't allow 3 cars to enter and exit the driveway independently or without requiring other tenants' cars to be moved first. Applicant testified that the tenants work different types of shifts which would require excessive coordination between them to shuffle the cars in and out, and the addition of the parking spot in front of the house would alleviate these issues.

**Conclusion of Law:** Per section 450 B, for a site falling within the Village District outside the Historic Design Review District, the minimum front setback is 20ft, measured from the edge of the actual or proposed right-of-way. Any dimensional variance that is requested must meet the criteria listed in section 234. It is the opinion of this DRB that an "unnecessary hardship" is not present in this case, that the criteria listed in section 234 are not met, and therefore the minimum front setback

required in the Village District must be maintained as 20 ft, measure from the edge of the actual right-of-way.

## **ARTICLE V: DESIGN REVIEW DISTRICTS & OVERLAY DISTRICTS**

Section 510 Village Design Review District Purpose

Section 511 Village Design Review District Boundaries

Section 512 Goals of the Village Design Review District

Section 530 E Significant Changes to Site Features

Section 540 Site Plan and Design Review Standards

**Finding of Facts:** Based on the zoning ordinance for the Village Design Review District, DRB approval is required for any significant changes to site features including the driveway and parking areas. This application seeks to add an additional parking space in the front of the property which falls into the front set-back of 20ft.

**Conclusion of Law:** It is the opinion of this DRB that the proposed parking space does not support the goals of the Village Design review district with regard to “preserving the visual character of the village”.

## **ARTICLE VII: STANDARDS**

Section 730 Specific Standards

### **Section 730: Specific Standards**

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

**B. Safety:** Where a potential safety hazard exists, either from temporary or permanent activities, provisions shall be undertaken to minimize physical hazards.

**C. Traffic and Pedestrian Safety:** Development shall provide for pedestrian walkways to ensure a safe and efficient means for pedestrians to navigate the town on foot or by bicycle. Special consideration shall be made for children’s safety. Traffic patterns shall be review for the safety, ease of traffic flow, and efficiency. Access to public roadways require the approval of the Town of Wilmington (for access to town roads) or the State of Vermont (for access to state highways) pursuant to 19 V.S.A 1111.

**D. Commercial Parking and Loading Area:** All commercial parking and loading areas in all districts in the town shall adhere to the following standards:

1. Parking Spaces Required

2. Size of Parking Spaces: parking space size shall be a minimum of ten (10) feet by eighteen (18) feet. Smaller parking spaces are allowed only where circumstances calling for added spaces outweigh the risks and public inconvenience of smaller spaces.

3. Minimum Number of Spaces: Dwelling, Multi-Family- two (2) parking spaces for every dwelling unit.

4. Drive up Window

5. Minimize the Visual Impact of Parking and Loading Area: Screen unaesthetic features where possible sufficient to minimize their physical and aesthetic impact on other land uses, properties in the area, the town and public or private roads.

6. Buffer Area to Parking

7. Public Road Access

8. Rainwater, Snow, and Ice Removal/Storage

9. Safety

10. Neighboring Properties

**F. Landscaping, Screening and Buffer Areas:** As defined in Section 722 (A) development shall “preserve the rural and agricultural character and ambiance of the community”. Natural features

characteristic of the town's rural and agricultural character shall be used in Landscaping and Screening to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

2. iv- Screening and Buffer Areas for Parking: where there is an undue adverse impact on the aesthetics of an abutting property, neighborhood, or state, municipal, or private road as a result of parking, screening shall be provided where reasonable and necessary to preserve aesthetics.

**Finding of Facts:** The applicant provided testimony that safety for the tenant living in the front-most unit would be increased by the proposed parking space since it would prevent the tenant from having to park off the property. When asked about the tenant driving over the curb to access the parking space, the applicant explained that he would provide warnings to the tenants if this happened in the future. With regard to parking requirements, Vermont Bill S.100 which will become effective 1 July 2023, effectively reduces the number of required parking spaces for this applicant from 6 spaces to 3 spaces. Finally, after discussion of landscape screening for the parking space, it was determined that this option was not feasible due to the location of the proposed parking space being immediately located next to the sidewalk.

**Conclusion of Law:** No additional information is required to assess this Article.

**CONDITIONS:**

The application for development is **DENIED**.

It is the opinion of this Development Review Board that the addition of a parking space in the front of the property which would encroach into the front setback is not necessary and does not support the goals of the Village District. Effective 1 July, 2023, S.100 reduces the amount of parking spaces required for a dwelling in the Village District. This update states that there be one parking space for each rental unit, bringing the applicant's requirement from 6 parking spaces down to 3 parking spaces. The existing driveway/parking area can currently accommodate 6 parking spaces, which is double the required amount. Additionally, it seems that any possible landscape screening to reduce undue adverse impact on the aesthetics of an abutting property is not feasible based on the proposed location of the parking space and its proximity to the sidewalk and road. As a result, the application for an additional parking space in the front of the property is denied.

There is a thirty (30) day appeal period from the date of signature before this Approval becomes final.

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 DENIAL, FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Cheryl LaFlamme  
Diane Abate  
John Gannon  
Chrystal Holt

OPPOSED:

None

ABSTAINING:

None

Date: 6/30/2023

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.*