

TOWN OF WILMINGTON
COVER SHEET
FINDINGS OF FACT ATTACHED

210

Zoning Permit Application Number:

2023-060

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

6.15.23

Notice was posted in three public places on:

6.12.23

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

6.12.23

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

6.12.23

Appeal period for this DRB decision expires on:

8.11.23

Approved Permit expires on:

7.10.25

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: **210 VT RT 9E, Wilmington, VT**

Tax Map: parcel # **21-21-98**

A copy of the request is filed in the office of the Board and is referred to as: **Permit #2023-060**

Description of Case per Public Notice

Application # **2023-060**

Applicant proposes four additional affordable housing apartments at 210 VT RT 9E, by Corriston-Reed Development Group LLC/Ray Reed. This permit requires Development Review Board approval for increased density in the Commercial/Residential District.

Applicable Code Sections:

Article II- Sections: 222, 223, 224, 226, 227, 272

Article IV- Sections: 440, 450 E

Article VII- Sections: 710, 730 A, D, F

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Appeal period for this Case expires on: _____ 8/10/2023 _____

Approval expires on: 7/10/2025_____

Date of Public Hearing: **3 July 2023**

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

Raymond Reed

Joe Corriston

EXHIBITS

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

1. Warning of DRB Hearing
2. Finding of Fact Cover Sheet
3. List of Abutters and postage date for notice mailing
4. Application for DRB Review (4 pages)
5. ANR image of property with flood area overlay
6. Proposed Apartment layout drawings (10 pages)

SYNOPSIS

Applicant proposes four additional affordable housing apartments at 210 VT RT 9E.

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 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 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. This application was received containing all necessary documents and those in attendance were advised of who may provide testimony during the hearing. Applicants were advised that major plan changes after receiving a DRB decision would require another hearing, and testimony was given that this was understood.

Conclusion of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 440 Districts and District Requirements

Section 450 E District Purposes and Descriptions- Commercial/Residential

Finding of Facts: Subject property is within the Commercial/Residential District (Section 450 E). The property is identified as Tax Map parcel # **21-21-098**. The current use on file with the zoning administrator is "Professional Offices", which became effective in 2009. The proposed addition of 4-5 affordable housing units is defined as a conditional use, which requires DRB approval. Applicant provided testimony that the upstairs rooms of 210 VT Rte 9E would be converted to affordable housing studio apartments, while the downstairs of the property would remain available to the current physical therapy business. It was unclear at the time of the hearing how long the physical therapy business intended to operate out of the property, but that space would not be used for any additional affordable housing units at this time.

Conclusion of Law: Article IV is met.

ARTICLE VII: STANDARDS

Section 710 Use Performance Standards

Section 730 Specific Standards

Section 710:

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.

Section 730: Specific Standards

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

A. Lighting and Glare: All exterior lighting in all districts shall be shielded and downcast. Interior and exterior lighting, glare or reflection are prohibited if they: 1) Constitute an unreasonable nuisance to other property owners or tenants 2) Are found to not contribute to the aesthetics, scenic value, or character of the area and the community 3) Could impair the vision of pedestrians or the driver of a motor vehicle or an aircraft.

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

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."

Finding of Facts: With regard to Article 710, the applicant provided testimony that none of the standards would be violated by the addition of the affordable housing studio apartments. Based on updated parking requirements as a result of S.100, one parking space is needed per unit. Applicants testified that the property could facilitate the minimum of 5 parking spaces, and estimated, up to 20 parking spaces. Additional testimony received from the applicants indicated they would comply with lighting and glare requirements of 730A if additional lighting is added to the property.

Conclusion of Law: Article VII is met.

CONDITIONS:

The application for development is **APPROVED, with conditions.**

It is the opinion of this Development Review Board that the addition of 4-5 affordable housing apartments on the 2nd level of the property at 210 VT Rte 9E supports the goals of the Commercial/Residential District and is therefore approved, with the following conditions:

- 1) Certification of sufficient potable water for the project to be submitted to the Zoning Administrator
- 2) Certification of adequate wastewater capacity for the project to be submitted to the Zoning Administrator
- 3) The first floor of the structure is not approved for additional affordable housing units at this time.

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

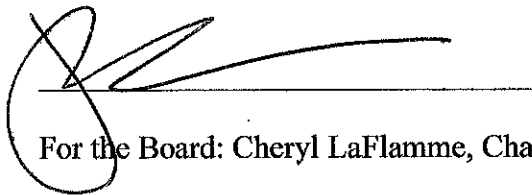
Cheryl LaFlamme
Charles Foster
John Gannon
Chrystal Holt

OPPOSED:

None

ABSTAINING:

None



Date: 7/10/2023

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.