

TOWN OF WILMINGTON  
COVER SHEET  
FINDINGS OF FACT ATTACHED

143

Zoning Permit Application Number:

2023-061

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 permit was made to Board by: Corriston- Reed Development Group, LLC

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

Address of the subject property: 143 Vermont Route 9 West

Tax Map: parcel 20-20-15

A copy of the request is filed in the office of the Board and is referred to as: #2023-61

**Description of Case per Public Notice:**

Application # 2023-061: Owner: Corriston-Reed Development Group LLC/Ray Reed

Application is being made for a: **Add seven additional affordable housing apartments for increased density in the Village District**

Applicable Wilmington Code Sections:

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

Article IV- 440, 441, 444, 450 B

Article VII- 710, 720, 730 A, C, D, F

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A copy of the notice was mailed to the abutters on:6/12/23

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

**Approval expires on: 7/10/2025**

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

Ray Reed

Joe Corriston

**EXHIBITS**

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

1. Notice of Hearing
2. Cover Sheet
3. Abutters
4. Application (4 pages)
5. Barn diagram
6. Parcel Map

7. Main house diagram
8. Annex diagram

## **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:** all exhibits collected & verified.

**Conclusions of Law:** Section is met.

### **Section 227: Plan changes after Receiving a Development Review Board decision**

1. Any substantial alteration or material change (as determined by the zoning administrator) to a plan approved by the DRB shall require reapplication and review by DRB.

Substantial alternation or material change means any change to a Permitted development plan approved by the DRB which may have a significant adverse impact on any findings, conclusion, term or condition of the Project's Permit which may result in significant adverse impact with respect to any zoning criteria. This includes but not limited to site plan and design changes.

2. For minor, non-substantial changes (as determined by the zoning administrator) not involving substantial change in a site plan, design or other change to a Conditional Use previously addressed in a decision of the DRB, the zoning administrator may issue a Zoning Permit under Article II Administrative approval amendments to the DRB.

**Finding of Facts:** Applicant is aware.

**Conclusions of Law:** Section is met

### **Section 272: Who May Attend and Be Heard at a Public Hearing**

The public may attend all Public Hearings. Any "Interested Person" has the right to be heard at a Public Hearing. Participation in the initial hearing proceedings is a prerequisite to making future Appeals. An Interested Person, their agent, or their attorney may appear at the hearing and be heard on the issue, in either support or opposition, or to raise a point of interest or concern on the issue being heard. Pursuant to 24 V.S.A. § 4465(b), an Interested Person includes:

- A. A group of ten (10) or more voters or property owners who, by signed petition presented to the Board, allege that the decision, proposed action or failures to act will or will not conform to policies, purposes, or the terms of the bylaw, ordinance or plan. The petition shall designate one person to serve as their representative regarding all matters related to the issue.
- B. A person owning title to a property who alleges that the decision, proposed action or failures to act will or will not impose unreasonable or inappropriate restrictions on or potential Use of the property.
- C. A person owning or occupying property in an adjacent neighborhood or property subject to the decision, proposed action or failures to act, who can demonstrate a physical or environmental impact on their interests and who alleges that the decision or proposed action will or will not conform to policies, purposes, or the terms of the bylaw, ordinance, or plan.
- D. The Town of Wilmington having a bylaw, ordinance or plan brought under review.
- E. Any department of the state owning property or with interest in property in the town of Wilmington having a plan, proposed action or failures to act, brought under review and the agency of commerce and community development for the state.

**Finding of Facts:** no interested parties.

**Conclusions of Law:** Section is met.

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

### **Section 440: Districts & District Requirements**

#### **Section 450: Districts**

B)

#### **DISTRICT**

**Finding of Fact:** Subject property is in the Village district.

**Conclusions of Law:** Section is met.

#### **USES**

**Finding of Facts:** Current use is residential; applicant seeking change of use to Affordable Housing Development which is a conditional use requiring DRB approval.

**Conclusions of Law:** section is met.

### **Section 444: Calculation of Lot Dimensions and Setbacks**

All Lot dimensions including Lot size and Structure setbacks shall be calculated from the edge of any applicable road or right-of-way. In the case of a property line that may include a road or right-of-way, that portion of the property within the road or right-of-way shall not be considered in any dimensional calculation.

**Finding of Facts:** not applicable

**Conclusions of Law:** Section is met

### **Section 450: District Purposes and Descriptions**

#### **B. Village District (VIL)**

**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. Businesses shall promote economic stability and sustainability of the town through contributing substantially to the economic viability of the community. Businesses shall provide a substantially unique retail and service experience to attract visitors and meet the needs of residents. Businesses shall reflect the special character and ambiance of the town. Business sizes will be small in scale, consistent with the clustered downtown of the historic village.

The village district will encourage development which creates a visible sense of excitement and activity, drawing people to stop and participate. Examples of desired activities include village strolls, street fairs, retail markets, art displays, outdoor dining, street-front dining, public seating areas, performance art venues, street performance and clustered communal areas. Building Structures will be reflective of the historic nature of the town. Outdoor spaces will reflect the rural and bucolic nature of the area.

**Finding of Facts:** Will offer affordable long term housing to residents. Supports purpose of Village District.

**Conclusions of Law:** Section is met.

## **ARTICLE VII: STANDARDS**

### **Section 710 Use Performance Standards**

**A. Vibration:** No continuous, permanent, ongoing or frequent vibration that is discernible at the property line.

**Findings of Fact:** No vibration at property line.

**Conclusions of Law:** Section is met.

**B. Noise:** Continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation must not exist at the property line. Recurring periodic noise in excess of that of a normal lawn mower at the property line is allowed provided it does not occur between the hours of 9 PM and 7 AM and does not significantly detract from or diminish other property's allowed use or land development.

**Findings of fact:** Applicant is aware of quiet hours & will post for occupants.

**Conclusions of Law:** Section is met.

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

1. Cause damage to human or animal health, vegetation or property by reason of concentration or toxicity,
2. Contaminate the property or beyond the property boundaries.
3. Have solid or liquid particulates in concentrations exceeding state standards.
4. Cause odorous matter in quantities as to be offensive.

**Findings of Fact:** No air emissions.

**Conclusions of Law:** Section is met

**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 will cause injury or damage to human or animal health, vegetation or property.

**Findings of Fact:** No injurious or noxious practices.

**Conclusions of Law:** Section is 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.

**Findings of Fact:** Site plans & exhibits were verified.

**Conclusions of Law:** Section is met

## **SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS**

**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:** All lighting will be up to code, downcast with appropriate lumens.

**Conclusions of Law:** Section 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:** Applicant provided testimony that there will be 11 parking spots in front of building & additional parking behind building. Final parking plan will be reviewed by Fire Marshall.

**Conclusions of Law:** Section 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.

**Findings of Fact:** Not applicable

**Conclusions of Law:** Section is met.

**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:** No landscaping changes

**Conclusions of Law:** Section is met.

The application for addition of seven additional affording housing apartments for increased density in the Village District at proposed location 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 1-8 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. Applicant must provide final parking plan & map to Zoning Administrator
3. All State, Local & Federal Permits must be issued & provided to ZA before zoning permit & use is authorized.
4. Applicant must provide wastewater permit to ZA before zoning permit is issued.
5. Applicant must provide Potable water permit to ZA before zoning permit is issued.

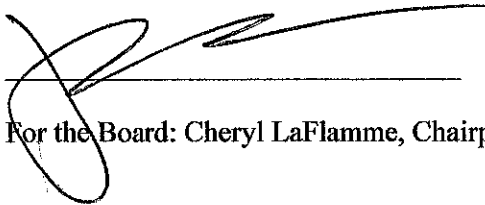
Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

Cheryl LaFlamme  
Charles Foster  
Chrystal Holt  
John Gannon

OPPOSED:

ABSTAINING:



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.*