

TOWN OF WILMINGTON
COVER SHEET
FINDINGS OF FACT ATTACHED

Zoning Permit Application Number:

2023-023

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

4.20.23

Notice was posted in three public places on:

4.24.23

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

4.18.23

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

4.18.23

Appeal period for this DRB decision expires on:

6.30.23

Approved Permit expires on:

5.31.25

**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: **3-5 East Main Street LLC**

Owner/Applicant(s) Mailing Address: 7 Seward Drive, Woodbury, NY 11797

Address of the subject property: **3-5 East Main St, Wilmington, VT**

Tax Map: parcel # **21-22-7 and 21-22-8**

A copy of the request is filed in the office of the Board and is referred to as: **Permit #2023-023**

Description of Case per Public Notice

Application # **2023-023**

Application for permit for restoration to the historic exterior including windows and a change of use to a residential unit: single family two-bedroom home at 5 E Main St in the Village District with a Historic Design Review District overlay.

Applicable Code Sections:

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

Article IV- Sections: 420, 440, 450 B

Article V – Sections: 520, 521, 522, 530, 540

Article VII- Sections: 710, 720, 721 F, 722, 723, 730 A, H

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Notice was posted in three public places on: **4/24/23**

A copy of the notice was mailed to the applicant on: **4/18/23**

A copy of the notice was mailed to the abutters on: **4/18/23**

Appeal period for this Case expires on: 6/30/23

Approval expires on: 31 May 2025

Date of Public Hearing: **15 May 2023**

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

Eric Silverstein

EXHIBITS

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

1. Warning of DRB Hearing
2. Application for DRB Review (4 pages)
3. Image of light fixture sample
4. Image of side of building- exterior
5. Image of front of building- exterior and windows
6. Details of restoration plans (2 pages)
7. Parcel map
8. Site criteria details
9. Property layout map- top view
10. List of abutters
11. Interior layout (4 pages)
12. Notice to property owner from ZA dated 17 Feb 2023
13. Copy of abutters list with notice mailing date

SYNOPSIS

Application for permit for restoration to the historic exterior including windows and a change of use to a residential unit: single family two-bedroom home at 5 E Main St in the Village District with a Historic 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 224 Development Review Board Site Plan and Design Review Submission Requirements

Section 226 Development Review Board Decisions

Section 227 Plan Changes after Receiving 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. Applicant confirmed understanding and did not have any questions.

Conclusion of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 420 Uses

Section 440 Districts and District Requirements

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 # **21-22-7 and 21-22-8**. The use is currently set as follows: 3 E Main St is designed at office, and 5 E Main St is designated as retail. This application seeks approval to change the use of 5 E Main St from retail to residential, which is a permitted use in this district.

Conclusion of Law: Per section 450 B, residential use is permitted and supports the purposes of the Village District. Article IV is met.

ARTICLE V: DESIGN REVIEW DISTRICTS & OVERLAY DISTRICTS

Section 520 Historic Design Review District Purpose

Section 521 Historic Design Review District Boundaries

Section 522 Goals of the Historic Design Review District

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

Section 540 Site Plan and Design Review Standards

Finding of Facts: Based on the zoning ordinance for the Historic Design Review District, DRB approval is required for any restoration to Historic buildings and structures. The applicant proposes to restore the windows, doors, and exterior of both buildings to reflect their 1960's Greek Revival style. Windows will be restored to their 12 panes over 12 panes style, the exterior will be repainted the existing colors and the doors will be restored as well. The applicant has testified to no changes to the buildings or structures, with the exception of one sliding glass door to be installed on the rear of 5 E Main St.

Conclusion of Law: The application provides detailed information regarding the proposed restoration. The information provided supports the goals of the Historic Design Review District. Article V is met.

ARTICLE VII: STANDARDS

Section 710 Use Performance Standards

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

Section 721 F (Character and Aesthetics)

Section 722 Conditional Use- Preserving the Character of Town

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

Section 730 Specific Standards

Finding of Facts: With regard to the specific standards outlined in this zoning ordinance, the proposed restoration and change of use are in compliance with these standards. The applicant was informed of and agreed to the use performance standards identified in section 710 and also section 721 F. The applicant provided samples for the proposed lighting to be installed which meets the criteria presented in 730 A. Additionally, the applicant testified to be pursuing the proper water/wastewater allocations through the town which is required by 730 H.

Conclusion of Law: The proposed restorations meet the specific standards outlined in this ordinance. The water/wastewater permit is currently in-progress, and will be submitted to the ZA upon receipt. Article VII is met.

CONDITIONS:

In the opinion of this Development Review Board, the application for exterior restoration and a change of use for 5 E Main St is **APPROVED, with the conditions listed below.**

CONDITIONS:

- 1) Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with all Exhibits received 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) Water/wastewater permit will be submitted to the Zoning Administrator upon receipt from the town.

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:

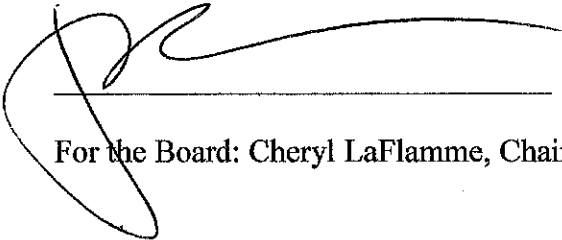
Cheryl LaFlamme
Diane Abate
Chrystal Holt
John Gannon

OPPOSED:

None

ABSTAINING:

None



Date: 5/31/23

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.