

**TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED**

12 S. MAIN
YEO / PEUK

Zoning Permit Application Number:

2024-117

Date of First Hearing:

8.5.24

Public Hearing Notice published in the Deerfield Valley News on:

7.18.24

Notice was posted in three public places on:

7.12.24

A copy of the Notice was mailed to the applicant and abutters on:

7.12.24

Appeal period for this DRB Decision expires on:

9.20.24

Approved Permit (after two years) expires on:

8.22.26

PKT sent
7.15.24

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: **James Maciolek**

Owner/Applicant(s) Mailing Address: 11 Lisle Hill Rd, Wilmington, VT 05363

Address of the subject property: **11 Lisle Hill Road, Wilmington, VT**

Tax Map: parcel # **21-21-38**

A copy of the request is filed in the office of the Board and is referred to as: **#2024-164**

Description of Case per Public Notice

Application # **2024-164**: Owner: James Maciolek

Applicant proposes a five (5) bedroom short term rental use.

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 271, 272

Article IV- Sections: 420, 440, 450 B

Article VII- Sections: 710, 720, 721, 722, 730 D, H

Notice for a public hearing was published in the Valley News on: **7/18/2024**

Notice was posted in three public places on: **7/12/2024**

A copy of the notice was mailed to the applicant on: **7/12/2024**

A copy of the notice was mailed to the abutters on: **7/12/2024**

Appeal period for this Case expires on: 9/20/2024

Approval expires on: 8/20/2026

Date of Hearing: 19 August 2024

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

James Maciolek, applicant
Michael Eldred, abutter
Eithne Eldred, abutter

EXHIBITS

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

1. Town of Wilmington Cover Sheet
2. Notice of Hearing
3. Application for DRB Review (3 pages)
4. Copy of credit card payment for application and hearing fees
5. Short Term Rental Safety, Health, and Financial Checklist
6. Hand drawing of lot layout showing setbacks and parking area

7. Hand drawing of the interior layout with room dimensions
8. Parcel map
9. Abutter List and postage date for notice mailing

SYNOPSIS

Applicant proposes a five (5) bedroom short term rental use in the Village district.

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 221 The Role of the Development Review Board

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 271 Public Hearings

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. Application was received containing all necessary documents to proceed with the hearing. Applicant testified they understood this article 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 #21-21-38 per the Zoning Administrator. The primary use is currently residential. The use of Short-Term Rental with 4 or more bedrooms is a Conditional Use in the Village District, which is permitted with DRB written decision and approval. No additional information is needed regarding the district and the uses for this property.

Conclusion of Law: Article IV 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 Conditional Use- General Standards

Section 722 Conditional Use- Preserving the Character of the Town

Section 730 Specific Standards D, H

SECTION 710: USE PERFORMANCE STANDARDS

Vibration, Noise, Injurious or Noxious Practices: Continuous, permanent, ongoing or frequent noise or vibration in excess of that of a normal conversation must not exist at the property line. Recurring periodic noise or vibration in excess of that of a normal lawn mower at the property line is allowed provided it does not occur between the hours of 9PM and 7AM and does not significantly detract from or diminish other property's allowed use or land development. 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 testified that the property has been used as a STR for the last several years and during that time as maintained positive rapport with the abutters. Applicant lives on site, so any noise issues can be handled directly and quickly. Abutters in attendance testified that no guests to date have been loud or caused any adverse effect on them or their neighboring property.

Conclusions of Law: This Use Performance Standard is met.

SECTIONS 721: GENERAL STANDARDS

The proposed use shall protect against adverse effect on:

A. The capacity of existing or planned community, municipal or educational facilities

B. Impact on traffic, roads, highways, transportation systems, pedestrian walkways in the vicinity

C. By-laws and ordinances in effect at the time

D. Utilization of renewable energy resources

E. Air quality

F. The character, aesthetics, and scenic value of the neighborhood and area affected, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated

policies and standards of this ordinance and the Town Plan.

Findings of Fact: Applicant testified that the general standards of section 721 would not be adversely affected by the proposed use of an STR.

Conclusions of Law: Section 721 is met.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

B. Parking:

Findings of Fact: Short Term Rentals require .75 parking spaces per bedroom. For a five (5) bedroom STR, a total of 3.75 parking spaces are required. The application included a site map drawing that indicated room for multiple parking spaces. The applicant testified that 6 cars could fit comfortably on the property.

Conclusions of Law: This Use Performance Standard is met.

H. Waste Water and Potable Water:

Findings of Fact: Applicant testified that the property was on town water and town sewer. Applicant also testified to having approval from the wastewater department for the 5 bedroom STR. The Zoning Administrator pointed out that the application did not include a letter of approval from the Town of Wilmington Wastewater department as of yet, and needed to be included as a condition of the permit.

Conclusions of Law: This Use Performance Standard is conditionally met.

CONDITIONS:

The application for development 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 and the testimony provided. Any changes to the plans will require administrative approval from the Zoning Administrator and/or a review by the Development Review Board, in conformance with the ordinance.
2. Approval letter from the Town of Wilmington Water/Wastewater department for the current allocation to be submitted to the Zoning Administrator.

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:

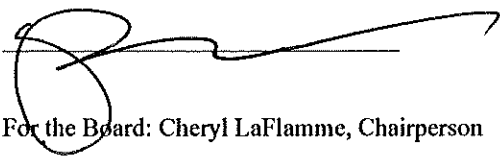
Cheryl LaFlamme
Chrystal Holt
John Gannon
Charles Foster

OPPOSED:

None

ABSTAINING:

None



For the Board: Cheryl LaFlamme, Chairperson

Date: 8/20/2024

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.
