

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:

**Salvatore and Michele Mendola**

**Agent: James Brunn**

Owner/Applicant(s) Mailing Address: **19 Coventry Drive, Freehold, NJ 07728**

Agent Mailing Address: **Wellman Road, Wilmington, VT 95363**

Address of the subject property: **798 Route 100 North**

Tax Map: # **003-01-079**

A copy of the request is filed in the office of the Board and is referred to as: **#2018-015**

Date of Application: **April 16, 2018**

Zoning Ordinance Then in Effect: **Effective November 8, 2017**

**Description of Case per Public Notice:**

**Application # 2018-015;**

**Owner: Salvatore and Michele Mendola;**

**Agent: James Brunn.**

**Application being made for Conditional Use review to allow an Automotive service business (Car wash & detailing). Commercial/Residential zoning district: Sections 450 E (4) & 710, 721, 722 & 730 location: 798 Route 100 North.**

Notice for a public hearing was published in the Valley News on: **May 3, 2018**

Notice was posted in three public places on: **May 3, 2018**

A copy of the notice was mailed to the applicant on: **May 3, 2018**

A copy of the notice was mailed to the abutters on: **May 3, 2018**

Public hearing were held on May 21, 2018

There was no Site Visit.

Action taken on this application may be appealed by anyone identified as an interested party, pursuant to Vermont Statutes Annotated. Said appeal shall be made to the Vermont Environmental Court.

**Appeal period for this Case expires on: July 21, 2018**

**Approval expires on: June 21, 2018**

In addition to the Applicant's Agent James Brunn, the following persons heard by the Board in connection with this request, were determined by the Board to be "interested persons":

Travis Phillips – Business operator

Richard Arsenault – abutter  
Stephanie Arsenault - abutter  
Craig Olson – Zoning Administrator

Copies of this decision have been mailed to those persons and those listed below:

None

### **EXHIBITS**

The following Exhibits were placed in evidence by the Applicant or Interested Person:

1. Application consisting of 3 pages and a location aerial showing parcel 03-01-079.000 with building located thereon.
2. Abutters List
3. Letter to the Town of Wilmington from Doris Meadowcroft, an abutter.
4. Face page and Technical Specifications page on the KARCHER compressor

### **SYNOPSIS**

The applicant proposes to lease a portion of the property at 798 Route 100 North for a hand car wash and detailing business. Two types of vehicle cleaning are proposed: Full Detail and a Quick Wash. The business will be located in a pre-existing structure on the front portion of the lot. It will use one of four existing garages presently used for storage. No structural changes are proposed. The application is for a change of use of one garage bay and portion of the property.

### **APPLICABLE DISTRICT**

**Finding of Fact:** Subject property is identified as Tax Map: # **03-01-079** and has an address of 798 Route 100 North

**Conclusions of Law:** The proposed development lies in the **Commercial/Residential District**. The application will be reviewed under Article IV Section 450(E).

### **USES**

**Finding of Facts:** The proposed Commercial Use, Automotive Service, would be a Secondary Use to this property, which has a Current Use as a Storage Facility. The service provided would be a car washing and detailing business in a pre-existing building. Car washing falls under the definition of Automotive Services. (Article X)

**Conclusions of Law:** The Commercial/Residential District allows an unlimited number of Commercial Uses under Section 450(E)(5). An Automotive Service is a Conditional Use in this district under Section 450(E)(4).

### **Dimensional Requirements:**

**Findings of Fact:** Commercial/Residential District has the following Site Criteria (Section 450(E)(5):

Density Limits: A maximum of 25% lot coverage – Structure on the lot pre-exists and no new structure is sought which would increase lot coverage.

Structures/Uses Per Lot: Unlimited

Dimensional requirements:

- 1 acre Min Lot Size - lot is noted to be 1.05 acres on the Grand List and 1.33 acres GIS (Exhibit 1)
  - 150 feet Lot Frontage - frontage is approximately 150 feet (Exhibit 1)
  - 150 feet Minimum Lot Depth – lot depth is approximately 280 feet (Exhibit 1)
  - Structure Height: 38’ to the highest point of the ridgeline from average grade - height maximum not applicable as the building to be used is pre-existing and no structural changes are sought.
  - 40 ft. Front Setback: front setback is approximately 93 feet (Exhibit 1)
  - 20 ft Side & Rear Setback: Approximately 46.5 feet to the southerly bound and 23 feet to the northerly bound as side yard setbacks and 166 feet as a rear yard setback. (Exhibit 1)
- As the proposed use will be in a pre-existing structure on a pre-existing lot and no structural changes are proposed, the dimensional requirements are not applicable.

**Conclusions of Law:** Density & Dimensional requirements are not applicable.

## **Article VI Flood Hazard District**

### **Section 602 (A-C): Lands to Which These Regulations Apply**

Regulations apply to development in all areas of the town identified as special flood hazard in and on the most current flood insurance studies and maps published by the Dept. of Homeland Security, FEMA, and National Flood Insurance Program (NFIP), as provided by the ANR pursuant to 10 V.S.A. section 753. The base flood elevations and floodway limits (zones A1 – A30, AE and AH) provided by the NFIP shall be used to administer provisions of the regulation. If none is provided by the NFIP then information available from the state or federal agencies or other sources shall be obtained and reasonably utilized.

**Findings of Fact:** 798 Route 100 North does not lie within the Flood Hazard District flood hazard area as defined by NFIP or FEMA flood maps. (Testimony of Craig Ohlson)

**Conclusions of Law:** Flood Hazard District regulations are not applicable to this application.

## **Article VII Standards**

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

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

**Finding of Facts:** The compressor is to be used for the car wash water. It will be electrical. (Exhibit 4 and Applicant’s testimony) There will be no continuous, permanent, ongoing, or frequent vibration created by the proposed use as a hand car wash (Testimony of Applicant’s Agent)

**Conclusions of Law:** Standard 710 A 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 9PM and 7AM and does not significantly detract from or diminish other property’s allowed use or land development.

**Finding of Facts:** The applicant testified that there will be no continuous, permanent, ongoing or

frequent noise in excess of that of a normal conversation at the property line. Exhibit 4 gives a Sound Pressure level at 72 dBA for the compressor. This equates to sound of a vacuum cleaner at a distance of one meter. The sound will be intermittent as it is only present when water is used.

**Conclusions of Law:** Standard 710 B 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.

**Finding of Facts:** The application is for a car washing and detailing service. There will be no emission of dust, ash, smoke or other particulate matter. (Testimony of Applicant's Agent)

**Conclusions of Law:** Standard 710 C 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.

**Finding of Facts:** The operator will keep the area free of refuse or waste. The operation will not cause excessive heat, cold or dampness. There will be no explosives, fire, glare, or other hazard which will cause injury or damage to human or animal health, vegetation, or property maintained on the property under the proposed use. All soaps will be bio-degradable. There will be no "engine cleaning" which obviates the need for oil emulsifiers and their disposal. (Testimony of Applicant's Agent)

**Conclusions of Law:** Standard 710 D is met.

## **Section 721: General Standards**

The proposed use shall protect against adverse effect on:

### **A: Community, Municipal or Educational Facilities**

**Findings of Fact:** The proposed Use will have up to two employees working at a time. No burdens are anticipated for schools, police, fire, health care facilities or other community services or facilities. (Testimony of the Applicant's Agent)

**Conclusions of Law:** This standard is satisfied.

### **B. Traffic on Roads and Highways**

**Findings of Facts:** The proposed site is located on the west side of Route 100 North across from the entrance to the location of the Valley News. Route 100 North is a heavily traveled way which has a high concentration of commercial activity. The applicant proposes to service one vehicle at a time. Two or three vehicles may be waiting for service. The anticipated volume would be a maximum of three cars per day for Full Detailing and five cars per day for the Quick Wash. (Exhibit 1, Testimony of Applicant's Agent)

**Conclusions of Law:** The proposed development will have minimal impact on traffic on roads and highways. Standard 721 B is met.

**C: Bylaws and Ordinances in Effect**

**Findings of Fact:** Proposed development has been shown to be conforming to all bylaws and ordinances in effect at the time of this decision including the Zoning Ordinance and the Town Plan.

**Conclusions of Law:** This application is in conformity with all bylaws and ordinances. Standard 721 C is met.

**D. Utilization of Renewable Energy & Natural Resources**

**Findings of Fact:** Renewable energy or natural resource impacts anticipated for this use have been addressed by the utilization of a highly efficient pressure washer which uses 1.8 gallons per minute (Exhibit 4) It is anticipated that a Quick Wash will take approximately eight minutes of water usage (3-4 minutes to wash and 3-4 minutes to rinse) or fourteen gallons of water per car. After use water will infiltrate in the parking area. (Testimony of Applicant’s Agent)

**Conclusions of Law:** Standard 721 D is met.

**E. Air Quality**

**Findings of Fact:** See Section 710 C above

**Conclusion of Law:** Standard 721 E is met.

**F. Character of the Area**

**Findings of Fact:** The purpose of the Commercial/Residential District is to: encourage clustered development while preserving designated open spaces and historic village settlement patterns thus preventing sprawl and roadside strip development. The applicant is seeking to change the use of a portion of a presently existing building on the property from a storage facility to a hand car wash and detailing service. Hours of operation of the proposed use are 10 AM to 5 PM, Tuesday through Sunday. The second building on the property is used by a local contractor. There are private residences directly abutting the subject property to the north and south as well as living space in the second floor of the building proposed to be utilized. An auto parts store is across Route 100 to the east as well as the Valley News building. The area is of mixed use. (Exhibit 1 and Testimony of Applicant’s Agent)

**Conclusions of Law:** The proposed development is consistent with the defined purpose of the Commercial/Residential District and is consistent with the mixed-use character of the area. Standard 721 F is met.

**Article VII Standards**

**Section 722: Conditional Use - Preserving the Character of the Town**

**A. Preserving the Town’s Character**

**Findings of Fact:** See Section 721 F above.

**Conclusions of Law:** Standard 722 A is met

**B. Economic Development Contributing to the Character of the Town**

**Findings of Fact:** The proposed service is a hand car wash and detailing service in a small portion of an existing building on a highly traveled and commercial highway. The present use of the location is for storage and its change to this service will not detract from the historic nature of the town as a family destination for tourists.

**Conclusions of Law:** Standard 722 B is met.

**C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town:**

**Findings of Fact:** The proposed car wash and detailing service is to take place in a pre-existing building. A single car will be handled at a time. No new construction is proposed. No changes in the present vegetation on the property are proposed. (Testimony of Applicant's Agent)

**Conclusions of Law:** Standard 722 C is met.

**D. Formula Businesses** – not applicable

**E. Maximum Square Footage of Retail (2000 square feet)** – not applicable, not retail.

**F. Building Scale Conformity** – Not applicable, pre-existing building. No changes in structure sought.

**G. Utility Placement** – Not applicable, per-existing building

**Article VII Specific Standards**

**Section 730: Conditional Use – Specific Standards**

**A. Lighting and Glare:** Shall be shielded and downcast. Interior and exterior lighting, glare and reflection are prohibited if it is a 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, drivers or aircraft.

**Findings of Fact:** There will be no exterior lighting. Interior lighting will be within the garage bay and not reflect beyond the parking lot when the garage bay is open. (Testimony of Applicant's agent)

**Conclusions of Law:** Standard 730 A is met.

**B. Safety:** Shall minimize physical hazards where there are potential safety hazards.

**Findings of Fact:** Entrance to the work area is down a driveway from Route 100 North. Completed vehicles and those awaiting service will be held in the parking area in front of the garage bay. The only physical hazards are vehicles entering and leaving the parking area. The working area, while somewhat close to the parking area does not impinge on the traffic flow which is minimal. (Testimony of Applicant's agent)

**Conclusions of Law:** Standard 730 B 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

reviewed for safety, ease of flow and efficiency.

**Findings of Fact:** Access to the premises is by a well defined driveway from route 100. There are sufficient sight lines both north and south along Route 100 North from the driveway entrance. There will be a waiting area away from the vehicle being serviced and parked vehicles awaiting either service or pickup. (Exhibit 1)

**Conclusions of Law:** Standard 731 C is met.

**D. Commercial Parking and Loading:** Commercial parking and loading areas in all districts shall:

**1. Provide off-street parking** (except in the HDRD)

**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 unobscured 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.

**Finding of Facts:** There will be two full time employees working in the proposed service business. It is expected that only two or three cars in addition to employee transportation will be parked on the premises during the day, either awaiting service or pickup. There will be no overnight parking. There is sufficient parking area in front of the building to accommodate the anticipated number of vehicles. Snow removal will be toward the sides of the lot. If necessary, there is sufficient setback from Route 100 North to allow snow to be placed on that portion of the property. (Exhibit 1 and Testimony of Applicant's Agent)

**Conclusions of Law:** Standard 732 F is met.

**E. Road Development:** New roads, public and private, shall conform to the town's Highway Ordinance.

**Findings of Fact:** The proposed use does not involve road development.

**Conclusions of Law:** Section 730 D is not applicable

**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.

**1. Landscaping beds, trees, shrubs and plantings:** required as needed to meet the stated goals above and shall be maintained in perpetuity for general aesthetic appearance and plant health.

**2. Screening and Buffer Areas:** required as needed to screen all unaesthetic features to meet the stated goals above. Screening must be of natural vegetation and plantings. Fencing may be used

secondary to plantings to achieve screening. (See special provisions for screening unaesthetic features, large and small.)

**2i. Screening Unaesthetic Features, Small:** For unaesthetic features including but not limited to: propane tanks, dumpsters, storage areas, mechanicals, utility features, animal shelters/pens (unless falling under an Agricultural exception) which create undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal or private road, screening of the non-aesthetic features shall be provided.

**2ii. Screening & Buffer Areas for Unaesthetic Features, Large:** For unaesthetic feature larger than 200 square feet and within 50 feet of a road or abutting property, creating an undue adverse impact on the aesthetics of an abutting property or state, municipal or private road, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

**2iii. Screening and Buffer Areas for Commercial Structures and Uses:** Where there is an undue adverse impact on the aesthetics of an abutting residential property, neighborhood or state, municipal, or private road as a result of the Commercial development, a buffer area shall be provided between the commercial property and an abutting residential property, neighborhood or road. A minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

**2iv. Screening & 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. For parking areas in excess of 200 square feet and within 50 feet of a road or abutting property, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

**2v. Screening and Buffer areas for Ground Mounted Solar Arrays and Related Unaesthetic Features:** When a ground mounted solar array and/or related unaesthetic features create an undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road screening of the solar array and/or related solar array and/or related non-aesthetic features shall be provided. All reasonable efforts shall be made to maximize the visual aesthetics of ground solar development. For ground installation of solar arrays and related unaesthetic features larger than 200 square feet and within 50 feet of a road or abutting property, a minimum Buffer Area of 10 feet in depth shall be provided.

**Findings of Fact:** The work area for hand washing will be in front of the garage bay. Drying and detailing will take place inside the garage. While there are private residences to the north and south, they are some distance away – approximately 90 feet to the south and approximately 150 feet to the north. Both of these figures are by scaling distances from the plat attached to Exhibit 1. There will be only one vehicle worked on at a time. (Testimony of Applicant's Agent) As scaled from the plat attached to Exhibit 1, the garage building is approximately 90 feet from the edge of Route 100 North. There is a parking area in front of the garage which is scaled to be 36 feet deep. The remaining space, some 54 feet deep, between the parking area and Route 100 North is grassed and has two mature trees screening the building. (Exhibit 1) As found in Section 730D above, there will be only two or three cars in addition to the transportation needs of two employees parked on the premises. If the trees and the 54 foot grassed area in front of the building are maintained, the Board finds that five vehicles in the existing parking area will not create an undue adverse impact on the aesthetics of the area and no additional screening will be required.

**Conclusions of Law:** Standard 730 F is met

**G. Land and Water Management:** Protect properties, transportation systems, and public safety by  
a. Providing safe and appropriate water management including water supply/availability, storm

water retention/absorption, and impervious surface/runoff management.

b. Preventing water pollution

c. make provision for management of erosion, preservation of rivers & streams, river/stream bank management, wetland protection, waterway and channels management, and agricultural land protection.

d. Preserving and promoting scenic or aesthetic features and open spaces.

**Findings of Fact:**

A Quick Wash of a vehicle would take approximately 14 gallons of water (Testimony of Travis Phillips and Exhibit 4). Water will be supplied from a well on the premises. The area in front of the garage is dirt and will be used to absorb excess water. No structures are requested so no additional storm water absorption necessary. Snow removal will be to the sides of the parking area. There will be no alteration of lands, rivers, streams, waterways. Nothing in this proposed development will create erosion.

**Conclusions of Law:** Standard 730 F is met.

**H Wastewater and Potable Water:** A permit may be issued upon receipt of evidence there is a wastewater and potable water permit. If none is received with a submitted application, the Permit will be conditioned on receipt of a wastewater and potable water permit at which time a final Permit will be issued. DRB shall instruct the applicant on their responsibility to obtain state and federal permits and may condition their decision on obtaining such permits.

**Findings of Fact:** There is a pre-existing toilet in the garage bay served by a pre-existing septic system. (Testimony of Applicant's Agent)

**Conclusions of Law:** Standard 730 G is met.

**I. Natural Resources and Features:** Existing vegetation, native species, native trees, scenic views, river access and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pastureland and scenic spaces/vistas is allowed provided it does not have an unreasonable impact on natural resources. Development shall blend with the topography, vegetation, and natural land features. It shall not have an undue adverse impact on natural features, natural resources or renewable energy. This includes no adverse impact on forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soil unsuitable for development, impervious surfaces essential to storm water detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

**Findings of Fact:** The use will not alter or have an adverse impact on existing vegetation, native species, native trees, scenic views, river access or other natural features including forested lands, streams, stream beds, stream banks, steep slopes, wetlands, watersheds or floodplains. There will be no land clearing. The use will not create any impervious surfaces. It has no impact on unique natural features or renewable energy resources. 798 Route 100 North is not identified on the town Natural Resources Map, dated Nov 2016 as having an threatened, rare or uncommon plants; a significant natural community.

**Conclusions of Law:** There will be no adverse impact on natural resources and features. Standard 730 H is met.

**J. Wildlife Protection:** No adverse impact on wildlife habitats or corridors.

**Findings of Fact:** 798 Route 100 North is in the commercialized strip of Route 100 and is not

identified on the town Natural Resources Map, Nov 2016 as having any rare or uncommon animals; a significant natural community; a deer wintering area or wildlife habitat.

**Conclusions of Law:** The proposed use will not have any adverse impact on wildlife habitats or corridor. Standard 730 I is met.

**K. Shoreland Protection:** Compliance with Shoreland Protection Act if development is within 250 feet of a body of water greater than 10 acres.

**Findings of Fact:** Proposed development is not near a body of water.

**Conclusions of Law:** Standard 730 J is not applicable.

**L. Flood Hazard Protection:** Development must comply with the provisions of Article VI Flood Hazard District.

**Findings of Fact:** 798 Route 100 North is not in the Flood Hazard area. (Testimony of Craig Olson) See Findings and Conclusions in Article VI Section 602 above.

**Conclusions of Law:** Not applicable

**M. Energy Resources:** Commercial Development shall comply with the Commercial Building Energy Standards. Residential development shall comply with Vermont Residential Building Energy Standards. 30 V.S.A. (51 & 54)

**Findings of Fact:** There are no new structures proposed.

**Conclusions of Law:** Section 730 M is not applicable.

**N. Technical Review Costs:** Applicant may be required to pay reasonable costs of technical review.

**Findings of Fact:** There are no technical review costs.

**Conclusions of Law:** Section 730 L is not applicable.

### **Section 732: Conditional Use - Other Specific Standards**

A. Affordable Housing

B. Automotive Service Station and Repair Garage

C. Junked Vehicles

D. Medical Marijuana Dispensaries

E. Mobil Home Parks (Trailer Parks)

F. Ponds/Water Impounds

G. Quarry Operations

H. Recreational Vehicle Storage

I. Solar Projects

J. Wind Turbines

**Findings of Fact:** The proposed development does not fall into any of the above categories.

**Conclusions of Law:** Section 732 is not applicable

### **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. Any changes to the plans or increase in the volume of usage beyond that testified to shall require an administrative approval from the zoning administrator or a review by the Development Review Board, in conformance with the Zoning Ordinance.
2. The 54 foot grass strip between Route 100 North and the work area and the trees in that strip shall be maintained.
3. Pedestrian walkways and waiting areas shall be clearly marked and separated from vehicular traffic so as to promote safety.
4. If winter operation should occur, ice and snow shall be managed to prevent ice buildup and vehicular and pedestrian areas shall be kept salted or sanded for safe ingress and egress of vehicles and individuals.
5. To maintain the character of the area and the district, hours of operation are approved from 10AM – 5PM Tuesday through Sunday.
6. Should the parking area in front of the garage bay be insufficient to infiltrate the water from the washing of the vehicles the Applicant shall take steps to direct the excess water to the grass strip. In no case shall water flow onto adjacent properties.
7. There shall be no significant air emissions of dust, ash, smoke or other particulate matter.
8. There shall be no permanent or ongoing vibrations created.
9. There shall be no ongoing or permanent noise created.

The applicant is responsible for obtaining all state and federal permits.

**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:

Wendy Manners Seaman  
Paul Lockyear  
Jessie Couture  
Fred Houston

OPPOSED:

none

ABSTAINING:

none

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For the Board: Wendy Manners Seaman, Chairperson

Date: June 21, 2018

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.*