

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

Zoning Permit Application Number:

2023-082

Date of First Hearing:

8.1.23

Public Hearing Notice published in the Deerfield Valley News on:

7.20.23

Notice was posted in three public places on:

7.17.23

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

7.17.23

Appeal period for this DRB Decision expires on:

9.17.23

Approved Permit (after two years) expires on:

8.16.25

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: **Matt and Veronica Horn, owners – Matterhorn Apothecary Agent**

Applicant(s) Mailing Address: PO Box 1837, West Dover VT 05356

Address of the subject property: **7 North Main St, Wilmington, VT**

Tax Map: parcel # **21-21-30**

A copy of the request is filed in the office of the Board and is referred to as: **Permit #2023-082**

Description of Case per Public Notice

Application # **2023-082**

Proposal: Amendment to Permit 2023-029 regarding the conditions set for business hours and fence height as well as a new sign permit for additional signage on the chairlift structure in the Village District within the Historic Design Review District.

Applicable Code Sections:

Article II- Sections: 222, 223, 226, 227, 229, 232, 233, 240, 246, 272

Article IV- Sections: 440, 450 B

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

Article VII- Sections: 730 B, D9, L

Article VIII-Sections 830, 831, 832, 833 C, 840, 844, 850, 870, 871

Notice for a public hearing was published in the Valley News on: **7/20/23**

Notice was posted in three public places on: **7/17/23**

A copy of the notice was mailed to the applicant on: **7/17/23**

A copy of the notice was mailed to the abutters on: **7/17/23**

Appeal period for this Case expires on: 9/16/23

Approval expires on: 8/16/25

Date of Public Hearing: **August 7, 2023**

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

Veronica Horn

Matt Horn

EXHIBITS

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

1. Warning of DRB Hearing

driveway on both sides of the building with a locked gate to maintain a safe environment for adults and children. Spas and sauna will be locked at all times unless actively being shown by an employee.

Conclusions of Law: Standard 730 B is conditionally met

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

9. Safety: Minimize physical hazards, provide safe pedestrian and vehicular movement with unobscured views, especially visibility at intersections, pedestrian safety, convenience, emergency access.

Finding of Facts: Applicant testimony that no use of the roadway will be required.

Conclusions of Law: Standard 732 D9 is met.

L. Flood Hazard Protection

Findings of Fact: Not applicable with this application.

Conclusions of Law: not applicable.

ARTICLE VIII – SIGNS

Section 830 Permitted Signs (requiring a zoning permit)

Section 831 Types of Signs

Section 832 Number of Signs

Section 833 Size of Signs C Structure Mounted Signs – No Customer Entry and Facing a Public Area

Section 840 Obtaining a Permit

Section 844 Obtaining a Zoning Permit for a Sign

Section 850 Conditional Sign Waivers Requiring Written Decision and Approval from the Development Review Board

Section 870 Sign Standards – Applying to all Signs

Section 871 Sign Design Guidelines

Findings of Fact: During testimony by Applicants in Hearing on Application 2023-029, Applicants agreed there will be only two signs allowed and permitted on property. Applicant was informed by the DRB members that no signage on furniture is allowed nor permitted. Applicant is denied their request for the ski lift chair with the word “Matterhorn” as shown in Exhibit 4.

Conclusion of Law: The applicant was informed by the DRB members that the ski lift chair with the work “Matterhorn” is considered a sign and not allowed by ordinance. The ski lift chair may remain as long as there is no wording on the chair.

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 1-15 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. Business hours will be as agreed in earlier decision on Application 2023-029. Hours of operation for the retail use will be from 10am-6pm. Applicant states that food service hours will be from 12-6 pm Sunday – Thursday and 12-8 pm Friday and Saturday.
3. Upper level along driveway must have a 42 inch tall fence all along both sides of building and included a locked gate.
4. Two spas and sauna must be hard wired and code compliant. Two spas must have locking covers and remain locked except with an employee present. Sauna must also be locked unless an employee is present.
5. If the ski lift chair is to remain on the property as outdoor furniture any wording that would constitute advertising or store branding must be removed.

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:

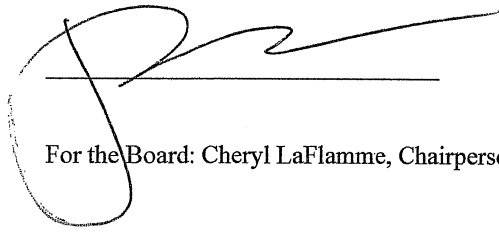
Cheryl LaFlamme
Diane Abate
John Gannon

OPPOSED:

None

ABSTAINING:

None



Date: _____ 8/16/2023 _____

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.