

11 Lisle Hill
M ACIOLEK

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

Zoning Permit Application Number:

2024-164

Date of First Hearing:

8.19.24

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:

8.9.20.24

Approved Permit (after two years) expires on:

undetermined

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: **Vincent Yeo & Jenevieve Penk**

Owner/Applicant(s) Mailing Address: **PO Box 1412, Wilmington, VT 05363**

Address of the subject property: **12 South Main Street**

Tax Map: # **20-22-23**

A copy of the request is filed in the office of the Board and is referred to as: **#2024-117**

Description of Case per Public Notice:

Application # **2024-117**: Owner(s): **Vincent Yeo & Jenevieve Penk**
Application is being made for replace existing sign over entryway with larger sign that includes business logo.

Applicable Code Sections:
Article II – Section 221, 224, 226, 227, 229, 233, 234, 271, 272
Article IV – Section 440, 450 B
Article V – 520, 521, 522
Article VIII – Section 833, 850, 870, 871, 873, 874

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** _____

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

EXHIBITS

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

1. Application - 4 pages
2. Proposed New Sign
3. Pictures of Building with proposed new sign and current sign (2 pages)
4. Hearing Notice
5. Abutter List

SYNOPSIS

The Applicant proposes a new sign stating the current sign is too thin and the font needs to thicken and be legible and also incorporate their Arthouse logo.

Article II – Administrative Procedures

Section 221-The Role of the Development Review Board

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 229-Dimensional and Sign Waivers Granted by the Development Review Board

Section 233-Criteria for Obtaining a Sign Waiver from the Development Review Board

Section 234-Dimensional and Sign Waiver Application and Review Process of the Development

Review Board

Sections 271 & 272-Public Hearings and Who May Attend and be Heard at a Public Hearing

Finding of Facts: All exhibits collected and verified. Applicant is aware of plan changes regulations. Interested parties confirmed

Conclusions of Law: All Sections are met.

ARTICLE IV: DISTRICTS & USES

Section 440-Districts and District Requirements

Section 450: Districts

A) Conservation

B) Village (a) within the HDRD and (b) outside the HDRD have unique dimensional requirements

C) Residential

D) Resort Residential

E) Commercial/Residential

F) Resort Commercial/Residential

Findings of Fact: Subject property is in the Village District and is within the Historic Design Review Overlay District. The property is identified as Tax Map: # 20-22-23.

Conclusions of Law: The proposed new sign is subject to zoning applicable to the Village District.

ARTICLE V: DESIGN REVIEW DISTRICTS- OVERLAY DISTRICTS

Section 520 – 522: Historic Design Review District

Finding of Facts: The application is for a property within the Historic Design Review District

Conclusions of Law: Provisions are applicable to the proposed new sign.

Section 522: Goals of the Historic Design Review District

The Site Plan and Design Goals of the Wilmington Historic Design Review District are as follows:

- A. To preserve the historic and cultural heritage of the historic downtown.
- B. To support maintenance, change and preservation of building and property in accordance with the design guidelines of this zoning ordinance and consistent with recognized and accepted standards for historic preservation projects.
- C. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving those features that have architectural or historic merit.
- D. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- E. To encourage maintenance and preservation of building and property and changes to support a visually attractive village for the pleasure of residents and visitors.
- F. To encourage and support economic growth and prosperity within the community while

maintaining the New England Character.

G. To encourage public and private investments that may result in a positive contribution to visual harmony and economic vitality, and protect these assets for future generations.

The goals of this District shall be considered by the Development Review Board when considering proposed sign replacement.

Findings of Fact: The proposed new sign preserves the historical and cultural heritage of the downtown and supports the goals of historic preservation.

Conclusion of Law: The proposal as presented meets the goals of the Historic Design Review District.

ARTICLE VIII – SIGNS

Section 833-Size of Signs

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

Section 873-Setback and Height Limitations – Applying to all Signs

Section 874-Calculation of Area and Number of Signs Allowed (not requiring a Permit) and Permitted (requiring a Permit).

Findings of Fact: The new sign although a different size and shape will be consistent with the Historic Design Review and Village District.

Conclusion of Law: The sign as shown in Exhibit 2 meets the goals of the Historic Design Review District.

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 5, 6, 7 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.

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:

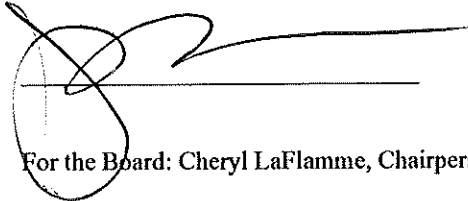
Diane Abate
Cheryl LaFlamme
John Gannon

OPPOSED:

None

ABSTAINING:

None



A handwritten signature in black ink, appearing to be 'Cheryl LaFlamme', written over a horizontal line. The signature is stylized and loops back to the left.

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.