

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

TOW  
40 BEAVER  
VETS MEMORIAL

**Zoning Permit Application Number:**

2024-168

**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:**

9.23.24

**Approved Permit (after two years) expires on:**

9.9.26

TOWN OF WILMINGTON  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND STATEMENT OF FINDINGS  
WILMINGTON, VERMONT 05363

A request for permit was made to Board by: Town of Wilmington

Owner/Applicant(s) Mailing Address: PO BOX 217, Wilmington VT

Address of the subject property: 40 Beaver Street

Tax Map: 21-22-22

A copy of the request is filed in the office of the Board and is referred to as: #2024-168

**Description of Case per Public Notice:**

Application # 2024-168: Owner: Town of Wilmington

Application is being made for a: **Sign permit application for fundraising sign in the Village Design Review Overlay in the Village District.**

Applicable Wilmington Code Sections:

Article II- 222, 224, 226, 227, 229, 233, 234, 271, 272

Article IV- 440, 450B

Article V- 510, 511, 512

Article VIII- 803, 830, 833, 850, 870, 871, 872, 873, 874, 890

Notice for a public hearing was published in the 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 on: 7/12/24

A copy of the notice was mailed to the abutters on: 7/12/24

Appeal period for this Case expires on:

9/23/2024

Approval expires on:

8/23/2026

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

**EXHIBITS**

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

1. Cover Sheet
2. Warning
3. Application (2 pages)
4. Property Map
5. Abutters
6. Photo of existing sign

**ARTICLE II: ADMINISTRATIVE PROCEDURES**

**Section 221:** The Role of the Development Review Board

**Section 222 A.** Conditional Uses: 1, 3, 4 and 5

**Finding of Facts:** all exhibits collected & verified.  
**Conclusions of Law:** Section is met.

**Section 227: Plan changes after Receiving a Development Review Board decision**

1. Any substantial alteration or material change (as determined by the zoning administrator) to a plan approved by the DRB shall require reapplication and review by DRB.  
Substantial alteration or material change means any change to a Permitted development plan approved by the DRB which may have a significant adverse impact on any findings, conclusion, term or condition of the Project's Permit which may result in significant adverse impact with respect to any zoning criteria. This includes but not limited to site plan and design changes.
2. For minor, non-substantial changes (as determined by the zoning administrator) not involving substantial change in a site plan, design or other change to a Conditional Use previously addressed in a decision of the DRB, the zoning administrator may issue a Zoning Permit under Article II Administrative approval amendments to the DRB.

**Finding of Facts:** Applicant is aware  
**Conclusions of Law:** Section is met

**Section 271: Public Hearings**

Public Hearings will be held by the Development Review Board to address zoning applications including Site Plan Review, Appeal of a Zoning administrator decision, or Zoning Administrator Failures to Act. Appeals of a Development Review Board decision are handled by the Superior Court of Vermont, Environmental Division.

**Finding of Facts:** Applicant is aware of definition of public hearings.  
**Conclusions of Law:** Section is met

**Section 272: Who May Attend and Be Heard at a Public Hearing**

The public may attend all Public Hearings. Any "Interested Person" has the right to be heard at a Public Hearing. Participation in the initial hearing proceedings is a prerequisite to making future Appeals. An Interested Person, their agent, or their attorney may appear at the hearing and be heard on the issue, in either support or opposition, or to raise a point of interest or concern on the issue being heard. Pursuant to 24 V.S.A. § 4465(b), an Interested Person includes:

- A. A group of ten (10) or more voters or property owners who, by signed petition presented to the Board, allege that the decision, proposed action or failures to act will or will not conform to policies, purposes, or the terms of the bylaw, ordinance or plan. The petition shall designate one person to serve as their representative regarding all matters related to the issue.
- B. A person owning title to a property who alleges that the decision, proposed action or failures to act will or will not impose unreasonable or inappropriate restrictions on or potential Use of the property.
- C. A person owning or occupying property in an adjacent neighborhood or property subject to the decision, proposed action or failures to act, who can demonstrate a physical or environmental impact on their interests and who alleges that the decision or proposed action will or will not conform to policies, purposes, or the terms of the bylaw, ordinance, or plan.
- D. The Town of Wilmington having a bylaw, ordinance or plan brought under review.
- E. Any department of the state owning property or with interest in property in the town of Wilmington having a plan, proposed action or failures to act, brought under review and the agency of commerce and community development for the state.

**Finding of Facts:** No interested parties where present.  
**Conclusions of Law:** Section is met.

**ARTICLE IV: DISTRICTS & USES**

**Section 440: Districts & District Requirements**

**Section 450: Districts**

**DISTRICT**

**Finding of Fact:** Subject property is in Village Design Review Overlay in Village District

**Conclusions of Law:** Section is met.

## **ARTICLE V: DESIGN REVIEW DISTRICTS- OVERLAY DISTRICTS**

### **Section 510: Village Design Review District Purpose**

The basis for a Design Review District is to preserve the natural beauty, vistas and the visual character of the Village of Wilmington. The visual aspects of the Design Review Districts represent an important asset to the community by providing a source of pleasure for both residents and visitors, and contributing to the economic development of the community.

### **Section 511: Village Design Review District Boundaries (Identification of District)**

The Village Design Review District Boundaries are illustrated on the zoning map. The district boundaries are as follows:

The district includes those Structures and properties in the following area:

Starting at the southwesterly most boundary of the Historic Design Review District (HDRD) on the Beaver Brook, following Beaver Brook to the southerly most boundary of Baker Field on Beaver Brook.

Turning east following the south-eastern boundary of Baker Field and Deerfield Valley Farmers Day Association, continuing between the 43 East Main Street (gas station) and 53 East Main Street (Family Dollar), continuing across East Main Street in a straight line to the rear of 44 East Mains Street property fronting on East Main Street.

Turning West at the rear property line of 44 East Main Street, continuing westerly along the rear property lines of 28 – 44 East Main St.

Terminating at the connection point on the North-East corner of the HDRD at the intersecting rear property line of 24 and 28 East Main St.

### **Section 512: Goals of the Village Design Review District**

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

- A. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving the visual character of the village.
- B. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- C. To encourage maintenance of buildings and property, and support a visually attractive village for the pleasure of residents and visitors
- D. To encourage and support economic growth and prosperity within the community while maintaining the visual character of the village.
- E. To encourage public and private investment and to protect the interests of future generations.

**Finding of Facts:** Sign & the future park will enhance the town's vists & support visually attractive village.

**Conclusions of Law:** Section is met.

## **ARTICLE VIII: SIGNS**

### **Section 801: Purpose**

### **Section 802: Application in District**

### **Section 831: Types of Signs**

### **Section 832: Number of Signs B, C, D**

### **Section 833: Size of Signs**

### **Section 850: Conditional sign waivers requiring written decision & approval from the DRB**

### **Section 870: Signs Standards: Applying to all signs**

### **Section 871: Sign Design guidelines**

### **Section 873: Setback & height limitations**

### **Section 874: Calculation of area & number of signs**

**Findings of Fact:** Sign is 8 feet by 4 feet. Sign will be placed no more than two years.

**Conclusion of Law:** Article VIII is met.

The application for fundraising sign in the Village Design Review Overlay in Village District is approved with the following conditions, restrictions, requirements, limitations and specifications.

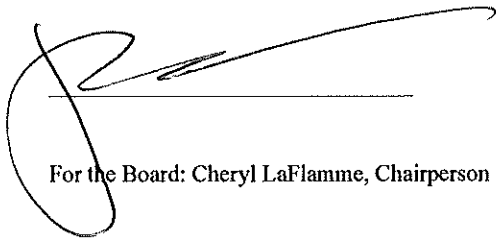
1. Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with Exhibits 1-6 and the testimony provided. Any changes to the plans will require an administrative approval from the Zoning Administrator and/or a review by the Development Review Board, in conformance with the ordinance.
2. Sign can not be placed no longer than two years.
3. Sign should be placed out of floodway.

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  
Charles Foster  
Chrystal Holt  
John Gannon

OPPOSED:  
ABSTAINING:



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For the Board: Cheryl LaFlamme, Chairperson

Date: 8/23/2024

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).

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*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.*