

TOWN OF WILMINGTON  
COVER SHEET  
DRB FINDINGS OF FACT ATTACHED

Zoning Permit Application Number:

2024-320

Date of First Hearing:

2.3.25

Public Hearing Notice published in the Deerfield Valley News on:

1.17.25

Notice was posted in three public places on:

1.14.25

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

1.14.25

Appeal period for this DRB Decision expires on:

3.7.25

Approved Permit (after two years) expires on:

2.10.27

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: Corriston-Reed Development Group LLC

Owner/Applicant(s) Mailing Address: PO Box 1456, West Dover VT 05356

Address of the subject property: 17 E Main St., Wilmington, VT

Tax Map: parcel # 21-22-19

A copy of the request is filed in the office of the Board and is referred to as: #2024-320

Description of Case per Public Notice

Application # 2024-320: Owner: Corriston-Reed Development Group LLC

Applicant proposes an After-the-Fact change of roofing materials in the Historic Design Review Overlay.

Applicable Code Sections:

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

Article IV- Sections: Section 420, 440, 450 B

Article V – Section 500, 520, 521, 522, 530, 540

Article VII – Section 710, 720, 721, 722, 723

Notice for a public hearing was published in the Valley News on: 1/17/2025

Notice was posted in three public places on: 1/14/2025

A copy of the notice was mailed to the applicant on: 1/14/2025

A copy of the notice was mailed to the abutters on: 1/14/2025

Appeal period for this Case expires on: 3/7/2025

Approval expires on: 2/19/2027

Date of Hearing(s): 3 February 2025

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

Raymond Reed (applicant)

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. Applicant Information sheet (2 pages)

5. Violation letter from ZA to applicant, dated 16 Dec 2024
6. Suspected Violation Report Form
7. Copy of email from ZA to applicant re: fines, application fees, application timeline, dated 12/9 and 11/26
8. Vermont Property Transfer Tax Return for 17 E Main St
9. Abutter List and postage date for notice mailing

**SYNOPSIS**

Applicant proposes an After-the-Fact change of roofing materials in the Historic Design Review Overlay.

**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 at the time of the hearing, and applicant confirmed there were no questions or concerns with this article.

**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 (VII)

**Finding of Facts:** Subject property is within the Village district (Section 450 B). The property is identified as Tax Map parcel #21-22-19 per the Zoning Administrator. The primary use is currently residential.

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

**ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT**

- Article 500 Authority
- Article 520 Historic Design Review District Purpose
- Article 521 Historic Design Review District Boundaries
- Article 522 Goals of the Historic Design Review District
- Article 530 Development Review Board Site Plan and Design Review Required on Design Review District Development
- Article 540 Site Plan and Design Review Standards

**Findings of Fact:** Applicant testified to having knowledge of the subject property being in the Historic Design Review District and therefore requires the written approval of the Development Review Board for "changes to the materials of the exterior of the building that are a kind or type different from the existing". The applicant testified that an urgent roof repair was needed due to leaks, at which point he communicated with the ZA and was directed to Section 531 of the ordinance, which states that "roof repair using the same material as was most recently on the structure..." can be approved can by the ZA only, not requiring DRB approval. However, the applicant testified that due to cost restraints, the presence of multiple materials on the existing roof (slate, asphalt, and metal), and the urgency of a present leak, he moved forward with replacing the roof using "Slate grey colored asphalt shingles" and simultaneously submitted the DRB application to seek after the fact approval. It is the opinion of this DRB that the material chosen for the roof replacement supports the goals of article V and therefore is approved.

**Conclusions of Law:** Article V 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 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 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 roof will not create vibration, noise, or injurious or noxious practices that violates this section. There was no evidence to suggest otherwise based on the application and the testimony.

**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 are upheld by the granting of this application, and no undue adverse effect is apparent. There is no evidence available at the time of the hearing to suggest otherwise.

**Conclusions of Law:** Section 721 is met.

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

Land development and Uses in all Districts shall preserve the character of town consistent with its rural and agricultural heritage, conforming to the following:

- A. Preservation of the Town's Character
- B. Economic Development Contributing to the Character of the Town
- C. Development Consistent with the Rural, Agricultural, and Historic Nature of the Town
- D. Formula Businesses
- E. Maximum Square Footage for Retail
- F. Building Scale Conformity
- G. Utility Placement

**Findings of Fact:** Applicant testified that the roof project complies with land development and uses per this section. There is no evidence available at the time of the hearing to suggest otherwise.

**Conclusions of Law:** Section 722 is met.

**SECTIONS 723: Conditional Use- Preserving the Character of Town: Historic**

**Preservation**

Compliance with the following guidelines is required in the Historic Design Review District, a Design Review District to the extent reasonable and possible to preserve, rehabilitate, or restore historic structures.

**Findings of Fact:** Applicant testified that the roof project supports the preservation of a historic building by maintaining it in good working order. There is no evidence available at the time of the hearing to suggest otherwise.

**Conclusions of Law:** Section 723 is 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.

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.

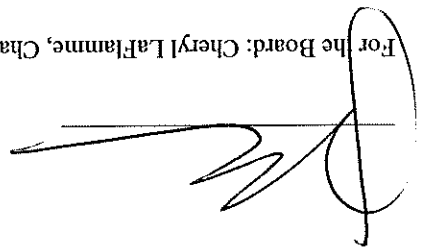
Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

**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  
Diane Abate

**OPPOSED:**  
None  
**ABSTAINING:**  
None

For the Board: Cheryl LaFlamme, Chairperson



Date: 2/7/2025

Appeal Rights: An interested person may appeal this decision to the Vermont Superior Court, Environmental Division, pursuant to 24 VSA 4471 and VERECP 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.