

5 North Main  
Sudell

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

Zoning Permit Application Number:

2025-007

Date of First Hearing:

3.17.25

Public Hearing Notice published in the Deerfield Valley News on:

2.21.25

Notice was posted in three public places on:

2.19.25

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

2.19.25

Appeal period for this DRB Decision expires on:

5.28.25

Approved Permit (after two years) expires on:

4.29.27

**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: **George and Mary Suddell**

Owner/Applicant(s) Mailing Address: 224 Laurel Avenue, Northport, NY 11768

Address of the subject property: **5 North Main St, Wilmington, VT**

Tax Map: parcel # **21-21-31**

A copy of the request is filed in the office of the Board and is referred to as **#2025-007**

**Description of Case per Public Notice**

Application # **2025-007**

Owner: George and Mary Suddell

Applicant proposes a Change of Use, adding after-the-fact Single Family Dwelling to the upper floors and then adding Five (5) bedrooms for Short-Term rental use in the Village District and the Historic Design Review Overlay District as well as the Flood Hazard Zone.

Applicable Code Sections:

Article II – Section 221, 222, 223, 224, 226, 227, 271, 272

Article IV – Section 420, 440, 450 E

Article V – Section 510, 511, 512, 520, 521, 522

Article VI – Section 602, 603, 606, 608, 609, 620

Article VII – Section 710, 720, 721, 722, 730 A, D, H

Notice for a public hearing was published in the Valley News on: **2/21/2025**

Notice was posted in three public places on: **2/19/2025**

A copy of the notice was mailed to the applicant on: **2/19/2025**

A copy of the notice was mailed to the abutters on: **2/19/2025**

Appeal period for this Case expires on: 5/28/2025

Approval expires on: 4/28/2027

Date of Hearing(s): **17 March 2025**

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

George Suddell (applicant)

No abutters present.

**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. Listers Data Cards (2 pages)

5. STR Safety Checklist
6. Architectural Drawing- Layout
7. Architectural Drawing- Site Plan
8. Suspected Violation Report Form- date 7/18/24
9. Image of VRBO listing of the property
10. Formal Notice of Violation form dated 12/17/2024
11. Copy of email communication between applicant and John Lazelle, wastewater Chief Operator re: wastewater permitting fees, dated 1/15/2025 (2 pages)
12. Copy of email communication between Jessica Roberts, zoning administrator, and ANR representative re: flood plain status and requirements, dated 2/18/2025
13. List of abutters and postage mailing date
14. Copy of email communication from ANR regional floodplain manager Asa Brayton re: any permit limitations, dated 2/21/2025

## **SYNOPSIS**

Applicant proposes a Change of Use, adding after-the-fact Single Family Dwelling to the upper floors and then adding Five (5) bedrooms for Short-Term rental use in the Village District and the Historic Design Review Overlay Districts as well as the Flood Hazard Zone.

## **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 necessary documents at the time of the hearing, and applicant provided testimony to support the documentation. 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 (VIL)

**Finding of Facts:** Subject property is within the Village District (Section 450 B), and within the Historic Design Review Overlay District, as well as in the Flood Hazard Zone. The property is identified as Tax Map parcel #21-21-31 per the Zoning Administrator. The applicant testified that the primary use is currently commercial as well as a single-family dwelling in the apartment located on the upper floors, which is for personal use by the owners as well as for STR use. Town records did not align with these uses, so the applicant seeks to remedy that by adding Dwelling Use to the property and get approval for a 5-bedroom STR as well, which requires DRB approval. Applicant confirmed they understand their district and its zoning requirements.

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

## **ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT – AN OVERLAY DISTRICT**

Section 510 Village Design Review District Purpose

Section 511 Village Design Review District Boundaries

Section 512 Goals of the Village Design Review District

Section 520 Historic Design Review District Purpose

Section 521 Historic Design Review District Boundaries

Section 522 Goals of the Historic Design Review District

**Finding of Facts:** The applicant's property is located in the Historic Design Review District, and subject to review of all proposed development to ensure the preservation of the character of the many buildings of historic significance.

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

## **ARTICLE VI: FLOOD HAZARD DISTRICT – AN OVERLAY DISTRICT**

Section 602 Lands to Which These Regulations Apply

Section 603 Development Permit Required  
Section 606 Conditional Uses  
Section 608 Conditional Use Application Requirements  
Section 609 Review Procedures  
Section 620 Flood Hazard Area Definitions

**Finding of Facts:** The applicant's property is located in the Flood Hazard District. Based on the assessment from ANR, if no renovations or structural changes are proposed, then no additional permitting requirements need to be addressed.

**Conclusion of Law:** Article VI 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 730 Specific Standards

### **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 periodic noise 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 STR use 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. Additionally, applicants confirmed they understand the zoning ordinance with regard to quiet hours between 9pm and 7am, and they would notify their guests of this ordinance.

**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 STR use 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.

### **SECTION 730: SPECIFIC STANDARDS**

#### **A. Lighting and Glare:**

**Findings of Fact:** Lighting, glare or reflection are prohibited if they- 1) Constitute an unreasonable nuisance to the other property owners or tenants, 2) Are found to not contribute to the aesthetics, scenic value, or character of the area and the community, 3) Could impair the vision of pedestrians or the driver of a motor vehicle or an aircraft. Applicant testified that no lighting was being added to the property, and

the current lighting meets the requirement of being downcast and shielded.

**Conclusions of Law:** This Use Performance Standard is met.

**D. Parking:**

**Findings of Fact:** Per the zoning ordinance, the Historic Design Review District is exempt from parking space requirements.

**Conclusions of Law:** This Use Performance Standard is met.

**H. Wastewater and Potable Water:**

**Findings of Fact:** Applicant is working with the Wastewater Chief Operator to secure proper allocation for wastewater and potable water due to being serviced by both town water and town sewer. Previous allocation was for 3 bedrooms instead of the 5 bedrooms requested.

**Conclusions of Law:** This Use Performance Standard is conditionally 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.
2. Unless otherwise stated on a submitted Wastewater Permit to the Town of Wilmington, the Vermont Department of Environmental Conservation regulations regarding wastewater for this property allow for two people per bedroom for the first three bedrooms and one person per bedroom for any bedroom beyond the first three. Failure to abide with this requirement will result in a report to the Vermont Department of Environmental Conservation for investigation and potential prosecution and may result in a violation of this permit. Failure to obtain the necessary permits from the Vermont Department of Environmental Conservation may result in a zoning enforcement action.

**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:

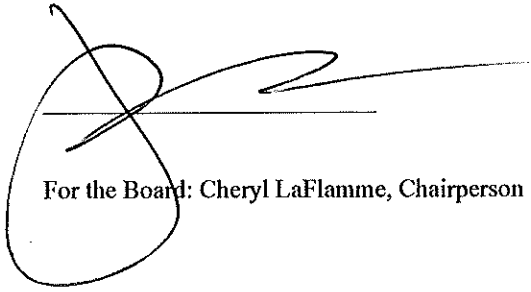
Cheryl LaFlamme  
Chrystal Holt  
John Gannon  
Charles Foster  
Charlie Foster

**OPPOSED:**

None

**ABSTAINING:**

None



Date: 4/28/2025

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).

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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.*