

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

BAUSLEY
159 HASSELL HILL

Zoning Permit Application Number:

2025-009

Date of First Hearing:

3.3.25

Public Hearing Notice published in the Deerfield Valley News on:

2.14.25

Notice was posted in three public places on:

2.12.25

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

2.12.25

Appeal period for this DRB Decision expires on:

4.24.25

Approved Permit (after two years) expires on:

5.25.27

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: **Walter and Shannon Bansley**

Owner/Applicant(s) Mailing Address: 108 Elm Street, Branford CT 06405

Address of the subject property: **159 Haskell Hill Rd, Wilmington, VT**

Tax Map: parcel # **04-2-22**

A copy of the request is filed in the office of the Board and is referred to as **#2025-009**

Description of Case per Public Notice

Application # **2025-009**

Owner: Walter and Shannon Bansley

Applicant proposes Five (5) bedrooms for short term rental use in the Residential District.

Applicable Code Sections:

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

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

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

Notice for a public hearing was published in the Valley News on: **2/14/2025**

Notice was posted in three public places on: **2/12/2025**

A copy of the notice was mailed to the applicant on: **2/12/2025**

A copy of the notice was mailed to the abutters on: **2/12/2025**

Appeal period for this Case expires on: 4/24/2025

Approval expires on: 3/24/2027

Date of Hearing(s): **3 March 2025**

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

Shannon Bansley (applicant, attended via zoom)

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. Site Plan Drawing showing parking spots
5. Floor Plan
6. Parcel Map
7. Photo of exterior of the property, lines drawn to indicate parking spaces
8. Copy of Permit Application Letter from applicant dated July 8, 2024.
9. Short Term Rental Safety Checklist
10. Suspected Violation Form
11. Applicant Information sheet (2 pages)
12. Violation letter from ZA to applicant, dated 16 Dec 2024
13. Suspected Violation Report Form- indicating applicant was reached by the ZA
14. Notice of Violation, dated 17 Dec 2024 from ZA to Applicant due to incomplete application and missing fees
15. Abutter List and postage date for notice mailing
16. Images of Airbnb listing of the property (3 pages)
17. Tax ID data sheet for 159 Haskell Hill Rd, indicates 5 bedrooms (2 pages)

SYNOPSIS

Applicant proposes a Five (5) bedroom Short Term Rental Use in the Residential District.

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 C District Purposes and Descriptions- Residential District (RES)

Finding of Facts: Subject property is within the Residential district (Section 450 C). The property is identified as Tax Map parcel #04-2-22 per the Zoning Administrator. The primary use is currently residential. Applicant testified that the property was previously used for a long-term rental, however the applicant wanted access to the house during the ski season for personal use and decided to list it as a short-term rental when they were not in town. Applicant confirmed they understand their applicable district is Residential, and that a short-term rental with five or more guest rooms requires DRB approval.

Conclusion of Law: Article IV 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: Short Term Rentals require .75 parking spaces per bedroom. For a five (5) bedroom STR, a total of 3.75 parking spaces are required. The application included a site map drawing that indicated room for 4+ parking spaces. The applicant testified that 4 cars could fit comfortably on the property, and that in the past, as many as 6 cars had been comfortably parked on the property.

Conclusions of Law: This Use Performance Standard is met.

H. Wastewater and Potable Water:

Findings of Fact: Applicant testified that the property is supplied by a personal well for potable water and a septic system for wastewater. Applicant also testified that the septic system approved and installed when the house was built (prior to 2007), was for a 5-bedroom house, which is the same number of bedrooms being applied for with this STR use.

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:

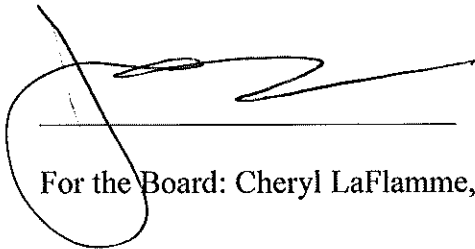
Cheryl LaFlamme
Chrystal Holt
John Gannon
Diane Abate
Charlie Foster

OPPOSED:

None

ABSTAINING:

None



Date: 3/24/2025

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).

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.