

1 EAST MAIN ST
WENDEL

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

Zoning Permit Application Number:

2025-021

Date of First Hearing:

4.7.25

Public Hearing Notice published in the Deerfield Valley News on:

3.14.25

Notice was posted in three public places on:

3.10.25

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

3.10.25

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: **Travis Wendel**

Owner/Applicant(s) Mailing Address: PO Box 1057, Wilmington VT 05356

Address of the subject property: **1 East Main St., Wilmington, VT**

Tax Map: parcel # **21-22-6**

A copy of the request is filed in the office of the Board and is referred to as: **#2025-021**

Description of Case per Public Notice

Application # **2025-021**: Owner: Travis Wendel

Applicant proposes a change to windows and doors in the Village District, Flood Hazard and Historic Design Review Overlay Districts

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 240, 246, 271, 272

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

Article V – Section 510, 511, 512, 520, 521, 522, 530, 531, 540

Article VI – Section 602, 610 A, B, C, E, J, L, 620

Article VII – Section 710, 720, 721, 722 A, E, 723, 730 A, L

Notice for a public hearing was published in the Valley News on: **3/14/2025**

Notice was posted in three public places on: **3/10/2025**

A copy of the notice was mailed to the applicant on: **3/10/2025**

A copy of the notice was mailed to the abutters on: **3/10/2025**

Appeal period for this Case expires on: _____ **5/25/2025** _____

Approval expires on: _____ **4/25/2027** _____

Date of Hearing(s): 7 April 2025

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

Applicant: Travis Wendel

Abutters: Jason Vittorini (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 (4 pages)
4. Screen shot of proposed entry door- 8-lite door with sidelights and transom

5. Photo of roof material on Northshire Bookstore, example of proposed roof material
6. Hand drawn diagram of windows, indicating addition of divider to create 3 over 3
7. Formal Notice of Violation form dated 1/30/2025
8. Information Notice of Violation form dated 12/13/2024
9. Suspected Violation Report Form, dated 7/29/2024, indicating windows were boarded up without permission
10. List of abutters and postage mailing date
11. Application, Exhibits, and Decision from 2019 DRB hearing (application #2019-003)

SYNOPSIS

Applicant proposes changes to windows and doors in the Village District, Flood Hazard and Historic Design Review Overlay Districts

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 240 Appeals
Section 246 Appealing Decisions, Acts, or Failure to Act of the Development Review Board
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 (VIL)

Finding of Facts: Subject property is within the Village district (Section 450 B). The property is identified as Tax Map parcel #21-22-6 per the Zoning Administrator. The current permitted use is Retail on the first floor, and residential on the second and third floors.

Conclusion of Law: Article IV is met.

ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT

Article 500 Authority
Article 510 Village Design Review District Purpose
Article 511 Village Design Review District Boundaries
Article 512 Goals of the Village Design Review District
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 531 Exceptions to Zoning Permit or Development Review Board Site Plan and Design Review Requirements
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. Applicant proposes a new door style for the left and right entry doors on the first floor (retail use) due to requirements from the Division of Fire Safety and ADA requirements. The proposed doors (exhibit 4) are described as "8-lite door with sidelights and transom". Applicant testified that the middle entrance door would remain unchanged. Additionally, the applicant testified that he would be adding center cross bars to the main floor windows, which once installed would create the 3 over 3 window lites that can be seen in Exhibit 6 of his previous DRB application (#2019-003). This exhibit was located from the previous application and the DRB was able to confirm the 3 over 3 design for the main floor windows. Additionally, this Exhibit 6 also shows the windows on the 2nd and 3rd floors to be a

2 over 2 design, which the applicant will continued to adhere to as well. With regard to the Mansard Roof- the applicant presented Exhibit 5, which shows the a photo of a building with the proposed roofing material of Atlantic white cedar shingles to replace the red asphalt shingles that are currently in place.

Conclusions of Law: Article V is met.

ARTICLE VI: FLOOD HAZARD DISTRICT – AN OVERLAY DISTRICT

Section 602 Lands to Which These Regulations Apply

Section 610 Development Standards

Section 620 Flood Hazard Area Definitions

Findings of Fact: Based on testimony from the Zoning Administrator, only a small portion of this lot falls into the flood hazard area. Testimony from the applicant indicated that he would not be introducing any new development in the basement of the building (the area that falls below the Base Flood Elevation) which was to remain empty and unused, nor would there be “floatables” on the exterior that needed to be addressed.

Conclusions 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 723 Conditional Use- Preserving the Character of the Town: Historic Preservation

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 new windows or door 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 window/door project complies with land development and uses per this section, as well as supports the preservation of historic buildings in town. 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 window / door updates support the preservation of a historic building by maintaining it in good working order while also meeting the current building codes and requirements. 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.
2. New doors will be in the style depicted in Exhibit 4 of this application, described as "8-lite door with sidelights and transom".
3. Windows on the first floor will depict a 3 over 3 lite design, reflected in Exhibit 6 from the 2019 DRB application (#2019-003).
4. Mansard Roof material will be Atlantic white cedar shingles.
5. Historical decorative features of the building will be reinstalled to maintain the style of the building, including the double brackets under the mansard roof, pediments over the windows and the doors, and decorative brackets on the lower and upper deck posts.
6. Refuse containers will be located in the interior of the building and shall be sufficient to accommodate the residential users as well as the commercial uses and located above the Base Flood Elevation.
7. The basement shall remain empty and unused.

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:

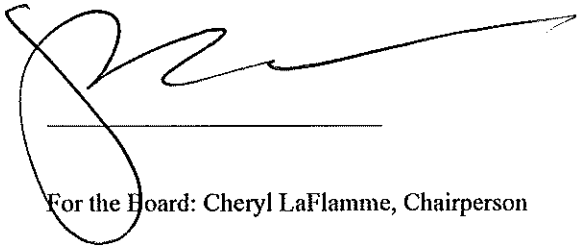
Cheryl LaFlamme
Charlie Foster
Chrystal Holt
John Gannon
Diane Abate

OPPOSED:

None

ABSTAINING:

None



Date: 4/25/2025

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.