

) School St

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

Zoning Permit Application Number:

2025-035

Date of First Hearing:

4.21.25

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~~.29.25

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: **Old School Enrichment Council, Agent: Julie Koehler**

Owner/Applicant(s) Mailing Address: PO Box 1241, Wilmington VT 05356

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

Tax Map: parcel # **21-22-26**

A copy of the request is filed in the office of the Board and is referred to as: **#2025-035**

Description of Case per Public Notice

Application # **2025-035**: Owner: Old School Enrichment Council

Applicant proposes an open-bottomed, anchored pavilion in the Village District and Design Review and Flood Overlay Districts

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 228, 271, 272

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

Article V – Section 510, 511, 512, 530

Article VI – Section 602, 603, 606, 610 A, G, 620

Article VII – Section 710, 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: _____ **5/28/2025** _____

Approval expires on: _____ **4/28/2027** _____

Date of Hearing(s): 21 April 2025

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

Applicant's Agent: Julie Koehler

Abutters: None in attendance

EXHIBITS

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

1. Zoning Permit Staff Report
2. Town of Wilmington Cover Sheet
3. Notice of Hearing
4. Application for DRB Review (4 pages)
5. Aerial photo with drawing of proposed pavilion location
6. Copy of Quit Claim Deed with property boundaries highlighted (2 pages)
7. Email correspondence between Zoning Administrator and Regional Floodplain Manager (2 pages)
8. List of abutters and postage mailing date

SYNOPSIS

Applicant proposes an open-bottomed, anchored Pavilion in the Village District and Design Review and Flood Overlays 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 228

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/agent 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 #21-22-26 per the Zoning Administrator. The proposed Conditional Use needs DRB approval due to the location in the Flood Hazard area.

Conclusion of Law: Article IV is met.

ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT

Article 510 Village Design Review District Purpose

Article 511 Village Design Review District Boundaries

Article 512 Goals of the Village Design Review District

Article 530 Development Review Board Site Plan and Design Review Required on Design Review District Development

Findings of Fact: The proposed pavilion contributes to the use of property in a manner that benefits the community while preserving the visual character of the village.

Conclusions 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 610 Development Standards

Section 620 Flood Hazard Area Definitions

Findings of Fact: Based on the proposed pavilion plans submitted with this application, the applicant/agent propose a 12x20 open bottomed pavilion with 6 support posts, using helical anchors that will extend 60" deep. Based on testimony, in the event of a flood, water would flow freely through and around the pavilion due to the open bottom design. The proposed plan was submitted to Regional Floodplain Manager Asa Brayton, whose comments did not provide any opposition to the plan.

Applicant/Agent discussed floatables with the DRB and testified to understanding the zoning requirement for any floatable to be secured or removed from the area when a flood hazard was present.

Conclusions of Law: Article VI is met.

ARTICLE VII: STANDARDS

Section 710 Use Performance Standards

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/Agent provided testimony that the proposed pavilion would meet these use performance standards.

Conclusions of Law: This Use Performance Standard 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. The pavilion will be constructed according to the plans submitted to the Regional Floodplain manager, which can be referenced in Exhibit 7 of this application.

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

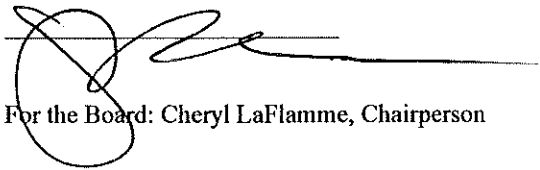
OPPOSED:

None

ABSTAINING:

None

Date: 4/28/2025



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).

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.
