

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

527 Bayl 11/11
Ulyanov

Zoning Permit Application Number:

2025-012

Date of First Hearing:

6.16.25

Public Hearing Notice published in the Deerfield Valley News on:

5.30.25

Notice was posted in three public places on:

5.29.25

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

5.29.25

Appeal period for this DRB Decision expires on:

9.4.25

Approved Permit (after two years) expires on:

8.5.27

**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: **Dmitry Ulyanov**

Owner/Applicant(s) Mailing Address: 527 Boyd Hill Rd, Wilmington, VT 06363

Address of the subject property: **527 Boyd Hill Rd, Wilmington, VT**

Tax Map: parcel #09-1-60.500

A copy of the request is filed in the office of the Board and is referred to as **#2025-012**

Description of Case per Public Notice

Application # **2025-012**

Owner: Dmitry Ulyanov

Add an additional Six Bedrooms of Short-Term Rental Use to the current permitted Four Bedroom Short Term Rental Use bringing the total to Ten Bedroom Short Term Rental Use in the Residential District.

Applicable Code Sections:

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

Article IV – 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: **5/30/2025**

Notice was posted in three public places on: **5/29/2025**

A copy of the notice was mailed to the applicant on: **5/29/2025**

A copy of the notice was mailed to the abutters on: **5/29/2025**

Appeal period for this Case expires on: 9/4/2025

Approval expires on: 8/4/2027

Date of Hearing(s): **16 June 2025, 1 July 2025 (site visit), 21 July 2025**

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

Dmitry Ulyanov (applicant)

John Dupras (applicant's engineer)

Dale Doucette (abutter)

Ian Fier (abutter)

EXHIBITS

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

1. Zoning Permit Staff Report (2 pages)
2. Town of Wilmington Cover Sheet
3. Notice of Hearing
4. Application for DRB Review (3 pages)
5. STR Safety Checklist
6. Architectural Drawing- with parking spots drawn (2 pages)

7. Parcel Map and Image
8. Drawing of Detached Building layout for first and second floor
9. Layout diagram- first floor, 1 bedroom
10. Layout diagram- second floor, 4 bedrooms
11. Layout diagram- third floor, 3 bedrooms
12. Engineering Drawing for Wastewater and Disposal System, dated 4/11/2025
13. Wastewater System and Potable Water Supply Permit Application, signature page, dated 15 April 2025
14. Email confirmation from State of Vermont DEC for receipt of wastewater and potable water application, dated 4/22/2025 (2 pages)
15. Copy of email correspondence between ZA and DEC staff for clarification on number of rooms for this application (4 pages)
16. List of abutters with date stamp of 5/29/2025 for notice mailing
17. Wastewater System and Potable Water Supply Permit (3 pages), received from ZA via email on 16 July 2025.
18. Abutter Statement and printed copy of VRBO listing for 527 Boyd Hill Rd, received from Ian Fier on 21 July 2025 (7 pages)

SYNOPSIS

Add an additional Six Bedrooms of Short-Term Rental Use to the current permitted Four Bedroom Short Term Rental Use bringing the total to Ten 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 necessary documents at the time of the hearing (aside from the pending wastewater system and potable water supply permit), and both the applicant and his engineer 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 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 #09-1-60.500 per the Zoning Administrator. The applicant testified that increasing the occupancy of the home would allow larger families (including his own) to stay on the property all together. The applicant testified that in their opinion all the district goals were met with the increase in occupancy. Applicant confirmed they understand their district and its zoning requirements. Abutters in attendance shared concerns about the increase in occupancy with regard to noise incidents and impact on the quiet residential setting.

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. Additionally, applicants confirmed they understand the zoning ordinance with regard to quiet hours between 9pm and 7am and stated they would notify their guests of this ordinance. Statements from two abutters indicated that loud noise from large groups have been an issue over the past 5 years of the house being used as a short-term rental, with concerns around noise coming from loud speakers, as well as noise going late into the night.

Conclusions of Law: This Use Performance Standard is conditionally 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. Abutters provided testimony of their concerns with the effect on the neighborhood if the application is approved.

Conclusions of Law: Section 721 is conditionally 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 allows larger families (to include his own) to enjoy the property and the neighborhood. Abutters shared concerns of the impact on preserving the quiet of the neighborhood.

Conclusions of Law: Section 722 is conditionally 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 number of parking spaces required for STR use is .75 spots per room, which would require 7.5 spots for a 10-bedroom listing. Applicant testified to having enough space on the property to accommodate the parking requirement, and the site visit also confirmed this testimony.

Conclusions of Law: This Use Performance Standard is met.

H. Wastewater and Potable Water:

Findings of Fact: During the first hearing date of 16 June, Applicant testified to applying for additional wastewater and potable water supply to support 24 occupants (more than the 10-bedroom STR requires). During the site visit, the planned location of the new wastewater system was staked for the DRB members to visually confirm. Prior to the second hearing date of 21 July, the state issued the applicant's Wastewater System and Potable Water Supply Permit which allows for 24 occupants between the main house and the secondary unit (see exhibit 17). During the second hearing on 21 July, the applicant confirmed that the new system allows for more occupants that this application is seeking and confirmed

that that the permit being sought is for a 10-bedroom STR use.
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. Per the applicant's testimony, this permit is for a 10-bedroom Short Term Rental Use permitting up to 20 occupants. This permit is issued for only the 10-bedrooms/20 occupants requested despite the wastewater system and potable water permit showing more.
3. The Short-Term Rental Use Permit will be issued once the Zoning Administrator has been given certified copies of the completed Wastewater System and Potable Water Supply completion certificates indicating that systems have been constructed to plan and are fully operational.
4. Applicant must engage with the Fire Marshall and complete any required inspections/updates/repairs as needed to deem the property safe for the occupancy of a 10-bedroom Short Term Rental. Approval from the Fire Marshall must be submitted to the Zoning Administrator.
5. The quiet hours of 9:00PM to 7:00AM as indicated by the Zoning Ordinance must be provided to all renters, and it is the responsibility of the Applicant to ensure renters are aware of this requirement.
6. The Town of Wilmington Noise Ordinance must be provided to all renters.
7. The applicant must provide to the Zoning Administrator and update as needed the contact information for whomever is determined as the primary and secondary point of contact for the property, should any issues arise while renters are on the property.
8. The applicant is encouraged to provide contact information for the primary and secondary point of contact for the property directly to the abutters to help expedite any noise disturbances that may arise.
9. To assist the applicant in ensuring quiet hour compliance, the installation of a noise monitoring device is required and must be used for all renters. It is the responsibility of the applicant to enforce quiet hours with his renters.

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:

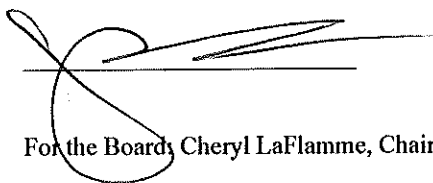
Cheryl LaFlamme
Chrystal Holt
John Gannon
Diane Abate

OPPOSED:

None

ABSTAINING:

None



Date: 8/4/2025

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 VREC 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.
