

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

Zoning Permit Application Number:

2025-064

Date of First Hearing:

6.2.25

Public Hearing Notice published in the Deerfield Valley News on:

5.9.25

Notice was posted in three public places on:

5.16.25

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

5.16.25 ✓

Appeal period for this DRB Decision expires on:

8.7.25

Approved Permit (after two years) expires on:

6.16.27

**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: **Chris Brown**

Owner/Applicant(s) Mailing Address: PO Box 1261, Wilmington, VT 05363

Address of the subject property: **874 VT Route 100 N, Wilmington, VT 05363**

Tax Map: parcel # **03-1-30**

A copy of the request is filed in the office of the Board and is referred to as: **Permit #2025-064**

Description of Case per Public Notice

Application # **2025-064**

Applicant proposes a change of use to construct a new 35'x20' storage structure.

Applicable Code Sections:

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

Article IV – Sections: 420, 440 & 450 E

Article VII- Sections: 710 & 730 F

Notice for a public hearing was published in the Valley News on: **5/9/2025**

Notice was posted in three public places on: **5/16/2025**

A copy of the notice was mailed to the applicant on: **5/16/2025**

A copy of the notice was mailed to the abutters on: **5/16/2025**

Appeal period for this Case expires on: 7/11/2025

Approval expires on: 6/11/2027

Dates of Public Hearing: **6/2/2025**

☐ The following presented testimony as the applicant:

Chris Brown

The following parties of interest testified:

None

EXHIBITS

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

Exhibit 1 – Town of Wilmington Zoning Permit Staff Report (2 pages)

Exhibit 2 – Town of Wilmington Cover Sheet

SYNOPSIS

Applicant proposes a change of use to build a new to construct a new 35'x20' storage structure.

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 221 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. This application was received containing all necessary documents and those in attendance were advised of who may provide testimony during the hearing.

Conclusion of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 420 Uses

Section 424 Secondary Uses

Section 440 Districts and District Requirements

Section 450 E District Purposes and Descriptions – Commercial/Residential District

Finding of Facts: Subject property is within the Commercial/Residential District (Section 450'E).

The property is identified as Tax Map parcel # 03-1-30. This application seeks to construct a new 35'x20' storage structure. Applicant testified that the new construction incorporates two shipping containers as foundational components. Applicant testified that the shipping containers will be anchored to a slab foundation.

Conclusion of Law: Article IV is met. The Commercial/Residential District allows an unlimited number of Commercial Structures and Uses. A Storage Facility is a Conditional Use and is allowed in the Commercial/Residential District with approval from the DRB. The new 35'x20' storage structure conforms to all site criteria.

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 F

Section 710 Use Performance Standards

A. Vibration: No continuous, permanent, ongoing or frequent vibration that is discernible at the property line.

Findings of Fact: Applicant testified that there will be no continuous, permanent, ongoing or frequent vibrations.

Conclusions of Law: This section is met.

B. Noise: Continuous, permanent, ongoing or frequent noise in excess of that of a normal conservation must not exist at the property line. Recurring periodic noise in excess of that of a normal lawn mower at the property line is allowed provided it does not occur between the hours of

9 PM and 7 AM and does not significantly detract from or diminish other property's allowed use or land development.

Findings of fact: Applicant testified that there would be no noise in violation of this section.

Conclusions of Law: This section is met.

C. Air Emissions for Commercial Operations: There shall be no emission of dust, ash, smoke or other particulate matter that can:

1. Cause damage to human or animal health, vegetation or property by reason of concentration or toxicity,
2. Contaminate the property or beyond the property boundaries.
3. Have solid or liquid particulates in concentrations exceeding state standards.
4. Cause odorous matter in quantities as to be offensive.

Findings of Fact: Applicant testified that there will be no emission of dust, ash, smoke or other particulate matter that cause damage to human or animal health, contaminate the property, cause odors or exceed State standards on particulates.

Conclusions of Law: This section is met.

D. Injurious or Noxious Practices: No operations or use shall create electromagnetic, liquid or solid refuse or waste, heat, cold, dampness, explosive, fire, glare or other hazard which will cause injury or damage to human or animal health, vegetation or property.

Findings of Fact: Applicants testified that there would be no injurious or noxious practices.

Conclusions of Law: This section is met.

Section 730: Specific Standards

All land development and Uses in all Districts and Overlay Districts shall conform to the following:

F. Landscaping, Screening and Buffer Areas: As defined in Section 722 (A) development shall "preserve the rural and agricultural character and ambiance of the community". Natural features characteristic of the town's rural and agricultural character shall be used in Landscaping and Screening to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

Finding of Facts: During the hearing on Applicant's previous application for this property (2024-172), Applicant testified that he has removed a lot of trees and shrubs from the property. There was testimony that the removal of trees and shrubs has adverse impact on abutting residential properties. The DRB decision for that permit (2024-172) was conditioned on Applicant providing buffer areas to screen the buildings and parking lot from abutting residential properties and Route 100 consistent with Article VII, Section 730.F. Applicant testified that he has not met this condition. Applicant testified that he was planning to put buffers along the Vermont Agency of Transportations right of way along Route 100 and on a section of the southern edge of his property as marked on the site plan that is part of Exhibit 4 and that he plans to plant trees and other vegetation from the ACT 250 list of approved vegetation. When questioned about putting in a buffer for a section on the norther edge of Applicant's property, Applicant testified that he was not planning to put in a buffer on that side of the property and indicated that he had spoken with the property owner, Deb Steele, who indicated that she was okay with no buffer on the northern edge of the property. The DRB reminded the Applicant that at the hearing on Permit 2024-172, Ms. Steele had testified that she wanted a buffer. The DRB then asked Applicant to clarify whether she wants a buffer. Applicant agreed to contact Ms. Steele and confirm with her whether she wants a buffer on the northern edge of Applicants property and agreed to put in a buffer if Ms. Steele requested one.

Conclusion of Law: Section 730 F is met subject to the conditions noted below.

CONDITIONS:

This application for development is **APPROVED**, as follows

1. A new 35'x20' storage structures is approved as set forth in the application.

This **APPROVAL** is subject to 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 the exhibits and the testimony provided. Any changes to the plans will require an administrative approval from the Zoning Administrator and/or a review by the Development Review Board, in conformance with the ordinance.
2. Pursuant Article VII, Section 730.F, Applicant shall provide buffer areas 10 feet in depth to screen the buildings and parking lot from abutting residential properties on the southern side of the property and along Route 100 as indicated on the site plan that is part of Exhibit 4. Plantings shall be consistent with those on the Act 250 list of approved vegetation.
3. Applicant will contact the abutting residential landowner, Deb Steele, and confirm with her whether she wants a buffer and inform of Zoning Administrator in writing of the results of that conversation. If Ms. Steele wants a buffer, Applicant will indicate on the site plan where the buffer will be located and provide the revised site plan to the Zoning Administrator.

The applicant is responsible for obtaining all state and federal permits.

If unused, this Approval expires 2 years from the date of issue. A request for extension may be made by 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.

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 APPROVAL, FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Cheryl LaFlamme
Diane Abate
Charlie Foster
Chrystal Holt
John Gannon

OPPOSED:
None

ABSTAINING:
None

Date: 6/11/2025

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.