

103 W MAW
LC / ROBINSON

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

Zoning Permit Application Number:

2025-077 + 79

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: 8.3.25

Approved Permit (after two years) expires on: 7.25.25

**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: **103 W Main 2022 LLC/Erin Robinson (Agent)**

Owner/Applicant(s) Mailing Address: PO Box 216, West Orange, NJ 07052

Address of the subject property: **103 West Main Street, Wilmington, VT 05363**

Tax Map: parcel # **20-20-41**

A copy of the request is filed in the office of the Board and is referred to as: **Permits #2025-077 and 2025-079**

> 2x

Description of Case per Public Notice

Application # **2025-077 & 2025-079**

Applicant proposes a change of use for the first floor of the building from a bakery to retail and a new sign.

Applicable Code Sections:

Article II – Sections: 221, 222, 223, 224, 226, 227, 228, 229, 233, 240, 246, 271 & 272

Article IV – Sections: 420, 440 & 450 B

Article VII – Sections: 710, 720, 721, 722 & 730 A, D & H

Article VIII – Sections: 803, 830, 831, 832, 833, 850 & 870

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: **8/2/2025**

Approval expires on: **7/2/2027**

Dates of Public Hearing: **6/16/2025**

☐ The following presented testimony as the applicant:

Erin Robinson

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

Exhibit 2 – Town of Wilmington Cover Sheet

Exhibit 3 – Town of Wilmington Warning

Exhibit 4 – Application for Change of Use (12 pages)

Exhibit 5 – Application for Sign Permit (4 pages)

Exhibit 6 – Service List

Exhibit 7 – Emails to/from Erin Robinson and John Lazelle

SYNOPSIS:

Applicant proposes a change of use for the first floor of the building from a bakery to retail and a new sign.

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 229 Dimensional and Sign Waivers Granted by the Development Review Board

Section 233 Criteria for Obtaining a Dimensional Waiver from the Development Review Board

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. 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 440 Districts and District Requirements

Section 450 B District Purposes and Descriptions – Village District

Section 460 Business Uses within a Dwelling or Accessory Structure

Finding of Facts: Subject property is within the Village District (Section 450 B). The property is identified as Tax Map parcel # **20-20-41**. This application seeks a change of use from a bakery to a retail business (pottery sales), service business (pottery classes) and manufacturing (pottery production using 1 or 2 kilns).

Conclusion of Law: Article IV is met. Retail Business, Service Business and Manufacturing are Conditional Uses in the Village District requiring Development Review Board approval.

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 A, D & H

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 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.

Section 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 proposed change of 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

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

- A. Lighting and Glare:** All exterior lighting in the Historic Design Review District and the Village District shall be in keeping with the historic character of the commercial area of the village. All exterior lighting in all Districts shall be shielded and downcast. Interior and exterior lighting, glare or reflection are prohibited if they:
1. Constitute an unreasonable nuisance to 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.

Findings: Exhibit 4 stated that there would be no change in lighting on the building and the sign in the front yard. As discussed below in the Findings of Fact for Article VIII, there is upward facing lighting on the freestanding sign.

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

D. Parking: Pursuant to 24 V.S.A. § 4414(4) All commercial parking and loading areas in all districts in the town shall adhere to the following standards:

1. **Parking Spaces Required:** With the exception of the Historic Design Review District, for every building hereafter changed in Use, erected, or altered or extended in such a way as likely to increase the need for more parking, there shall be off-street parking spaces as set forth below.
2. **Size of Parking Spaces:** Parking space size shall be a minimum of ten (10) feet by eighteen (18) feet. Smaller parking spaces are allowed only where circumstances calling for added spaces outweigh the risks and public inconvenience of smaller spaces. Special consideration should be given to safety, pedestrian, and disabled persons concerns when smaller spaces are allowed.
3. **Minimum Number of Spaces:** The minimum number of required spaces are:
 - i. **Dwelling, Multi-Family:** Two (2) parking spaces for every Dwelling unit.
 - ii. **Lodging:** One and one-half (1.5) parking space for every guest bedroom.
 - iii. **Multi Business Centers and Offices:** One (1) parking space for every four hundred (400) square feet of business or office space.
 - iv. **Retail Business:** One (1) parking space for every two hundred (200) square feet of retail area.
 - v. **Restaurant, Bar, Lounge, Entertainment / Cultural Facility:** One (1) parking space for every three (3) persons Permitted for occupancy by the Vermont Department of Labor and Industry.
 - vi. **Manufacturing:** One (1) parking space per employee per shift.
 - vii. **Short-Term Rentals:** Three-quarters (.75) parking space for every guest room.
 - viii. **Lodging with two (2) guest rooms or less** does not require additional parking
 - ix. **Spaces for Electric Vehicle Charging Stations (EVCS)** shall be included in the Minimum Number of Spaces designated above.

Finding of Fact: Exhibit 4's site plan indicates that there are five parking spaces on the side of the building. Exhibit 4 also stated that Applicant had talked to the Vermont Bowl Company, and they had given permission to use some of the Vermont Bowl Company's parking spaces after their business closes at 6:00 pm. This will allow parking for pottery classes which include five persons

and begin at 6:00 pm. Applicant testified to these facts as well.

Conclusions of Law: Section 730 D is met. There is sufficient parking for the Retail and Manufacturing Uses. Section 730 D does not have a minimum number of parking spaces for a Service Business Use.

H. Wastewater and Potable Water: Pursuant to 24 V.S.A. § 4414 (13) the Zoning Administrator may issue an initial Permit conditioned upon receipt of evidence of a wastewater and potable water supply Permit, if none is provided with the submitted application. A final Permit may be issued by the Zoning Administrator after receiving evidence that a Permit has been issued, as applicable, under chapter 64 Title 10. Development Review Board decisions shall instruct the applicant of their responsibility in obtaining state and federal Permits and may condition their decision on obtaining such a Permit if none has been obtained.

Findings of Fact: Exhibit 7 indicates that there is sufficient wastewater allocation for the proposed Uses.

Conclusions of Law: Section 730 H is met.

ARTICLE VIII: SIGNS

Section 803: Types of Signs

Section 830: Permitted Signs

Section 831: Types of Signs

Section 832: Number of Signs

Section 833: Size of Signs

Section 850: Conditional sign waivers requiring written decision & approval from the DRB

Section 870: Signs Standards: Applying to all signs

Section 871: Sign Design guidelines

Findings of Fact: Applicants proposes two rectangular signs: (1) a structure mounted sign (4 ft x2ft) at the building entrance and (2) a freestanding sign (30 inches x 75 inches) that will replace the baker's freestanding sign. The freestanding sign will be lighted by existing lights under the sign.

Conclusions of Law: Article VIII is met subject to the below conditions. Applicants meets the requirements of Sections 832, 833 and 871. Section 870 J requires that external illumination of signs shall be downcast and effectively shielded to prevent beams of light from being directed at any portion of the traveled way of a Public Road or adjacent properties. The existing lights under the freestanding sign do not meet this requirement and must be replaced with appropriate lighting or not used.

CONDITIONS:

This application for development (2025-084) and the application for signs (2025-085) are **APPROVED**, as follows:

1. A change of use from a Bakery to a Retail Business, Service Business and Manufacturing is approved as set forth in the application.
2. The two signs are 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. The lighting on the freestanding sign must meet the requirements of Section 870 J, specifically the lighting must be downcast and effectively shielded to prevent beams of light from being directed at any portion of the traveled way of a Public Road or adjacent properties.
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.

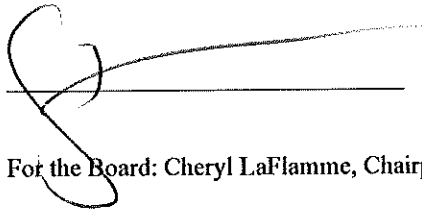
Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

Cheryl LaFlamme
Diane Abate
John Gannon

OPPOSED:
None

ABSTAINING:
None



Date: 7/2/2025

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.
