

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

360 W Rt 100 N
TVES

Zoning Permit Application Number:

2025-088

Date of First Hearing:

7.7.25

Public Hearing Notice published in the Deerfield Valley News on:

6.20.25

Notice was posted in three public places on:

6.20.25

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

6.16.25

Appeal period for this DRB Decision expires on:

9/21/2025

Approved Permit (after two years) expires on:

8/26/2027

Abcd -
DARR Comms

**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: **Town of Wilmington/School District**

Owner/Applicant(s) Mailing Address: PO Box 1924, Wilmington VT 05356

Address of the subject property: **360 VT Route 100 N, Wilmington, VT**

Tax Map: parcel # 06-2-23

A copy of the request is filed in the office of the Board and is referred to as: **#2025-088**

Description of Case per Public Notice

Application # **2025-088**: Owner: Town of Wilmington/School District

After-the-Fact application for approval of 90 feet of Additional Fencing to current Fencing in the Commercial/Residential and Flood Hazard Overlay Districts

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 232, 235, 240, 271, 272

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

Article VI – Section 602, 603, 606, 610 L, 611 C, 620

Article VII – Section 710, 720, 721

Notice for a public hearing was published in the Valley News on: **6/20/2025**

Notice was posted in three public places on: **6/20/2025**

A copy of the notice was mailed to the applicant on: **6/16/2025**

A copy of the notice was mailed to the abutters on: **6/16/2025**

Appeal period for this Case expires on: 9/21/2025

Approval expires on: 8/21/2027

Date of Hearing(s): 7 July 2025

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

Applicant's Agent: William "Bill" Bazyk (via zoom)

Abutters/Interested Person: None present

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. Suspected Violation Report Form, dated 4/24/2025
6. Parcel map with flood way overlay

7. Email correspondence between Zoning Administrator and Regional Floodplain Manager
8. List of abutters and postage mailing date

SYNOPSIS

After-the-Fact application for approval of 90 feet of Additional Fencing to current Fencing in the Commercial/Residential and Flood Hazard 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 232

Section 235 Variances Granted by the Development Review Board for Other than Renewable Energy Resources Structures

Section 240

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 at the time of the hearing, and additional testimony was received from the applicant regarding the application. No information was presented to the DRB at this hearing to indicate otherwise.

Conclusion of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 420 Uses

Section 440 Districts and District Requirements

Section 450 E District Purposes and Descriptions- Commercial/Residential (COM/RES)

Finding of Facts: Subject property is within the Commercial/Residential district (Section 450 E). The property is identified as Tax Map parcel #06-2-23 per the Zoning Administrator. The additional fencing requested by this application is permissible in this district, and based on the testimony from the applicant, the fence will meet the purpose of this district by continuing to preserve open spaces while also providing safety for those who play on the field.

Conclusion of Law: Article IV 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 608 Conditional Use Application Requirements

Section 610 Development Standards

Section 611 Administration and Variances

Section 620 Flood Hazard Area Definitions

Findings of Fact: The fence is permissible in the flood fringe area per the comments from ANR, however it was noted that chain link fences can also catch debris during flooding and direct flood waters in directions that are not normal. The applicant confirmed his understanding of this note from ANR. Additionally, the applicant's testimony indicated that the support posts for the chain link fence were installed using poured concrete footings, thereby ensuring their steadfastness in the case of flood waters.

Conclusions of Law: Article VI is conditionally 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

Findings of Fact: There is no evidence at the time of the hearing to indicate that the fencing produces any vibration, noise, air emissions, or injurious hazards. Additionally, no undue adverse effect is evident.

Conclusions of Law: Article VII 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 fencing and all support posts shall be maintained to ensure structural integrity in case of flooding.

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

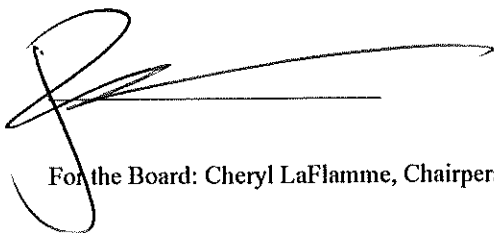
Diane Abate

OPPOSED:

None

ABSTAINING:

None



For the Board: Cheryl LaFlamme, Chairperson

Date: 8/21/2025

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.