

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

6 SOUTH MAIN
THURSDAY

Zoning Permit Application Number:

2025-091

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:

~~8/2~~ 9/21/2025

Approved Permit (after two years) expires on:

8/26/2027

TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for permit was made to Board by: Tina Thurber

Owner/Applicant(s) Mailing Address: PO BOX 103, Wilmington VT

Address of the subject property: 6 South Main Street

Tax Map: 21-22-4

A copy of the request is filed in the office of the Board and is referred to as: #2025-091

Description of Case per Public Notice:

Application # 2025-091 Owner Tina Thurber

After-the-fact Application for approval of a shed and landscaping modifications in the Village and Historic Design Review Overlay Districts

Applicable Wilmington Code Sections:

Article II- 221, 222, 223, 224, 226, 227, 240, 246, 271, 272

Article IV- 420, 440, 450B

Article V- 520, 521, 522, 530, 540

Article VII- 710, 720, 721, 722, 723, 730 A, F

Notice for a public hearing was published in the 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 on: 6/16/25

A copy of the notice was mailed to the abutters on: 6/16/25

Appeal period for this Case expires on:

9/21/2025

Approval expires on:

8/21/2027

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

James Thurber

Tina Thurber

SYNOPSIS

Applicant put up a 10x14 shed at the rear of their property. Applicant also cleared dead trees & placed shrubs at rear of their property adjacent to 4 South Main Street. Applicant also placed a temporary fence around the exterior of the property.

EXHIBITS

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

1. Staff report
2. Cover Sheet
3. Warning

4. Application (3 pages)
5. Site map
6. Violation report
7. Photos 1-11
8. Abutter list
9. Email from Thurbers & Jessica July 6th

SYNOPSIS

After the fact application for approval of a shed & landscaping modifications in the Village & Historic Design Review 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 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. Application was received containing all necessary documents at the time of the hearing, and 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 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 #21-22-4 per the Zoning Administrator. Current use is half commercial/ half residential

Conclusion of Law: Article IV is met.

ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT

Article 520 Historic Design Review District Purpose
 Article 521 Historic Design Review District Boundaries
 Article 522 Goals of the Historic Design Review District
 Article 530 Development Review Board Site Plan and Design Review Required on Design Review District Development
 Article 540 Site Plan and Design Review Standards

Findings of Fact: Shed can not be seen from road, fencing is temporary & will be removed. New fencing will be pet containment fences that are placed as needed.

Conclusions of Law: Article V 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 723 Conditional Use- Preserving the Character of the Town: Historic Preservation
 Section 730

Section 710 Use Performance Standards

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

Findings of Fact: no vibration in shed; is used for storage.

Conclusions of Law: Section is met.

B. Noise: Continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation 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: no noise issues or concerns.

Conclusions of Law: 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: n/a

Conclusions of Law: 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: n/a

Conclusions of Law: Section is met

Section 720: Applicability of Conditional Use Standards and Site Plan and Design Guidelines

Conditional Uses are subject to both General and Specific Standards as defined below. Site Plan and Design Guidelines of Appendix I shall be applied to development within the Historic Design Review District and are recommended in all other districts.

The Development Review Board will complete a Site Plan Review and a Design Review as needed to determine conformity with the Standards of this Article VII.

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: No impact on the community or surrounding areas, shed can not be seen from road & fencing is temporary.

Conclusions of Law: Section 721 is 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: No impact to town's character as shed is not visible from road.

Conclusions of Law: Section 722 is met.

SECTIONS 723: Conditional Use- Preserving the Character of Town: Historic Preservation

Compliance with the following guidelines is required in the Historic Design Review District, a Design Review District to the extent reasonable and possible to preserve, rehabilitate, or restore historic structures.

Findings of Fact: Shed is not visible from road.

Conclusions of Law: Section 723 is met.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

A. Lighting and Glare: Shall be shielded and downcast. Glare and reflection is prohibited if it is an unreasonable nuisance to other property owners or tenants, does not contribute to aesthetics, scenic value or

character of the area, or could impair vision of pedestrians or drivers. In HDRD and Village District exterior lighting must be consistent with historic character of the commercial area of the village
Findings of Fact: Applicant has installed a ring camera with downcast flood lights, lights are on motion detector & 15 minute timer.

Conclusions of Law: Section is met.

F. Landscaping, Screening and Development: Shall "preserve the rural and agricultural character and ambiance of the community". Natural features characteristic of the town's rural and agricultural nature shall be preserved. Landscaping and Screening shall be used to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

Findings of Fact: Landscaping will be placed at rear of property adjacent to 4 South Main St.

Conclusions of Law: Section 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. Applicant to remove the temporary fence before permit is issued.
3. Landscaping must be maintained & replaced if landscaping perishes.

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:

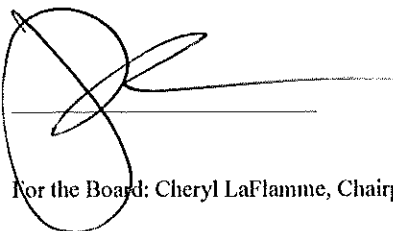
Charlie Foster
Chrystal Holt
Diane Abate

OPPOSED:

None

ABSTAINING:

Cheryl LaFlamme



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 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.
