

TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED

24 West Main St

CHRISTO

Zoning Permit Application Number:

2025-94(+95)

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:

9.28.25

Approved Permit (after two years) expires on:

in progress
w/ new ZA

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: Andrew & Elizabeth Christo

Owner/Applicant(s) Mailing Address: 64B Bear Lane, Whitingham VT 05361

Address of the subject property: 24 W Main Street

Tax Map: parcel # 20-20-78

A copy of the request is filed in the office of the Board and is referred to as: # 2025-094 and 095

Description of Case per Public Notice:

Application # 2025-094 and 095: Owner: Andrew & Elizabeth Christo

SUMMARY :

The applicant seeks Conditional Use approval for a mixed-use establishment, "Mill and Whistle," comprising gift, groceries, and product retail, and food and beverage restaurant with indoor seating, a drive-thru window, a kitchen for food preparation, and Class II liquor, located in the Village District. The proposal leverages an existing drive-thru window to enhance service efficiency while offering locally sourced goods to celebrate the community's heritage. Additionally, the applicant requests issuance of a sign permit.

Applicable Wilmington Code Sections:

Article II – Section 221, 222, 223, 224, 226, 227, 229, 233, 234, 235, 240, 271, 272
Article IV – Section 420, 440, 450 B
Article V – Section 520, 521, 522, 530, 531, 540
Article VI – Section 602, 603, 606, 608, 610 A, L, 611 C, 620
Article VII – Section 710, 720, 721, 722 A, 723
Article VIII –Section 803, 830, 831, 832, 833, 850, 870

Notice for a public hearing was published in the Valley News on:

Notice was posted in three public places on: *

A copy of the notice was mailed to the applicant on: *

A copy of the notice was mailed to the abutters on:

Appeal period for this Case expires on:

9/28/2025

Approval expires on:

8/28/2027

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

Andrew Christo

Elizabeth Christo

EXHIBITS

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

1. Zoning Permit Staff report

2. Notice of Hearing
3. Notice of Warning
4. Permit Application
5. Permit Request for 24 W. Main Street – includes the following images
 - a. Proposed Traffic Pattern
 - b. Site plan
 - c. New Interior First Floor Plan
 - d. Original Floor Plan
 - e. Exterior photos
 - f. Exterior photo showing pick-up window & signage locations
6. Mock-up for Signage – #1
7. Mock-up for Signage #2
8. Signage application
9. Application for waste water Permit & Allocation Fee timetable
10. Email Exchanges – Regional Floodplain Manager
11. Abutters list

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 222 A. Conditional Uses: 1, 3, 4 and 5

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

Finding of Facts: This standard has been met, all exhibits have been received & verified.

Conclusions of Law: Article II is met

ARTICLE IV: DISTRICTS & USES

Section 420 Uses

Section 440: Districts & District Requirements

Section 450: Districts B

Section 440: Districts and District Requirements

Section 450 B

District:

- VIL = Village

In addition, these two (2) zonings overlays apply:

- HDRD = Historic Design Review District (Article V)
- VDRD = Village Design Review District (Article V)

Section 450: District Purposes and Descriptions

Village District (VIL)

1. Purpose: To retain the character of the existing village, provide for future residential and commercial development through historically appropriate Structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

Development and reconstruction shall reflect the character and ambiance of the historic village.

Building Structures will be reflective of the historic nature of the town.

The Historic Design Review District, as defined in Article V, is included in this district. Some of the parcels in the village are also subject to the Historic Design Review District Guidelines in Article V.

Site Criteria – Village District inside the Historic Design Review District:

Density Limits	Unlimited
Structures/Uses Per Lot	Unlimited
Dimensional Requirements - New Lots	
Minimum Lot Size:	1/8 acre
Minimum Lot Frontage:	40 ft
Structure Height (Max):	38 ft to the highest point of the ridge line All Structures over 24 feet from average grade to the eave line or 38 feet to the ridge line are subject to Development Review Board written decision and approval. *
Setback-Front (Min):	0 ft Measured from edge of the actual or proposed road right-of-way to the dripline for 0 setback
Setback-Side/Rear (Min):	0 ft Measured from the dripline.

ARTICLE IV:

Findings of Fact: Subject property is within the Village District and the Historic Design review District (Section 450 B). The property is identified as Tax Map parcel # 20-20-78 per the Zoning Administrator. The current use is vacant. Applicant is proposing to change the use to Retail/Restaurant a permitted use in the Village district.

Conclusion of Law: Article IV is met.

DISTRICT

Finding of Fact: Subject property is in the Village district & within the Village Design Review District – Proposed business is a retail/restaurant which is a permitted use

Conclusions of Law: Section is met.

USES

Finding of Facts: Current use of property is Vacant Retail, requesting change to Mercantile.

Conclusions of Law: section is met.

ARTICLE V: DESIGN REVIEW DISTRICTS- OVERLAY DISTRICTS

Section 500: Authority

Section 520: Historic Design Review District Purpose

Finding of Facts:

Conclusions of Law:

Section 522: Goals of the Historic Design Review District

The Site Plan and Design Goals of the Wilmington Historic Design Review District are as follows:

- A. To preserve the historic and cultural heritage of the historic downtown.
- B. To support maintenance, change and preservation of building and property in accordance with the design guidelines of this zoning ordinance and consistent with recognized and accepted standards for historic preservation projects.

- C. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving those features that have architectural or historic merit.
- D. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- E. To encourage maintenance and preservation of building and property and changes to support a visually attractive village for the pleasure of residents and visitors.
- F. To encourage and support economic growth and prosperity within the community while maintaining the New England Character.
- G. To encourage public and private investments that may result in a positive contribution to visual harmony and economic vitality, and protect these assets for future generations.

Findings of Fact: Testimony provided by applicant. Applicant looks to help the local economy by purchasing vacant building & opening business that employs 4-6 people.
Conclusion of Law: Section is met.

Section 730: Development Review Board Site Plan & Design Review Required on Design Review District Development

Findings of Fact: Site plan & layout plans received from applicant.
Conclusion of Law: Section is met

ARTICLE VI: FLOOD HAZARD DISTRICT

Section 602 (A-C): Lands to Which These Regulations Apply

These regulations apply to development in all areas of the town identified as special flood hazard in and on the most current flood insurance studies and maps published by the Dept. of Homeland Security, FEMA, and National Flood Insurance Program (NFIP), as provided by the ANR pursuant to 10 V.S.A. section 753. The base flood elevations and floodway limits (zones A1 – A30, AE and AH) provided by the NFIP shall be used to administer provisions of the regulation. If none is provided by the NFIP then information available from the state or federal agencies or other sources shall be obtained and reasonably utilized.

Finding of Facts: Property is within the 100-year Flood plain. Based on correspondence with Regional Flood Manager, utilities will need to be at least 3' above the first floor or protected from water intrusion. Subject property doesn't have basement. Utilities were previously raised above the DFE.

Conclusion of Law: Section is met.

Development Standards – Flood Fringe Areas Section 610 C (1)

New construction and existing buildings to be substantially improved shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities to be designed so that below the base flood elevation & the Structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Finding of Facts: Dumpster should be mounted to concrete pad & bear proof. Electrical panels were previously raised above BFE.

Conclusions of Law: Section is conditionally met.

ARTICLE VII: STANDARDS

Section 710: Use Performance Standards

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

Findings of Fact: Testimony provided by agent.

Conclusions of Law: This Use Performance Standard 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 9PM and 7AM and does not significantly detract from or diminish other property's allowed use or land development.

Findings of Fact: Testimony provided by agent. Insert hours of operation

Conclusions of Law: This Use Performance Standard 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: Testimony provided by agent.

Conclusions of Law: This Use Performance Standard 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: Testimony provided by agent.

Conclusions of Law: This Use Performance Standard is met

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

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. Traffic on Roads and Highways

C: Bylaws and Ordinances in Effect

D. Utilization of Renewable Energy

E. Air Quality

F. Character of the Area

Findings of Fact: Item A & D are not applicable. The project will not have a negative impact on Items B, C & E. This is a project and business that will have a positive effect and impact on the Character of the Area, providing goods and services to visitors and residents alike.

Conclusion of Law: General standard is met.

Section XXX : The purpose of the Village District is:

"To retain the character of the existing village, provide for future residential and commercial development through historically appropriate Structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

Development and reconstruction shall reflect the character and ambiance of the historic village.

Businesses shall promote economic stability and sustainability of the town through contributing substantially to the economic viability of the community. Businesses shall provide a substantially unique retail and service experience to attract visitors and meet the needs of residents. Businesses shall reflect the special character and ambiance of the town. Businesses shall be small in scale consistent with the clustered downtown of the historic village."

Findings of Fact: In the opinion of the Board, the applicants' business will match well with purpose of village district. The proposed window change does not adversely affect the Historic nature of the area or detract from the historic character of the building.

Conclusions of Law: Standard is met.

Section 722: Conditional Use - Preserving the Character of the Town

- A. Preserving 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 of Retail (2000 square feet)**
- F. Building Scale Conformity**
- G. Utility Placement**

Findings of Fact: In the opinion of the Board, this is a business that is of appropriate scale and character and will contribute to the economic development, vitality and health of the downtown area.

Conclusions of Law: The proposed land development meets the requirements of Section 722

Section 723: Conditional Use - Preserving the Character of the Town: Historic Preservation (compliance is required for properties in the Historic Design Review District (HDRD))

A. Historic Structures:

All Conditional Uses for a certified historic Structure as defined by Internal Revenue code 26 U.S.C. Section 47 (c) and/or recognized in the National Register of Historic Places, or by the Preservation Trust of Vermont shall not engage in land development that will compromise the Structure's historic status. Every effort shall be made to preserve and enhance the historic features of Structures dating to 1920 or earlier. Preservation and enhancement of historic Structures shall be compatible with the historic character of the town and region.

Findings of Fact: Based on the Appendix II listing of the Zoning Ordinance: This property is listed in the National and State Registers of Historic Places, with an original style of Greek Revival. The structure was built in 1835. The proposed land development has the following characteristics which are appropriate to the style and year of construction.

Conclusions of Law: This standard is met.

B. Historic Preservation, Rehabilitation and Restoration. Historic features and historic Structures shall, to the extent reasonable and possible, be preserved, rehabilitated, or restored. (Preservation, Rehabilitation, Restoration including Reconstruction as defined in Section 723 B of the Wilmington Zoning Ordinance)

Consistent with Section 723 D, criteria to be applied in determining which of these approaches is most appropriate for the structure include the property's':

1. Historical significance
2. Physical condition
3. Proposed Use
4. Reasonableness of undertaking Preservation, Rehabilitation, or Restoration/Reconstruction
5. Degree to which it will contribute to preserving or enhancing the character of the community

Findings of Fact: No changes to the exterior with exception of reinstalling a teller style drive up window.

Conclusions of Law: This condition is satisfied.

C, Historic Features: For reconstruction, historic features of Structures or complimenting the historic features of the region shall be retained or reconstructed.

Finding of Facts: The proposed land development is not a reconstruction. In accordance with this Standard the development features must compliment the historic features of the structure or the region. The Board finds the proposed development is consistent with the region.

Conclusions of Law: This condition is satisfied.

D. Criteria for Determining Preservation, Rehabilitation, Restoration/Reconstruction:
See 732 B above.

E. Demolition of Historic Structures

The owner of a historic structure that may reasonably be Preserved, Rehabilitated, Restored/Renovated shall not demolish any historic Structure certified as a historic Structure as defined by Internal Revenue Code 26 U.S.C. Section 47 (c) or listed on any State or Federal Register of Historic Places.

Findings of Facts: No demolition is proposed for this structure.

Conclusions of Law: This standard is not applicable.

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 will have total of 7 downcast perimeter lights on building. Will match existing lights.

Conclusions of Law: Standard 730 A is met.

B. Safety: Shall minimize physical hazards where there are potential safety hazards.

Findings of Fact: Applicant will be installing the following signage on property; drive through only signage, enter & exit signage, & will also mark parking lots for customer & staff. Applicant also stated the handicapped parking space will be removed in drive through.

Conclusions of Law: Standard 730 B is conditionally met

C. Traffic and Pedestrian Safety: Pedestrian walkways to ensure safe and efficient navigation by foot or bicycle. Special consideration shall be made for children's safety. Traffic patterns will be reviewed for safety, ease of flow and efficiency.

Findings of Fact: In addition to the above signage, applicant will install stop sign at drive through for pedestrian safety.

Conclusions of Law: Standard 730 C is conditionally met

D. Commercial Parking and Loading: Commercial parking and loading areas in all districts shall:

1. **Provide off-street parking** (except in the Historic Design Review District)
2. **Parking spaces shall be 10 x 18** (smaller allowed only if need for added spaces outweighs the risk and public inconvenience of smaller spaces). Special consideration shall be given to safety, pedestrian and disabled persons concerns when smaller spaces are allowed.
3. **Minimum number of spaces:** One (1) parking space for each 200 sq. ft. retail.
4. **Drive-up Windows:** no waiting lines in public ROW
5. **Minimize visual impact of parking/loading areas**
6. **Buffer parking areas** if needed for safety or aesthetics
7. **Public Road Access:** minimize traffic interruption, provide for auto and pedestrian safety
8. **Rainwater, Snow, and Ice Removal/Storage:** Plan for snow/ice removal, runoff, safety.
9. **Safety:** Minimize physical hazards, provide safe pedestrian and vehicular movement with un-obscured views, especially visibility at intersections, pedestrian safety, convenience, emergency access.
10. **Neighboring properties:** integrate circulation and parking with neighboring properties. Work to maximize for efficiency, safety, and attractive solutions.

Finding of Facts: Items 1 – 10: There is ample parking in rear lot. Winter conditions: Applicant has ample rear lot for snow removal. Applicant understands that no snow can be pushed to the street.

They will maintain ice free sidewalks. Commercial deliveries will be at rear of building.

Identified potential safety concerns with pedestrians and cars using pull up window. Applicant to mark asphalt for a pedestrian walkway to ensure safety.

Conclusions of Law: Standard 732 D is conditionally met.

E. Road Development: New roads, public and private, shall conform to the town's Highway Ordinance.

Findings of Fact: The proposed change does not involve road development.

Conclusions of Law: Section 730 E is not applicable

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: No additional landscaping

Conclusions of Law: Standard 730 F is conditionally met

G. Land and Water Management: Protect properties, transportation systems, and public safety by

a. Safe and appropriate water management including water supply/availability, stormwater retention/absorption, and impervious surface/runoff management.

b. prevent and control against water pollution

c. make provision for management of erosion, preservation of rivers & streams, river/stream bank management, wetland protection, waterway and channels management, and agricultural land protection,

Findings of Fact: Existing runoff management; no changes will be made.

Conclusions of Law: Standard 730 G is conditionally met

H Wastewater and Potable Water: A permit may be issued upon receipt of evidence there is a wastewater and potable water permit. If none is received with a submitted application, the Permit will be conditioned on receipt of a wastewater and potable water permit at which time a final Permit will be issued. DRB shall instruct the applicant on their responsibility to obtain state and federal permits and may condition their decision on obtaining such permits.

Findings of Fact: Waste Water Permit was filed -- needs to be provided to ZA

Conclusions of Law: Standard 730 H is conditionally met

I. Natural Resources and Features: Existing vegetation, native species, native trees, scenic views, river access and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pastureland and scenic spaces/vistas is allowed provided it does not have an unreasonable impact on natural resources. Development shall blend with the topography, vegetation, and natural land features. It shall not have an undue adverse impact on natural features, natural resources or renewable energy. This includes no adverse impact on forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soil unsuitable for development, impervious surfaces essential to stormwater detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

Findings of Fact: proposed application does not apply.

Conclusions of Law: Standard 730 I is conditionally met.

J. Wildlife Protection: No adverse impact on wildlife habitats or corridors.

Findings of Fact: proposed application does not apply.

Conclusions of Law: Standard 730 J is conditionally met

K. Shoreland Protection: Compliance with Shoreland Protection Act if development is within 250 feet of a body of water greater than 10 acres.

Findings of Fact: This waterway is not a Shoreland to a body of water of greater than 10 acres.

Conclusions of Law: Standard 730 K is not applicable.

L. Flood Hazard Protection: Development must comply with the provisions of Article VI Flood Hazard District.

Findings of Fact: Applicant is aware of flood hazard district & will comply with all standards.

Conclusions of Law: See responses under Article VI above.

M. Energy Resources: Commercial Development shall comply with the Vermont Commercial Building Energy Standards

Findings of Fact: Commercial exhaust for kitchen.

Conclusions of Law: Section 730 M is met.

N. Technical Review Costs: Applicant may be required to pay reasonable costs of technical review.

Findings of Fact: There are no technical review costs.

Conclusions of Law: Section 730 N is not applicable.

803, 830, 831, 832, 833, 850, 870

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

Findings of Fact:

As part of their application, Applicants have also proposed adding two signs. These signs have been included in this application, reviewed by the Board and approved as noted in the conditions.

CONDITIONS:

The application to change use from Retail to Merchant is approved with the following conditions, restrictions, requirements, limitations and specifications.

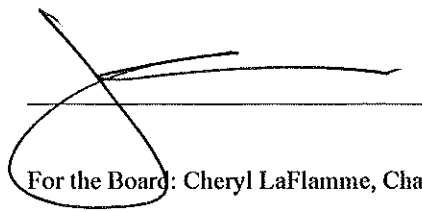
1. Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with Exhibits 1-11 and the testimony provided. Any changes to the plans will require an administrative approval from the Zoning Administrator and/or a review by the Development Review Board, in conformance with the ordinance.
2. All signage shall follow HDRD sign ordinances.
3. Following signage must be installed on property:
 - a. Drive through signage
 - b. Enter & exit signage
 - c. Parking lot signage
 - d. Stop sign exiting drive-through before sidewalk
4. Dumpster shall be mounted to concrete pad & bear proof.
5. Wastewater & potable water permits to be filed with the ZA upon receipt.

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
Charles Foster
Diane Abate

OPPOSED: 0
ABSTAINING: 0



Date: 8/28/2025

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.