

**TOWN OF WILMINGTON
COVER SHEET
DRB FINDINGS OF FACT ATTACHED**

Zoning Permit Application Number:

2025-113+14

Date of First Hearing:

8.4.25

Public Hearing Notice published in the Deerfield Valley News on:

7.18.25

Notice was posted in three public places on:

7.18.25

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

7.14.25

Appeal period for this DRB Decision expires on:

9.20.25

Approved Permit (after two years) expires on:

in process
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: Richard Lattanzi and Courtanie Howe

Owner/Applicant(s) Mailing Address: 18 N Main – 2022 LLC Michael Culnen, PO Box 1213, Wilmington,
VT 05363

Address of the subject property: 18 North Main St

Tax Map: 21-20-23

A copy of the request is filed in the office of the Board and is referred to as: #2025-113 & 2025-114

Description of Case per Public Notice:

Application # 2025-113 & 2025-114

**Change of Use to Open a Licensed Tattoo Studio in an existing building with the current use of
Brewery, Restaurant and Lodging and an Application for two Signs in the Village District and Historic
Design Review Overlay District**

Applicable Wilmington Code Sections:

Article II- 221, 222, 223, 224, 226, 227, 229, 233, 234, 246, 271, 272

Article IV- 420, 440, 450B

Article V- 520, 521, 522, 540

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

Article VIII- 821, 822, 830, 831, 832, 833, 844, 870, 871, 873, 874

Notice for a public hearing was published in the Valley News on: 7/18/25

Notice was posted in three public places on: 7/18/25

A copy of the notice was mailed to the applicant on: 7/14/25

A copy of the notice was mailed to the abutters on: 7/14/25

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:

SYNOPSIS

Applicants are applying to open a Tattoo parlor in the studio on the 2nd floor of Valley Craft Ales building.
Business will be open 4 days a week from 12p-8p. Max of two clients per session.

EXHIBITS

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

1. Staff report
2. Cover Sheet
3. Application (3 pages)
4. Floor plan
5. Parcel map- 2 pages
6. Property exterior photo

7. Sign application- 3 pages
8. Abutter list
9. Warning
10. Revision to sign placement photo

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 221: The Role of the Development Review Board

Section 225: Development Review Board Site Plan & Design Review Submission Fees

Section 226 Development Review Board decisions

Finding of Facts: All exhibits received & verified.

Conclusions of Law: Section is met.

Section 227: Plan changes after Receiving a Development Review Board decision

1. Any substantial alteration or material change (as determined by the zoning administrator) to a plan approved by the DRB shall require reapplication and review by DRB.
Substantial alteration or material change means any change to a Permitted development plan approved by the DRB which may have a significant adverse impact on any findings, conclusion, term or condition of the Project's Permit which may result in significant adverse impact with respect to any zoning criteria.
This includes but not limited to site plan and design changes.
2. For minor, non-substantial changes (as determined by the zoning administrator) not involving substantial change in a site plan, design or other change to a Conditional Use previously addressed in a decision of the DRB, the zoning administrator may issue a Zoning Permit under Article II Administrative approval amendments to the DRB.

Finding of Facts: Applicant is aware

Conclusions of Law: Section is met

Section 229: Dimensional and Sign Waivers Granted by The Development Review Board

In the case of proposed development that does not meet the standards of this Ordinance. Waivers may be requested when seeking approval from the Development Review Board. In applying for a Waiver, the burden of proof is on the Applicant to demonstrate that the Waiver request meets Waiver criteria in 232 & 233. The Development Review Board may require a survey to be completed at the owner's expense, if essential to verify the location of property lines.

Finding of Facts: Applicant is aware

Conclusions of Law: Section is met

Section 233: Criteria for Obtaining a Sign Waiver from The Development Review Board

The Development Review Board may grant a Waiver to sign requirements if the sign is found to be in the public interest and will contribute to the character of the area and the community.

Waivers meeting these criteria may be granted by the zoning administrator if the Waiver is:

- A. For the minimum size necessary to serve its intended function.
- B. The Waiver is not to the detriment of the public welfare, including the safety and maintenance of the Town and State Highways.

Finding of Facts: Application for sign waiver on the south side of the building; the sign is 21 square feet.

Conclusions of Law: Section is met

Section 234: Dimensional and Sign Waiver Application and Review Process of the Development Review Board

- A. An application to the Development Review Board for a Dimensional or Sign Waiver may be made as part of, and simultaneously with, an application for Conditional Use review or as a separate application if Conditional Use review is not otherwise required.
- B. Pursuant to 24 V.S.A. § 4460(e), the application shall come to the Development Review Board either as
 1. An application from the property owner
 2. An appeal of a decision made by the Zoning Administrator, or
 3. As a referral from the Zoning Administrator
- C. The application for a Waiver shall follow the same procedure used for Conditional Use review, approvals, and Appeals. (See Article II § 220-236)
- D. The development Review Board shall assess the impact on abutters in deciding whether to grant the Waiver, or to place conditions on the Waiver approval.
- E. In granting a decision in favor of the Applicant, the Development Review Board may attach reasonable conditions including mitigation by design, screening, or other remedy.

- F. Any Waiver granted under this Section shall be limited to the specific property to which it has been granted. A Waiver on one property shall not be construed as a general guideline or standard for any other property.
- G. Waiver approvals shall expire if work is not substantially completed within twenty-four (24) months from the date they are approved. All work shall be substantially completed as shown on any approved plan before the expiration date. The Zoning Administrator shall be notified upon completion of the work. The Development Review Board may grant an extension if an Application for an Extension is submitted prior to expiration of the Waiver.

Finding of Facts: Applicant is aware
Conclusions of Law: Section is met

Section 271: Public Hearings

Public Hearings will be held by the Development Review Board to address zoning applications including Site Plan Review, Appeal of a Zoning administrator decision, or Zoning Administrator Failures to Act. Appeals of a Development Review Board decision are handled by the Superior Court of Vermont, Environmental Division.

Finding of Facts: Applicant is aware of definition of public hearings.
Conclusions of Law: Section is met

Section 272: Who May Attend and Be Heard at a Public Hearing

The public may attend all Public Hearings. Any "Interested Person" has the right to be heard at a Public Hearing. Participation in the initial hearing proceedings is a prerequisite to making future Appeals. An Interested Person, their agent, or their attorney may appear at the hearing and be heard on the issue, in either support or opposition, or to raise a point of interest or concern on the issue being heard. Pursuant to 24 V.S.A. § 4465(b), an Interested Person includes:

- A. A group of ten (10) or more voters or property owners who, by signed petition presented to the Board, allege that the decision, proposed action or failures to act will or will not conform to policies, purposes, or the terms of the bylaw, ordinance or plan. The petition shall designate one person to serve as their representative regarding all matters related to the issue.
- B. A person owning title to a property who alleges that the decision, proposed action or failures to act will or will not impose unreasonable or inappropriate restrictions on or potential Use of the property.
- C. A person owning or occupying property in an adjacent neighborhood or property subject to the decision, proposed action or failures to act, who can demonstrate a physical or environmental impact on their interests and who alleges that the decision or proposed action will or will not conform to policies, purposes, or the terms of the bylaw, ordinance, or plan.
- D. The Town of Wilmington having a bylaw, ordinance or plan brought under review.
- E. Any department of the state owning property or with interest in property in the town of Wilmington having a plan, proposed action or failures to act, brought under review and the agency of commerce and community development for the state.

Finding of Facts: Applicant is aware of public hearing definition; no interested parties.
Conclusions of Law: Section 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 #21-20-23 per the Zoning Administrator. Application is for conditional use- professional services.
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 540 Site Plan and Design Review Standards

Findings of Fact: Applicant is aware of HDRD & designed signage with guidelines in mind.
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 730A

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 provided testimony of no vibration.

Conclusions of Law: 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 provided testimony of no loud noise & business hours of 12-8.

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.

Findings of Fact: n/a

Conclusions of Law: Section is met

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: Applicant provided testimony that tattoo parlor will be a positive value to the neighborhood & will have no effect on standards under section 721.

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: Applicant provided testimony that tattoo parlor will be a positive value to the neighborhood & will have no effect on standards under section 722.

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: No construction or rehabilitation of the building.

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: No addition of lights

Conclusions of Law: Section is met.

ARTICLE VIII: SIGNS

Section 803: Types of Signs

Section 821: Subject to Maximum of Three Square Feet in Total Area by Side

Section 822: Subject to Maximum of Six Square Feet in Total Area by Side

Section 830: Permitted Signs

Section 831: Types of Signs

Section 832: Number of Signs

Section 833: Size of Signs

Section 844: Obtaining a Zoning Permit for a Sign

Section 870: Sign Standards- applying to all signs

Section 871: Sign Design Guidelines

Section 873: Setback and Height Limitations: Applying to all Signs

Section 874: Calculation of Area and Number of Signs Allowed (not requiring a Permit) and Permitting (Requiring of a Permit)

Finding of Facts: Application for two signs; both signs will have a white background with black lettering. One sign will be hanging perpendicular to the side of the building away from the road. A larger sign will be on the South side of the building.

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. Sign of South side of building not to exceed 12 square feet; with the sign under 12 square feet it will not require a variance.

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:

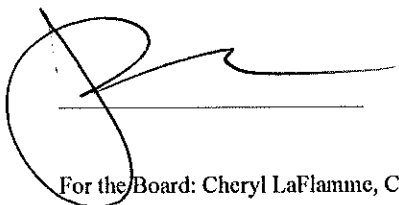
Charlie Foster
John Gannon
Cheryl LaFlamme
Diane Abate

OPPOSED:

None

ABSTAINING:

None



For the Board: Cheryl LaFlamme, Chairperson

Date: 8/28/2025

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.