

TOWN OF WILMINGTON

DRB Case COVER SHEET

Applicant Lopez

DRB FINDINGS OF FACT to be ATTACHED

Address/Lot 22 Kidner Ln

03-04-20

Zoning Permit Application Number:

2025-144

Date of First Hearing:

10/06/2025

Public Hearing Notice published in the Deerfield Valley News on:

09/19/2025

Notice was posted in three public places on:

09/16/2025

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

09/16/2025

Added to paper packet after processing:

P-Poster Posted

Abutter List DRB warning

Packet sent to DRB

Appeal period for this DRB Decision expires on:

11/15/2025

Approved Permit (after two years) expires on:

10/15/2025

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: **Anthony Lopez**

Owner/Applicant(s) Mailing Address: 313 River Road, New Milford, NJ 07646

Address of the subject property: **22 Kidner Lane, Wilmington, VT**

Tax Map: parcel #03-4-20

A copy of the request is filed in the office of the Board and is referred to as **#2025-144**

Description of Case per Public Notice

Application # **2025-144**

Owner: Anthony Lopez

After-the-fact request for approval of a Short-Term Rental of a five-bedroom house in the Commercial/Residential District.

Applicable Code Sections:

Article II – Section 221, 222, 223, 224, 226, 227, 271 & 272

Article IV – Section 420, 440, 450 E

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

Notice for a public hearing was published in the Valley News on: **9/19/2025**

Notice was posted in three public places on: **9/16/2025**

A copy of the notice was mailed to the applicant on: **9/16/2025**

A copy of the notice was mailed to the abutters on: **9/16/2025**

Appeal period for this Case expires on: _____ **11/15/2025** _____

Approval expires on: _____ **10/15/2027** _____

Date of Hearing: 10/6/2025

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

Anthony Lopez (owner, applicant)

No abutters were present

EXHIBITS

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

1. Town of Wilmington Cover Sheet
2. Zoning Permit Staff Report
3. Notice of Hearing
4. Application for DRB Review (3 pages)
5. STR Safety Checklist
6. Site Plan for Property
7. Lister Property Card (2 pages)
8. Layout diagrams for house (3 pages)
9. Site Plan for Property with designated parking spaces

SYNOPSIS: After-the-fact request for approval of a Short-Term Rental of a five-bedroom house in the Commercial/Residential District.

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 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 necessary documents at the time of the hearing, and applicant provided testimony to support the documentation. 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 E District Purposes and Descriptions- Residential District (COM/RES)

Finding of Facts: Subject property is within the Commercial Residential District (Section 450 E). The property is identified as Tax Map parcel #03-4-20 per the Zoning Administrator. The use of Short-Term Rental with 5 or more bedrooms is a Conditional Use in the Residential District, which is permitted with DRB written decision and approval. Applicant provided testimony that the property was purchased in Oct 2024 and has not been used as a Short-Term Rental since that date. No additional information is needed regarding the district or the uses for this property.

Conclusion of Law: Article IV 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 730 Specific 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: Applicant testified that there will be no continuous, permanent, ongoing or frequent vibrations.

Conclusions of Law: This standard 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 he understands the zoning ordinance with regard to quiet hours between 9pm and 7am, and he would notify their guests of this ordinance.

Conclusions of Law: This 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: Applicants testified that there would be no injurious or noxious practices.

Conclusions of Law: This 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 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.

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 testified that the STR use would be consistent with this section. There is no evidence at the time of the hearing to indicate otherwise.

Conclusions of Law: Section 722 is met.

SECTION 730: SPECIFIC STANDARDS

A. Lighting and Glare:

Findings of Fact: Lighting, glare or reflection are prohibited if they- 1) Constitute an unreasonable nuisance to the 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. Applicant testified that no lighting was being added to the property, and the current lighting meets the requirement of being downcast and shielded.

Conclusions of Law: This Use Performance Standard is met.

D. Parking:

Findings of Fact: Per the zoning ordinance, the number of parking spaces required for STR use is .75 spots per room, which would require 3.75 spots for a 5-bedroom listing. Applicant submitted a site plan (Exhibit 8) and testified to having four (4) parking spaces available on site.

Conclusions of Law: This Use Performance Standard is met.

H. Wastewater and Potable Water:

Findings of Fact: The Wilmington Property Card (Exhibit 6) indicates that the home is listed as a 5-bedroom home and was built before 2007. Applicant testified that to his knowledge the septic system has not failed. Based on all the information provided and available for review, it is the opinion of the DRB that the applicant is not increasing design flow for the proposed 5-bedroom STR use, and therefore does not trigger any additional permitting. Applicant testified that the home has a personal well for potable water.

Conclusions of Law: This Use Performance Standard 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 will provide the noise ordinance to all guests to ensure compliance.

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

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:

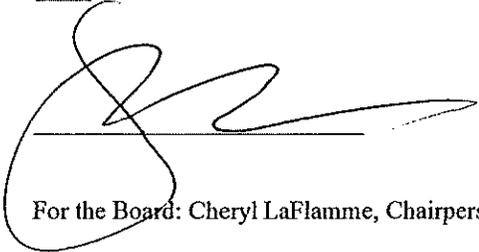
Cheryl LaFlamme
Diane Abate
Charlie Foster
John Gannon
Chrystal Holt

OPPOSED:

None

ABSTAINING:

None



Date: 10/15/2025

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.