

TOWN OF WILMINGTON

DRB Case COVER SHEET

Applicant VT 211 LLC

DRB FINDINGS OF FACT to be ATTACHED

Address/Lot 211 VT-9E
21-22-63

Zoning Permit Application Number:

#2025-167

Date of First Hearing:

10/20/25

Public Hearing Notice published in the Deerfield Valley News on:

10/3/25

Notice was posted in three public places on:

10/1/25

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

10/1/25

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:

12/29/25

Approved Permit (after two years) expires on:

11/29/27

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: VT 211, LLC

Owner/Applicant(s) Mailing Address: PO Box 295, New Fairfield, CT 06812

Address of the subject property: 211 Route 9 E, Wilmington, VT

Tax Map: parcel #21-22-63

A copy of the request is filed in the office of the Board and is referred to as: #2025-167

Description of Case per Public Notice: Conditional Change of Use application to open a restaurant with maximum occupancy of 45 seats in an existing mixed use structure on the property with parking on the property.

Application # **2025-167**

Owner: VT 211, LLC

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 228, 271, 272

Article IV- Sections: 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: 10/03/2025

Notice was posted in three public places on: 10/01/2025

A copy of the notice was mailed to the applicant on: 10/01/2025

A copy of the notice was mailed to the abutters on: 10/01/2025

Appeal period for this Case expires on: 12/25/2025

Approval expires on: 11/25/2027

Date of Hearing(s): 20 October 2025

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

Applicant(s): Steven Chila (via zoom), Joseph Garra

Abutters/Interested Person: None 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. Application for DRB Review (2 pages)
4. Parcel Map
5. Proposed Second Floor Layout Drawing
6. Proposed First Floor Layout Drawing

7. Restaurant Layout Drawing
8. Preliminary Wastewater Allocation Approval letter and application from John Lazelle, Chief Operator (3 pages)
9. Site Plan with parking areas indicated
10. Notice of Hearing
11. List of abutters and postage mailing date of 1 Oct 2025

SYNOPSIS

Conditional Change of Use Application in the Commercial-Residential Zoning District by VT 211, LLC to open a restaurant with maximum occupancy of 45 in the existing mixed-use structure on the property.

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 228 State and Federal Permits and Development Review Board Decisions

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 #21-22-63 per the Zoning Administrator. Conditional Use of Restaurant is requested and allowable in this district with approval from DRB.

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 caused by the Restaurant Use.

Conclusions of Law: This 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: Applicant testified that there would be no noise that will violate this ordinance.

Conclusions of Law: This 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: Applicant testified that there would be no emission of dust, ash, smoke or other particulate matter.

Conclusions of Law: This 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: Applicant 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 of section 721 would not be adversely affected by the proposed Restaurant Use.

Conclusions of Law: Section 721 is met.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

A. Lighting and Glared: All exterior lighting in the Historic Design Review District and Village District shall be in keeping with historic character of the commercial area of the village. All exterior lighting in all Districts shall be shielded and downcast. Interior and exterior lighting, glare or reflection are prohibited if they:

1. Constitute an unreasonable nuisance to 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.

Findings of Fact: Applicant testified that there would be no additional lighting.

Conclusions of Law: Section 730 A 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. To ensure safety of vehicles entering and exiting the property, as well as safety of travelers on Route 9, applicant must install signage to indicate “exit only” at the Eastern-most entrance to the property (nearest the Wilmington Flea Market), and “entrance only” at the western-most entrance to the property (nearest the White House Inn), thereby creating a one-way traffic pattern. This pattern will need to be established with proper signage prior to opening the restaurant.
3. Applicant will have all signage for traffic flow purposes approved by the Zoning Administrator

- prior to installation.
4. Applicant will coordinate updated rights-of-way access agreements with abutting property owners to follow the one-way traffic pattern.
 5. Restaurant Open Hours will be from 7:00am-10:00pm, 7 days per week.
 6. Applicant will provide the final wastewater permit to the ZA prior to opening the restaurant.

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

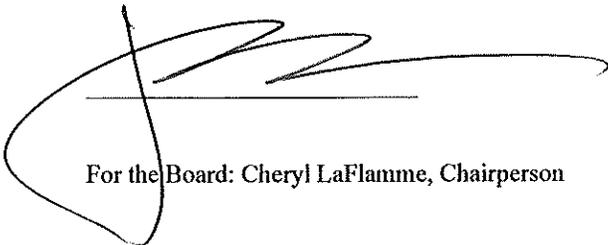
Diane Abate

OPPOSED:

None

ABSTAINING:

None



Date: 11/25/2025

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.