

TOWN OF WILMINGTON

DRB Case COVER SHEET

DRB FINDINGS OF FACT to be ATTACHED

Applicant Town of Wilmington

Address/Lot 14 West Main St

20-20-085

Zoning Permit Application Number:

#2025-170

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:

12/13/25

Approved Permit (after two years) expires on:

11/13/27

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: Town of Wilmington

Owner/Applicant(s) Mailing Address: PO Box 217, Wilmington, VT 05363

Address of the subject property: 14 West Main Street, Wilmington, VT

Tax Map: parcel # 20-20-085

A copy of the request is filed in the office of the Board and is referred to as: #2025-170

Description of Case per Public Notice

Application # 2025-170:

Owners: Town of Wilmington
Agent: Scott Tucker, Wilmington Town Manager

Applicant is seeking an amendment to Administrative Zoning Permit 2024-187 issued in July 2024. The previous permit was issued for floodproofing measures that were expected to affect only the interior of the structure. This Application seeks to (1) remove an existing 11.25 foot long by 3.4 foot wide wooden deck and staircase that gives access to the backstage area on the eastern side of the building and replace it with a new 21 foot long by 5 foot wide wood deck to allow access to the new electrical meter and provide NFPA- and OSHA-compliant access to the backstage door; (2) remove the 24.5 foot by 5 foot wide wooden ramp designed for accessible entry on the eastern corner of the building that is not ADA compliant and replace it with a ADA complaint ramp; and (3) removing and restoring the buildings 39 windows and temporarily board up the windows to seal the structure against weather and wildlife.

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 234, 271 & 272
Article IV- Sections: 440, 444 & 450 B
Article V - Sections: 512, 520, 521, 522, 530, 531, 533 & 540
Article VI -Sections 602, 609, 610 & 620
Article VII- Sections: 710, 720, 721, 722, 723 & 730 A

Notice for a public hearing was published in the Valley News on: 10/3/2025

Notice was posted in three public places on: 10/1/2025

A copy of the notice was mailed to the applicant on: 10/1/2025

A copy of the notice was mailed to the abutters on: 10/1/2025

Appeal period for this Case expires on: 12/13/2025

Approval expires on: 11/13/2027

Date of Hearing: October 20, 2025 & November 3, 2025

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

Person:
Scott Tucker, Agent
Hamilton Hodgson, Engineer

EXHIBITS

The following Exhibits were placed in evidence by the Applicant:

1. Town of Wilmington Cover Sheet
2. Zoning Permit Staff Report (2 pages)
3. Application for DRB Review (5 pages)
4. Site Plans for Memorial Hall with Proposed Changes and Existing Condition (2 pages)
5. Division of Fire Safety Electrical Inspection Results
6. Joslin Construction Estimate of Work
7. Vermont Center for Independent Living ADA Site Assessments (2 pages)
8. Various photographs of exterior of Memorial Hall (7 pages)
9. National Flood Hazard Map of Downtown Wilmington
10. Abutter List and postage date for notice mailing
11. Email from Alice Richter to Alex Miller, dated 10/6/2025 re: Memorial Hall Repairs
12. Town of Wilmington Warning
13. Zoning Permit and Application 2024-187 for flood-proofing Memorial Hall (18 pages)
14. Additional photos of Memorial Hall (3 pages)
15. Letter from Vermont Dept. of Environmental Conservation to Alex Miller, dated 10/29/2025 (2 pages)
16. Letter from Hodgman Engineering & Permitting, PLLC to Scott Tucker, dated 10/29/2025 (8 pages)

SYNOPSIS

Applicant is seeking an amendment to Administrative Zoning Permit 2024-187 issued in July 2024. The previous permit was issued for floodproofing measures that were expected to affect only the interior of the structure. This Application seeks to (1) remove an existing 11.25 foot long by 3.4 foot wide wooden deck and staircase that gives access to the backstage area on the eastern side of the building and replace it with a new 21 foot long by 5 foot wide wood deck to allow access to the new electrical meter and provide NFPA- and OSHA-compliant access to the backstage door; (2) remove the 24.5 foot by 5 foot wide wooden ramp designed for accessible entry on the eastern corner of the building that is not ADA compliant and replace it with a ADA complaint ramp; and (3) remove and restore the buildings 39 windows and temporarily board up the windows to seal the structure against weather and wildlife during the restoration process.

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 229 Dimensional and Sign Waivers Granted by the Development Review Board

Section 232 Criteria for Obtaining a Dimensional Waiver from 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 to proceed with the hearing. Applicant's agent testified that he understood this article and did not have any questions.

Conclusions of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 440 Districts and District Requirements

Section 444 Calculation of Lot Dimensions and Setbacks

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 # 20-20-085 per the Zoning Administrator. The primary use is currently as an entertainment/cultural facility. There is no proposed change of use. No additional information is needed regarding the district and the uses for this property.

Conclusion of Law: Article IV is met.

ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT

Section 512 Goals of the Village Design Review District

Section 520 Historic Design Review District Purpose

Section 521 Historic Design Review District Boundaries

Section 522 Goals of the Historic Design Review District

Section 530 Development Review Board Site Plan and Design Review Required on Design Review District Development

Section 531 Exceptions to Zoning Permit or Development Review Board Site Plan and Design Review Requirements

Section 540 Site Plan and Design Review Standards

Finding of Fact: Subject property is within the Historic Review District. The Town proposes to remove the existing deck and construct a new, longer deck to read the new electrical meter that was raised above Base Flood Elevation and to provide NFPA- and OSHA- compliant access to the backstage door. Exhibit 2. The deck would not be secured to the building, but would be secured to a concrete pad, allowing for restoration work to the deteriorating cedar shingle siding on Memorial Hall. Exhibit 2. A wooden handrail and balustrade would be constructed to match the existing balustrade on the entrance ramp on the eastern side of the building. Exhibit 2. The Town proposes to remove the existing accessibility ramp and replace it with a freestanding structure designed to meet current ADA accessibility standards while maintaining compatibility with the historic character of Memorial Hall.

Exhibit 3. The proposed ramp would be constructed of natural-tone cedar or composite materials with white-painted trim to match existing details. Exhibit 3. The ramp will provide safe, barrier free access without altering or damaging the original fabric of the 1902 building. Exhibit 3. Agent for the Applicant testified that the windows will be restored in such a manner that they will match the historic style and design of the original structure and that window areas will only be boarded up while the windows are being restored.

Conclusions of Law: Article 5 is met as noted below:

Decking: Section 530 requires a permit and a written decision from the Design Review Board for (1) significant changes to site features and (2) additions to the building that increase the square footage whether enclosed or not. This deck is necessary to read the new electrical meter that was raised above Base Flood Elevation and to provide NFPA- and OSHA- compliant access to the backstage door. The deck would not be secured to the building and would be constructed to maintain compatibility with the historic character of Memorial Hall thereby meeting the Section 522 Goals for the Historic Design Review District.

ADA Ramp: Section 531 states the Zoning Administrator may issue a permit for handicap ramps. The ramp is necessary to comply with federal ADA requirements. The ramp would not be secured to the building and would be constructed to maintain compatibility with the historic character of Memorial Hall thereby meeting the Section 522 Goals for the Historic Design Review District.

Windows: Section 531 states that window repair or installation matching the historic style and design of the original structure does not require a permit. However, Section 530 does require a permit and a written decision from the Design Review Board for boarding up windows. The temporary nature of boarding up window areas to allow for restoration of Memorial Hall's windows is consistent with the Section 522 Goals for the Historic Design Review District, especially Sections 522 B, E & G.

ARTICLE VI: FLOOD HAZARD DISTRICT – AN HISTORIC OVERLAY

Section 602 Lands to Which These Regulations Apply

Section 609 Review Procedures

Section 610 Development Standards

Section 620 Flood Hazard Area Definitions

Findings of Fact: Subject property is within the special flood hazard area. The Vermont Dept. of Environmental Conservation, which reviewed the application pursuant to Section 609, recommended that the deck and ramp be built using flood resistant materials, such as concrete, cement, treated solid

wood or steel and be anchored to cement or helical piles. See Exhibit 15. The proposed new 5' x 21' deck will be supported by footings installed 12-18 inches below grade and will be further secured by a one or more helical anchors from Tie-Down Engineering. See Exhibit 16.

Conclusions of Law: The proposed work in the Application requires a Conditional Use Permit granted by the Design Review Board. Section 606. That Application has been reviewed by the Vermont Dept. of Environmental Conservation. Section 609. Subject to the below conditions, Article 6 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 A Lighting and Glare

Section 710 Use Performance Standards

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

Findings of Fact: Agent testified that there will be no continuous, permanent, ongoing or frequent vibrations.

Conclusions of Law: This 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: Agent testified that there would be no noise in violation of this section.

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: Agent 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: Agent 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: Agent testified that the general standards of section 721 would not be adversely affected by the proposed addition.

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: Agent 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. Both the deck and ramp shall be constructed using flood resistant materials and anchored using helical anchors.

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

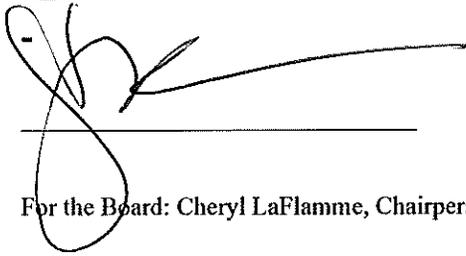
IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Cheryl LaFlamme
Diane Abate
Charlie Foster
John Gannon
Chrystal Holt

OPPOSED:
None

ABSTAINING:

None



Date: 11/13/2025

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.