

**TOWN OF WILMINGTON**

**DRB Case COVER SHEET**

**DRB FINDINGS OF FACT to be ATTACHED**

Applicant 123 W MAIN-2019LLC

Address/Lot 123 W MAIN ST  
20-20-37

Zoning Permit Application Number:

2025-200

Date of First Hearing:

12/15/2025

Public Hearing Notice published in the Deerfield Valley News on:

11/28/2025

Notice was posted in three public places on:

11/26/2025

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

11/26/2025

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:

2/23/2026

Approved Permit (after two years) expires on:

1/23/2028

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: **123 W Main – 2019, LLC/Danielle Buda (Agent)**

Owner/Applicant(s) Mailing Address: PO Box 216, West Orange, NJ 07052

Address of the subject property: **123 West Main Street, Wilmington, VT 05363**

Tax Map: parcel # **20-20-37**

A copy of the request is filed in the office of the Board and is referred to as: **Permits #2025-200**

**Description of Case per Public Notice**

Application # **2025-200**

**Applicant proposes a change of use from a coffee shop and associated retail business offering coffee and related supplies to a kennel and associated retail business offering pet supplies.**

Applicable Code Sections:

Article II – Sections: 221, 222, 223, 224, 226, 271 & 272

Article IV – Sections: 424, 426, 440 & 450 B

Article VII – Sections: 710, 720, 721, 722 & 730 A, D, F & H

Notice for a public hearing was published in the Deerfield Valley News on: **11/28/2025**

Notice was posted in three public places on: **11/26/2025**

A copy of the notice was mailed to the applicant on: **11/26/2025**

A copy of the notice was mailed to the abutters on: **11/26/2025**

Appeal period for this Case expires on: 2/23/2026

Approval expires on: 1/23/2028

Dates of Public Hearing: **12/15/2025 & 1/5/2026**

The following presented testimony for the Applicant:

Danielle Buda, Agent for Michael Culnen  
Rachel Margulies Strecker, Esq., Agent for Michael Culnen

The following parties of interest testified:

None

**EXHIBITS**

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

- Exhibit 1 – Town of Wilmington Cover Sheet
- Exhibit 2 – Town of Wilmington Zoning Permit Staff Report
- Exhibit 3 – Application for Change of Use (6 pages)
- Exhibit 4 – Interior Plan
- Exhibit 5 – Planned Fencing
- Exhibit 6 – Site Plan & Exterior Views of Structure (2 pages)
- Exhibit 7 – Interior view of kennels
- Exhibit 8 – Emails to/from Alex Miller and John Lazelle re: wastewater allocation
- Exhibit 9 – Letter from Christopher Cady to Michael Culnen, dated 5/5/2020, enclosing Warranty Deed, Property Transfer Tax Return and Title Insurance for 123 West Main Street (18 pages)
- Exhibit 10 – 123 W. Main-2019, LLC Operating Agreement (22 pages)
- Exhibit 11 – Town of Wilmington Warning for DRB Hearing on 12/15/2025
- Exhibit 12 – Service List
- Exhibit 13 – Emails to/from Alex Miller and Rachel Strecker re: Ownership of 123 West Main Street
- Exhibit 14 – Parking plan for 123 West Main Street
- Exhibit 15 – Fence, Landscape and Snow Plans for 123 West Main Street (16 pages)
- Exhibit 16 – First Amendment to Operating Agreement of 123 W. Main-2019, LLC

#### **SYNOPSIS:**

Applicant proposes a change of use from a coffee shop and associated retail business offering coffee and related supplies to a dog daycare and boarding service and associated retail business offering pet supplies.

#### **ARTICLE II: ADMINISTRATIVE PROCEDURES**

- Section 221 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 233 Criteria for Obtaining a Dimensional Waiver from the Development Review Board
- Section 240 Appeals
- Section 246 Appealing Decisions, Acts, or Failure to Act of 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. This application was received containing all necessary documents and those in attendance were advised of who may provide testimony during the hearing.

**Conclusion of Law:** Article II is met.

#### **ARTICLE IV: DISTRICTS & USES**

- Section 420 Uses
- Section 424 Secondary Uses
- Section 426 Uses Not Provided For
- Section 440 Districts and District Requirements
- Section 450 B District Purposes and Descriptions – Village District
- Section 460 Business Uses within a Dwelling or Accessory Structure

**Finding of Facts:** Subject property is within the Village District (Section 450 B). The property is identified as Tax Map parcel # 20-20-37. This application seeks a change of use from a coffee shop and associated retail business offering coffee and related supplies to a dog day care and boarding service business and associated retail business offering pet supplies.

**Conclusion of Law:** Article IV is met. A Service Business is a Conditional Use in the Village District.  
The Secondary Use proposed in the application is a retail business offering pet supplies. Section 424 requires a Conditional Use written decision and approval from the Development Review Board

for any Secondary Use that is not an Allowed or Permitted Use. Retail is a Conditional Use in the Village District requiring Development Review Board approval.

## **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 A, D & H

### **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:** The Application indicates that Applicant will take a number of steps to minimize the noise of the proposed kennel. These include:

- Soundproofing the interior of the building to mitigate noise inside and outside of the building
- An interior play area for the dogs

Agent further testified that dogs would only be allowed in the outside play area for 18 minutes at a time, and that no dogs would be outside after 8 pm.

**Conclusions of Law:** This section is met subject to the below conditions.

**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 will be no emission of dust, ash, smoke or other particulate matter that cause damage to human or animal health, contaminate the property, cause odors or exceed State standards on particulates.

**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. Agent testified that dog waste will be removed from the enclosures and that the kennels will be cleaned daily using a Kaivac high-performance cleaning system. Agent further testified that dog waste will be sealed in bags and stored in a container with larger bags that will be sealed.

**Conclusions of Law:** This section is met subject to the below conditions.

## **Section 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 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.

## **Section 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:** Agent testified that the proposed change of use complies with land development and uses per this section. There is no evidence available at the time of the hearing to suggest otherwise.

**Conclusions of Law:** Section 722 is met.

## **Section 730: Specific Standards**

All land development and Uses in all Districts and Overlay Districts shall conform to the following:

- A. **Lighting and Glare:** All exterior lighting in the Historic Design Review District and the Village District shall be in keeping with the 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:** The Application stated that there would be no changes to the exterior of the building. Agent confirmed that there would be no new lighting and that the string lighting would be removed.

**Conclusion of Law:** Section 730 A is met subject to the below conditions.

**D. Parking:** Pursuant to 24 V.S.A. § 4414(4) All commercial parking and loading areas in all districts in the town shall adhere to the following standards:

- 1. **Parking Spaces Required:** With the exception of the Historic Design Review District, for every building hereafter changed in Use, erected, or altered or extended in such a way as likely to increase the need for more parking, there shall be off-street parking spaces as set

forth below.

2. **Size of Parking Spaces:** Parking space size shall be a minimum of nine (9) feet by eighteen (18) feet. Smaller parking spaces are allowed only where circumstances calling for added spaces outweigh the risks and public inconvenience of smaller spaces. Special consideration should be given to safety, pedestrian, and disabled persons concerns when smaller spaces are allowed.
3. **Minimum Number of Spaces:** The minimum number of required spaces are:
  - i. **Dwelling, Multi-Family:** Two (2) parking spaces for every Dwelling unit.
  - ii. **Lodging:** One and one-half (1.5) parking space for every guest bedroom.
  - iii. **Multi Business Centers and Offices:** One (1) parking space for every four hundred (400) square feet of business or office space.
  - iv. **Retail Business:** One (1) parking space for every two hundred (200) square feet of retail area.
  - v. **Restaurant, Bar, Lounge, Entertainment / Cultural Facility:** One (1) parking space for every three (3) persons Permitted for occupancy by the Vermont Department of Labor and Industry.
  - vi. **Manufacturing:** One (1) parking space per employee per shift.
  - vii. **Short-Term Rentals:** Three-quarters (.75) parking space for every guest room.
  - viii. **Lodging with two (2) guest rooms or less** does not require additional parking
  - ix. **Spaces for Electric Vehicle Charging Stations (EVCS)** shall be included in the Minimum Number of Spaces designated above.

**Finding of Fact:** Exhibit 14 indicates that there are ten (10) parking spaces for the Kennel and Retail Businesses. Exhibit 15 details the snow plowing plan.

**Conclusions of Law:** Section 730 D is met. There is sufficient parking for the Retail Use. Section 730 D does not have a minimum number of parking spaces for a Service Business.

**F. Landscaping, Screening and Buffer Areas:** As defined in § 722(A) development shall “preserve the rural and agricultural character and ambiance of the community”. Natural features characteristic of the Town’s rural and agricultural character shall be used in Landscaping and Screening to preserve and protect the aesthetic and scenic value of the Town, its neighborhoods, residents, and neighboring properties.

1. **Landscaping:** Landscape beds, trees, shrubs and plantings shall be required by the Development Review Board as reasonable and possible to protect the aesthetic and scenic value of Town, its neighborhoods, residents, and neighboring properties, creating green spaces when possible. Trees, Shrubs, and Landscape Bed plantings shall be maintained for general aesthetics and plant health. The Development Review Board shall require that if plants do not survive, they will be replanted within the growing season, and the Buffer Areas shall be maintained and vegetation replaced to insure continuous seasonal vegetation. See Site Plan and Design Guidelines for planting specification and landscaping recommendations.

2. **Screening and Buffer Areas:** All reasonable and possible effort shall be made to maximize the visual aesthetics of development from the road, adjoining properties, neighborhoods, and properties with a view of the development area for all of the types of unaesthetic features described below. Every effort shall be made to protect natural vistas and the aesthetics of the area. All screening shall include natural vegetation, tree plantings, hedges, rocks or combinations thereof. Fences and walls may be used in those circumstances where natural vegetative screening is not possible or as a secondary supplement to natural vegetative screening as needed to achieve a visual barrier.

The Development Review Board shall require that if plants do not survive, they shall be replanted within the growing season and that Buffer Areas shall be maintained and replaced as needed to insure continuous seasonal vegetation.

- i. **Screening Unaesthetic Features, Small:** For unaesthetic features including but not limited to: propane tanks, dumpsters, storage areas, mechanicals, utility features, animal shelters/pens, except for Agricultural Uses or Accessory Agricultural Uses licensed or permitted with the state and protected under 10 V.S.A 1021(f) and 1259(f) and 6 V.S.A. 4810, creating undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road, screening of the non-aesthetic features shall be provided.
- ii. **Screening and Buffer Areas for Unaesthetic Features, Large:** For unaesthetic

features larger than 200 square feet (including but not limited to large mechanical installations or utilities) and within 50 feet of a road or abutting property, creating an undue adverse impact on the aesthetics of an abutting property or state, municipal, or private road, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.

- iii. Screening and Buffer Areas for Commercial Structures and Uses: Where there is an undue adverse impact on the aesthetics of an abutting residential property, neighborhood or state, municipal, or private road as a result of the Commercial development (except for development within the Village District or for development within a Planned Unit Development (PUD) not abutting the border of the PUD), a Buffer Area shall be provided between the commercial property and an abutting residential property, neighborhood, or road. A minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.
- iv. Screening and Buffer Areas for Parking: Where there is an undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road as a result of parking, screening shall be provided where reasonable and necessary to preserve aesthetics. For parking areas in excess of 200 square feet and within 50 feet of a road or abutting property, a minimum Buffer Area of 10 feet in depth shall be provided where reasonable and possible.
- v. Screening and Buffer Areas for Ground Mounted Solar Arrays and Related Unaesthetic Features: When a ground mounted solar array and/or related unaesthetic features create an undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road, screening of the solar array and/or related non-aesthetic features is encouraged. All reasonable effort should be made to maximize the visual aesthetics of ground solar development. For ground installation of solar arrays and related unaesthetic features larger than 200 square feet and within 50 feet of a road abutting property, a minimum Buffer Area of 10 feet in depth should be provided.

**Findings of Fact:** Exhibit 15 details the fencing and landscape plan. It proposes a 6-foot-tall black chain link fence that will surround most of the building, except the front. The left and right sides of the fence will be covered with canvas with a natural ligustrum Ficus print. The 15 feet of fence on the left side of the front of the building will be screened by five emerald green arborvitae.

**Conclusions of Law:** Section 730 F is met subject to the below conditions.

**H. Wastewater and Potable Water:** Pursuant to 24 V.S.A. § 4414 (13) the Zoning Administrator may issue an initial Permit conditioned upon receipt of evidence of a wastewater and potable water supply Permit, if none is provided with the submitted application. A final Permit may be issued by the Zoning Administrator after receiving evidence that a Permit has been issued, as applicable, under chapter 64 Title 10. Development Review Board decisions shall instruct the applicant of their responsibility in obtaining state and federal Permits and may condition their decision on obtaining such a Permit if none has been obtained.

**Findings of Fact:** Exhibit 8 indicates that there is sufficient wastewater allocation for the proposed Uses.

**Conclusions of Law:** Section 730 H is met.

#### **CONDITIONS:**

This application for development (2025-200) is **APPROVED**.

This **APPROVAL** is subject to 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 the exhibits 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. The string lighting on the exterior of the building will be removed.
3. Hours of operation for the public will be from 7 am to 6 pm seven days a week.

4. The walkway as identified in Exhibit 14 (Parking Plan) will be clearly delineated and marked on front of the building and the east side of building.
5. Dogs will have access to the exterior play area while supervised for a maximum of eighteen (18) minutes.
6. Dogs will not be given access to the exterior play area after 8 pm.
7. Stored dog feces and other dog waste will be removed from the property bi-weekly.
8. Any outside trash receptacles must be bear-proof.
9. Each "pup cabin" (i.e., kennel) will be soundproofed and soundproofing will be utilized throughout the interior of the building to minimize noise.
10. The fence, landscaping and snow plans in Exhibit 15 must be followed.

The applicant is responsible for obtaining all state and federal permits.

**If unused, this Approval expires 2 years from the date of issue.** A request for extension may be made by 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.

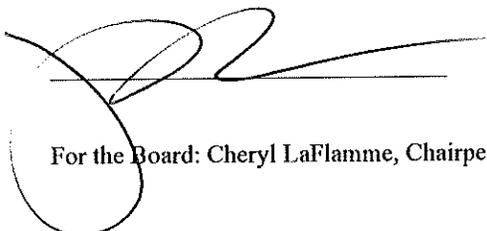
Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

Cheryl LaFlamme  
 Charlie Foster  
 John Gannon

OPPOSED:  
 None

ABSTAINING:  
 None



Date: 1/23/2026

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.