

**TOWN OF WILMINGTON**

**DRB Case COVER SHEET**

Applicant HERMITAGE MEMBERS CLUB

**DRB FINDINGS OF FACT to be ATTACHED**

Address/Lot 10 & 171 GATEHOUSE TRAIL

Zoning Permit Application Number:

2026-001

Date of First Hearing:

2/2/26

Public Hearing Notice published in the Deerfield Valley News on:

1/16/26

Notice was posted in three public places on:

1/15/26

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

1/18/26

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:

5/6/26

Approved Permit (after two years) expires on:

4/6/26

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: **Hermitage Members Club, Inc**

**Owner/Applicant(s) Mailing Address:** 10 Gatehouse Trail, Wilmington VT 05363

**Address of the subject property:** 10 Gatehouse Trail and 171 Gatehouse Trail  
**Tax Map:** # HAYSTUTL.000

A copy of the request is filed in the office of the Board and is referred to as: **#2026-001**

**Description of Case per Public Notice:**

Application # **2026-001**: Modifications to an existing Planned Unit Development in the Resort-Commercial/Residential zoning district. Proposed development includes the construction of a ski lift and terminals, the construction of a permanent Ski Patrol facility, and the construction of an additional four-family residential structure in the Grenoble development

**Applicable Code Sections:**

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

Article IV: Sections 440, 450 F

Article VII: Sections 710, 720, 721, 722, 730 A, C, D, F, G, H, I, J, 731

Notice for a public hearing was published in the Valley News on: **1/16/26**

Notice was posted in three public places on: **1/15/26**

A copy of the notice was mailed to the applicant on: **1/16/26**

A copy of the notice was mailed to the abutters on: **1/16/26**

Appeal period for this Case expires on:

**5/6/2026**

Approval expires on:

**4/6/2028**

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

Josh DeBottis  
Hamilton Hodgman  
Robert Wildey  
Aaron Sherritt  
Dan Heil

**EXHIBITS**

1. Cover Sheet
2. Application Summary (2 pages)
3. Application (3 pages)
4. Project Summary (2 pages)
5. Amendment to Master Plan (18 pages)
6. Appendix A
  - a. Wilmington Master Plan Drawings
  - b. Existing condition plan

- c. Overall upper conditions plan
  - d. Overall lower master plan
  - e. Overall upper master plan
  - f. Upper Base Lodge Area master plan
  - g. Mid Base Lodge area master plan
  - h. Lower Base Lodge area master plan
  - i. Summit & Mid Mountain area master plan
- 7. Appendix B- Site photographs
    - a. Ski Patrol (3 pages)
    - b. Hayfever ski lift (3 pages)
    - c. Grenoble Townhouses
  - 8. Appendix C- Grenoble Building #11 Plans (18 pages)
  - 9. Appendix C- Ski Patrol Building Plans (22 pages)
  - 10. Appendix C- Hayfever Ski Lift Plans (26 pages)
  - 11. Appendix D- Previous DRB permits since 2005 (171 pages)
  - 12. Hearing notice
  - 13. List of abutters (6 pages)

## **ARTICLE II: ADMINISTRATIVE PROCEDURES**

**Section 221: The Role of the Development Review Board**

**Section 222 A. Conditional Uses: 1, 3, 4 and 5**

**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**

**Finding of Facts:** all exhibits collected & 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:** Applicants are aware to contact ZA for any plan changes.

**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 decisions are handled by the Superior Court of Vermont, Environmental Division.

**Finding of Facts:** Applicant is aware.

**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:** No interested parties

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

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

Section 440 District & District Requirements

Section 450: District Purposes & Descriptions

A) Conservation District

F) Resort Commercial/Residential

**Finding of Fact:** Subject property is in the Resort Commercial/Residential and Conservation Districts.

Project meets both district purposes as well as site criteria.

**Conclusions of Law:** Section 450 is met.

#### **USES**

**Finding of Facts:** The Primary Use is resort.

**Conclusions of Law:** No use changes.

#### **ARTICLE VII: 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:** Testimony provided by the agent that no vibration is discernible at the property line.

**Conclusions of Law:** This Use Performance Standard 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 9PM and 7AM and does not significantly detract from or diminish other property's allowed use or land development.

**Findings of Fact:** Testimony provided by the agent that there is no continuous or frequent noise at the property line. The agent provided testimony that the new lift hours will primarily be operated between 8:30am-4:30pm with limited operation outside of service hours.

**Conclusions of Law:** This Use Performance Standard 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:** Testimony provided by agent that there will be no emission of dust.

**Conclusions of Law:** This Use Performance 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:** Testimony provided by the agent of no injurious or noxious practices.

**Conclusions of Law:** This Use Performance Standard is met

##### **Section 720: Applicability of Conditional Use Standards and Site Plan and Design guidelines**

**Findings of Fact:** all exhibits in order.

**Conclusions of Law:** This Use Performance Standard is met

## **SECTIONS 721: GENERAL STANDARDS**

In all districts, all Conditional Use development shall protect from undue adverse effects. No Land Development or Use shall result in an undue adverse effect on any of the following:

- A: The Capacity of Existing or Planned Community, Municipal or Educational Facilities**
- B. Traffic on Roads and Highways**
- C: Bylaws and Ordinances in Effect**
- D. Utilization of Renewable Energy**
- E. Air Quality**
- F. Character of the Area**

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:** Project will have no adverse effect on the general standards listed in Section 721. The purpose of the Resort Commercial/Residential District is to: encourage clustered economic development while preserving designated open spaces and historic village settlement patterns thus preventing sprawl and roadside strip development. PUDs are encouraged within the Resort/Commercial District and such types of development must meet the PUD requirements as well as consider physical and environmental limitations, such as flood hazard areas, wildlife habitat, steep slopes and traffic volume and flow.

**Conclusion of Law:** General standards are met. Agent provided by testimony that the project will support the purposes of Resort Commercial/ Residential & Conservation Districts.

## **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 the project will preserve the character of the town.  
**Conclusions of Law:** Section 722 is met.

## **SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS**

**A. Lighting and Glare:** Shall be shielded and downcast. Glare and reflection are 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.

**Findings of Fact:** Building mounted lighting; lights will be shielded downcast per Act 250 regulations.  
**Conclusions of Law:** Standard 730 A is met.

**C. Traffic and Pedestrian Safety:** Pedestrian walkways to ensure safe and efficient navigation by foot or bicycle. Special consideration shall be made for children's safety. Traffic patterns will be reviewed for safety, ease of flow, and efficiency.

**Findings of Fact:** Testimony provided by agent; all traffic & pedestrian is reviewed & verified for safety.  
**Conclusions of Law:** Standard 730 C is conditionally met

**D. Commercial Parking and Loading:** Commercial parking and loading areas in all districts shall:

1. Provide off-street parking (except in the Historic Design Review District)
2. Parking spaces shall be 10 x 18 (smaller allowed only if need for added spaces outweighs the risk and public inconvenience of smaller spaces). Special consideration shall be given to safety, pedestrian and disabled persons concerns when smaller spaces are allowed.
3. Minimum number of spaces: One (1) parking space for each 200 sq. ft. retail.
4. Drive-up Windows: no waiting lines in public ROW
5. Minimize visual impact of parking/loading areas
6. Buffer parking areas if needed for safety or aesthetics
7. Public Road Access: minimize traffic interruption, provide for auto and pedestrian safety
8. Rainwater, Snow, and Ice Removal/Storage: Plan for snow/ice removal, runoff, safety.
9. Safety: Minimize physical hazards, provide safe pedestrian and vehicular movement with un-obscured views, especially visibility at intersections, pedestrian safety, convenience, emergency access.
10. Neighboring properties: integrate circulation and parking with neighboring properties. Work to

maximize for efficiency, safety, and attractive solutions.

**Finding of Facts:** Testimony provided by agent.

**Conclusions of Law:** Standard 732 D is met.

**F. Landscaping, Screening and Development:** Shall “preserve the rural and agricultural character and ambiance of the community”. Natural features characteristic of the town’s rural and agricultural nature shall be preserved. Landscaping and Screening shall be used to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.

**Findings of Fact:** Testimony provided by agent. Only Grenoble buildings to be installed for landscaping screening & the ambiance of the community.

**Conclusions of Law:** Standard 730 F is conditionally met

**G. Land and Water Management:** Protect properties, transportation systems, and public safety by a. Safe and appropriate water management including water supply/availability, stormwater retention/absorption, and impervious surface/runoff management.

b. prevent and control against water pollution

c. make provision for management of erosion, preservation of rivers & streams, river/stream bank management, wetland protection, waterway and channels management, and agricultural land protection,

**Findings of Fact:** Agent provided testimony with regards to water management & stormwater management.

**Conclusions of Law:** Standard 730 G is conditionally met

**H Wastewater and Potable Water:** A permit may be issued upon receipt of evidence there is a wastewater and potable water permit. If none is received with a submitted application, the Permit will be conditioned on receipt of a wastewater and potable water permit at which time a final Permit will be issued. DRB shall instruct the applicant on their responsibility to obtain state and federal permits and may condition their decision on obtaining such permits.

**Findings of Fact:** Agent provided testimony that all wastewater & potable water permits have been submitted or approved. Final permits to be provided to ZA prior to issuance.

**Conclusions of Law:** Standard 730 H is conditionally met

**I. Natural Resources and Features:** Existing vegetation, native species, native trees, scenic views, river access and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pastureland and scenic spaces/vistas is allowed provided it does not have an unreasonable impact on natural resources.

Development shall blend with the topography, vegetation, and natural land features. It shall not have an undue adverse impact on natural features, natural resources or renewable energy. This includes no adverse impact on forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soil unsuitable for development, impervious surfaces essential to stormwater detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

**Findings of Fact:** Limbing at upper & lower drop areas for grading

**Conclusions of Law:** Standard 730 I is conditionally met.

**J. Wildlife Protection:** No adverse impact on wildlife habitats or corridors.

**Findings of Fact:** Testimony provided by agent. Subject to Act 250 regulations.

**Conclusions of Law:** Standard 730 J is conditionally met

### **Section 731: Planned Unit Development Specific Standards**

Planned Unit Developments are a conditional Use and must satisfy the standards of Conditional Use as defined in Sections 710 through 740 above. In addition to meeting the Standards of a Conditional Use, a Planned Unit Development (PUD) must meet the Specific Standards that follow. In the case of any conflict between Specific Standards of the PUD and other Standards of this ordinance, the more specific PUD Standard shall take precedence over any similar or conflicting Standard of this ordinance.

A. Minimum Acreage: No application for a PUD shall be considered for approval unless a minimum of two (2) acres of land is contained in any proposal.

**Findings of Fact:** Application is over 2 acres.

B. Contiguous Lands: No application for PUD shall be considered for approval unless all land contained in any proposal is contiguous.

**Findings of Fact:** All land is contiguous.

C. Open space Preservation: At least forty (40) percent of the total area of the property shall be dedicated to or reserved as usable common outdoor living space and open land. Open Space shall not include streets, driveways and parking areas. The preservation of Open Space, recreation areas, and/or parks shall be in perpetuity.

**Findings of Fact:** Over 40% of the total area is dedicated to usable common living space & open land.

D. **Total Number of Units:** The total number of units approved for a project shall not exceed the number of residential units or commercial square footage allowed if the land were subdivided into Lots in accordance with the Zoning Regulations for the districts in which such land is located, except as defined in Increased Density (E) below.

**Findings of Fact:** Unit Density of properties in project application area is .12 units per acre

E. **Increased Density:** To create open lands, the Development Review Board may approve greater densities than those defined within the Districts of this ordinance.

Approval of density in excess of:

1. One Primary Use Dwelling per acre (Single Family, Two Family, or Duplex, Multi – Family, Mixed Use, or Seasonal), or
2. One Primary Use Commercial Structure per two (2) acres

**Findings of Fact:** The PUD amendment does not increase the number of units in the full buildout from previous decisions.

F. **Building Setbacks:**

1. Buildings abutting the perimeter of the PUD a parcel shall have a setback of at least fifty feet (50) from the Lot Line of the PUD.
  2. Side Yard Setback: all residential buildings abutting an interior street, private or public, within the PUD shall be set back twenty (20) from the street.
  3. If a side yard abuts a residentially zoned property or Use or a public or private street, a continuous natural or landscaped setback of twenty feet (20) is required between the commercial/industrial building and the residence. This setback shall be not Used for parking.
  4. Front Yard Setback: A building fronting on a street must be located a minimum of twenty (20) from the back of sidewalk, or back of curb if a sidewalk is not planned at the location.
  5. Rear Yard Setback: if a rear yard of a commercial building abuts a commercial or industrial Use or zoning district, a minimum rear yard setback of ten feet (10) is required. If a rear yard abuts a residential Use or residentially zoned property, a rear yard setback of twenty feet (20) shall be provided. This setback shall not be Used for parking or drives and shall be landscaped.
- Findings of Fact:** Setbacks exceed 50 feet.

G. **Municipal Facility Burden:** The cumulative effect of a phased PUD shall not cause transportation networks, municipal facilities, educational facilities or other public services to be unduly burdened.

**Findings of Fact:** No effect on municipal & education facilities or transportation network.

H. **Utilities:** All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities or utilities shall be placed underground by the developer for any development primarily for or occupied by dwellings. The Development Review Board or Sewer Commission may require easements necessary for the orderly extension of public utilities for future adjacent developments. These extensions shall be underground wherever possible.

**Findings of Fact:** All utilities are underground.

I. **Private Roads:** Private roads may be allowed within a PUD when specifically approved by the Development Review Board. Any new road, public or private, within a PUD shall conform to The Wilmington Town Highway Ordinance.

**Findings of Fact:** All roads conform to Highway Ordinance.

**Conclusion of Law:** Section 731 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 1-13 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 is required to designate & maintain pedestrian egresses during the winter season with regard to snow removal.
3. The hours of operation of the Hayfever lift will be from 8 am to 4:30 pm.
4. 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 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:

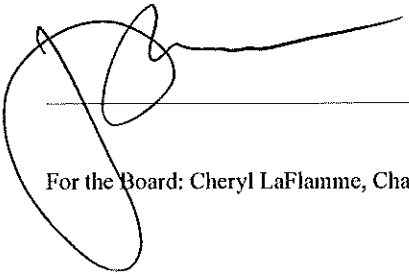
Cheryl LaFlamme  
Charles Foster  
Chrystal Holt  
John Gannon

OPPOSED:

None

ABSTAINING:

None



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For the Board: Cheryl LaFlamme, Chairperson

Date: 4/6/2026

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).

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*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.*

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