

TOWN OF WILMINGTON

DRB Case COVER SHEET

Applicant STEWARTS SHOPS CORP

DRB FINDINGS OF FACT to be ATTACHED

Address/Lot 87 E. MAIN

Zoning Permit Application Number:

2026-006

Date of First Hearing:

3/16/26

Public Hearing Notice published in the Deerfield Valley News on:

2/27/26

Notice was posted in three public places on:

2/24/26

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

2/24/26

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:

5/20/26

Approved Permit (after two years) expires on:

4/20/28

TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for permit was made to the Board by: **Stewarts Shops Corp**

Owner/Applicant(s) Mailing Address:
Address of the subject property: **87 East Main Street, Wilmington VT**

Tax Map Parcel Lot ID#: : 21-22-39
Overlay(s): None
Permit Application #2026-006
Zoning District: Commercial/Residential Sensitive Areas: None

A copy of the request is filed in the office of the Board and is referred to as: **#2025-018**

Description of Case per Public Notice:

Application # **2026-006**: Owner: **Stewarts Shop Corp**

I. Application Summary and Proposal

Stewart's Shops Corporation proposes to modify an existing freestanding sign and construct one structure-mounted sign on the property at 87 East Main Street (Parcel 21-22-39.000) in the Commercial/Residential Zoning District. The applicant is coming before the Development Review Board to request a Waiver from the provisions of the Wilmington Zoning Ordinance, Article 8 # 833 (A), which establishes maximum sign surface area; g 870 (K), which prohibits internal illumination of signs; and 9 873 (C), which establishes setback requirements for freestanding signs.

II. Existing Conditions and Site History

One freestanding sign and one structure-mounted sign are currently in place on the subject property. The freestanding sign is 33 square feet in area on each side. This is an existing non-conformity with the Wilmington Zoning Ordinance, Article 8 g 833 (A), which limits the surface area of freestanding signs outside of the Village zoning district to 32 square feet. This sign is approximately 2 feet from the mapped East Main Street right-of-way, and 13 feet from the physical road. This is an existing nonconformity with Article 8 g 873 (C), which establishes a 10-foot minimum setback from a road right-of-way. Both existing signs are internally illuminated. A permit was issued on April 6, 2015 to allow changes to the freestanding sign. The structure-mounted sign has "Legacy" legal non-conforming status as outlined in Article 8 5 870 (K).

III. Proposed Changes

The applicant proposes to modify the lower 10.9-square-foot portion of the existing freestanding sign. The modified portion currently consists of two sections which read "Deli" and "Jolly". This section of the sign would be replaced with a section that reads "Stewart's Shops". The background, color scheme, and font of the sign would be changed. The size and location of the sign would not be changed, however this 33-square-foot sign exceeds the 32-square-foot maximum described in g 833 (A), and the sign is within the 10-foot setback of the road right-of-way. The applicant also proposes to keep the existing internal sign illumination. The applicant is requesting a Sign Waiver from the provisions of Article 8:

1. limiting the size of a freestanding sign (g 833 (A)),
2. the provision prohibiting internal illumination (g 870 (K)),
3. and the provision establishing a minimum setback from a road right-of-way (g 873 (C)).

The applicant also proposes to place a "Stewart's Shops" sign, which would be flush-mounted on the north side of the principal structure, facing East Main Street. This sign would not be located above a customer entry. The proposed sign would be 14 square feet in area; below the 16-square-foot maximum described in g 833 (A).

1. The applicant is also seeking a waiver from g 870 (K) to allow this sign to be illuminated internally. The structure-mounted "Jolly" sign on the east side of the building, above a customer entry, would be removed from the structure.

Applicable Code Sections:

Article II – Section 221, 222, 223, 224, 226, 227, 229, 233, 234, 271, 272

Article IV – Section 440, 450 E
Article VIII- Section 833 A, 842, 850, 870 K, 873 C

Notice for a public hearing was published in the Valley News on: 2/27/2026

Notice was posted in three public places on: 2/24/2026

A copy of the notice was mailed to the applicant on: 2/24/2026

A copy of the notice was mailed to the abutters on: 2/24/2026

Appeal period for this Case expires on: 5/20/2026

Approval expires on: 4/20/2028

Date of Hearing: March 16, 2026

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

Molly Russell

EXHIBITS

The following Exhibits were placed in evidence by the Applicant or the Zoning Administrator:

1. Cover Sheet
2. Zoning Summary and Findings of Fact (1 page)
3. Application (2 pages)
4. Photos of Signs existing/proposed (2 pages)
5. Site Map
6. Notice of Hearing
7. Abutter List

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 213: Sign Permits Issued by the Zoning Administrator

Section 221: The Role of the DRB

Section 222: Land Development and Uses Requiring Development Review Board 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 DRB Decision

Section 229: Dimensional and Sign Waivers Granted by the Development Review Board [This section states that sign waivers can be requested from the DRB. It notes that in applying for a Waiver, the burden of proof is on the Applicant to demonstrate that the Waiver request meets the Waiver criteria in Section 233.]

Section 233: Criteria for Obtaining a Sign Waiver from the Development Review Board [Waivers can only be granted if the sign is found to be in the public interest and will contribute to the character of the area and the community. This Section specifically references Section 850 – Conditional Sign Waivers Requiring a written decision and approval from the DRB. Section 850 indicates that a waiver may be requested from the DRB for signs not meeting all of the requirements of Section VIII.]

Section 234: Dimensional and Sign Waiver Application and Review Process of the Development Review Board [This section indicates that the DRB follows the same process as it does for conditional uses, including assessing the impact on abutters in deciding whether to grant a waiver or place conditions on a waiver.]

Section 240: Appeals

Section 246: Appealing Decisions, Acts, or Failures to Act of the Development Review Board [Sections 240 and 246 describe the appeal process if you disagree with a DRB or ZA 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 all necessary documents to proceed with the hearing. Applicant testified they understood this article and did not have any questions.

Conclusions of Law: Article II is met

ARTICLE IV: DISTRICTS & USES

Section 420: Uses

C. Conditional: Requiring DRB written decision

Section 440: Districts and District Requirements

Section

District:

Section 450: District Purposes and Descriptions

Commercial / Residential

Site Criteria – Commercial/Residential:

Density Limits	Unlimited
Structures/Uses Per Lot	Unlimited
Dimensional Requirements - New Lots	
Minimum Lot Size:	1/8 acre
Minimum Lot Frontage:	40 ft
Structure Height (Max):	38 ft to the highest point of the ridge line All Structures over 24 feet from average grade to the eave line or 38 feet to the ridge line are subject to Development Review Board written decision and approval. *
Setback-Front (Min):	0 ft Measured from edge of the actual or proposed road right-of-way to the dripline for 0 setback
Setback-Side/Rear (Min):	0 ft Measured from the dripline.

ARTICLE IV:

Findings of Fact: Subject property is within the Commercial / Residential District The property is identified as Tax Map parcel 21-22-39 per the Zoning Administrator. The primary use is currently retail. Applicant is not proposing to change the use or change the structure of the buildings.

Conclusion of Law: Article IV is met.

ARTICLE VIII: SIGNS

Section 832: Number of Signs

Permitted Signs (Requiring a Zoning Permit)

Each Commercial Business other than Home Occupations and Home Businesses may have:

- A. One (1) Freestanding sign – allowed only when setback requirements of § 873 can be met.
- B. One (1) Overhanging Sign: One (1) sign overhanging or perpendicular to a public walkway is encouraged, allowing them to be visible to pedestrians and drivers from a distance. Signs overhanging a right-of-way or property not owned by the sign applicant require the written approval of the owner of the land or right-of-way. Pursuant to § 873 (E), hanging sign (including flags), in all Districts, shall provide at least seven (7) feet of unobstructed area down vertically to any pedestrian walkway.
- C. One (1) Structure Mounted per Customer Entry (other than an overhanging sign): One sign is permitted for each building entrance operating primarily as a customer entrance to a commercial business.
- D. One (1) Structure Mounted – No Customer Entry but Facing a Public Area: Identification sign on each side or rear of the structure that has no customer entry door but faces a public area.

Section 833: Size of Signs

For Freestanding and Hanging signs, size limits are per sign side. Each side of a sign is allowed the maximum square feet (sq. ft.) defined below.

The following maximums apply to all except Home Businesses. Home Businesses are allowed a total of 4 sq. ft. per side of signage.

	Village District Maximum sq. ft. Per Side	Other Districts Maximum sq. ft. Per Side
A. Freestanding Signs		
• 1 - 2 Businesses	24	32
• 3 or more Businesses	32	32
All Freestanding Signs shall be fully contained within the structure of the sign. No appendages or extensions outside of the sign structure are allowed.		
B. Structure Mounted Signs - per Customer Entry		
Hanging Signs		
• Fully on premises – not overhanging a public area		
- Structures less than two stories*	12	16
- Structures two stories* or greater	24	32
• Overhanging a public area		
- Structures less than two stories*	6	12
- Structures two stories* or greater	12	24
* Number of stories above street level		
Flush Mounted - one (1) sided Sign		
• 1 - 2 Businesses	24	32
• 3 or more Businesses	32	32
C. Structure Mounted Signs - No Customer Entry and Facing a Public Area		
Flush Mounted - one (1) sided Sign		
• 1 - 2 Businesses	12	16
• 3 or more Businesses	16	24

Findings of Facts: The current free-standing sign is 33 sq ft. The proposed new free-standing sign will use the same structural mounting frame, footings and location and will also be 33 sq ft.

Proposed Structure Mounted Sign: The applicant is seeking to remove a structure mounted sign on the side of the building and adding a structure mounted sign on the front of the building, facing the public area. Refer to Section 832 (D) above. The sign would be 14 sq ft. which is less than the permitted 16 sq ft.

Conclusions of Law: Free-Standing Structure: It is the opinion of the DRB that the one square foot is an insignificant increase, matches the size of what has been in place and would not be noticeable.

Structure Mounted Sign: The proposed 14 sq ft. size is less than the max allowed and would be allowed.

Section 870: Signs Standards: Applying to all signs

k. Signs with internal illumination, including but not limited to incandescent, fluorescent, neon, and LED, are not allowed. Previously permitted internally illuminated signs existing on November 20, 2014, the date of adoption of this provision in the Sign Article of the Zoning Ordinance, have "Legacy" status and are considered "Permitted" under § 803 (2) of this Article VIII and may remain "as-is." Sign changes require full compliance with this Article VIII, (see § 842).

Findings of Fact: The applicant is seeking a waiver to have both the structure mounted sign and the free-standing signs internally illuminated. Currently one of the sign plaques on the free-standing is internally illuminated and has legacy status. This sign is to be removed and replaced with new signage.

Conclusions of Law: Internally illuminated signs are not allowed. Legacy status does not transfer to new signs, once a sign is changed it needs to follow the current article. The DRB is not in favor of granting a waiver to have any of the proposed signs internally illuminated.

Section 873: Setback and Height Limitations – Applying to All Signs [10 foot set back rule]

- C. Freestanding signs shall be set back ten (10) feet from the right-of-way of any Public or Private Road, except in the Historic Design Review District that has a zero (0) setback. In no case shall a sign impede traffic visibility or public safety.

Findings of Facts: The current free-standing sign is pre-existing non-conforming structure that does not meet the 10' setback requirement. Having been at its current location for many years, there are no complaints or reports about it being an impediment to traffic visibility or public safety. The proposed changes to the current free-standing sign do not propose to change the signage structure and footings but simply swap out signs on the existing framework.

Conclusion of Law: Given the existing signage framework and structure is not changing, and given the limitations of the site, it would be unreasonable and cost prohibitive to expect the applicant to build a new structure to meet the current setback requirement. It is the opinion of the DRB that this structure could remain at its current location.

CONDITIONS:

The proposed signs, both structure mounted and free-standing are approved as presented for size, shape, location and colors with the following conditions; no internal illumination is allowed for any sign.

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:

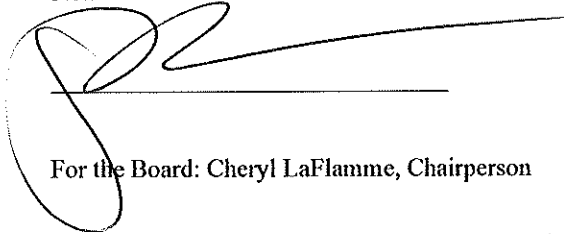
Cheryl LaFlamme
John Gannon
Charles Foster
Chrystal Holt
Diane Abate

OPPOSED:

None

ABSTAINING:

None



Date: 4/20/2026

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.