

**TOWN OF WILMINGTON**

**DRB Case COVER SHEET**

*Applicant* TOWN of WILMINGTON

**DRB FINDINGS OF FACT to be ATTACHED**

*Address/Lot* 40 BEAVER ST

**Zoning Permit Application Number:**

2026-007

**Date of First Hearing:**

MARCH 2, 2026

**Public Hearing Notice published in the Deerfield Valley News on:**

2/13/26

**Notice was posted in three public places on:**

2/13/26

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

2/13/26

**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:**

4/4/2026

**Approved Permit (after two years) expires on:**

3/4/2028

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: **Town of Wilmington/Scott Tucker (Agent)**

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

Address of the subject property: **40 Beaver Street, Wilmington, VT 05363**

Tax Map: parcel # **21-22-22**

A copy of the request is filed in the office of the Board and is referred to as: **Permits #2026-007**

**Description of Case per Public Notice**

Application # **2026-007**

**Applicant proposes to add an accessory use – a 120-kilowatt solar array – to the rooftop of the Wilmington Public Safety Facility.**

Applicable Code Sections:

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

Article IV – Sections: 424, 440 & 450 B

Article V – Sections 510, 511, 512, 530 & 540

Article VII – Sections: 710, 720, 721, 722, 730 A & 732 G

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

Notice was posted in three public places on: **2/13/2026**

A copy of the notice was mailed to the applicant on: **2/13/2026**

A copy of the notice was mailed to the abutters on: **2/13/2026**

Appeal period for this Case expires on: 4/4/2026

Approval expires on: 3/4/2028

Dates of Public Hearing: **3/2/2026**

The following presented testimony for the Applicant:

Scott Tucker, Agent for the Town of Wilmington

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 (3 pages)  
Exhibit 4 – Memorandum from Scott Tucker to Development Review Board, dated 1/23/2026 (3 pages)  
Exhibit 5 – Town of Wilmington – Request for Proposals for Public Safety Facility Rooftop Solar Project, dated 1/27/2026 (9 pages)  
Exhibit 6 – Exterior Photos of Wilmington Public Safety Facility (2 pages)  
Exhibit 7 – Example of similar rooftop solar array  
Exhibit 8 – Town of Wilmington Warning for DRB Hearing on 12/15/2025  
Exhibit 9 – Service List

## **SYNOPSIS:**

Applicant proposes to add an accessory use – a 120-kilowatt solar array – to the rooftop of the Wilmington Public Safety Facility.

## **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 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 440 Districts and District Requirements  
Section 450 B District Purposes and Descriptions – Village District

**Finding of Facts:** Subject property is within the Village District (Section 450 B). The property is identified as Tax Map parcel # 21-22-22. This application seeks to add a secondary use – a 120-kilowatt rooftop solar array.

**Conclusion of Law:** Article IV is met. The Secondary Use proposed in the application – a 120-kilowatt rooftop solar array – is a Utility Facility. 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. A Utility Facility is a Conditional Use in the Village District requiring Development Review Board approval.

## **ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT**

Section 510 Village Design Review Overlay Purpose  
Section 511 Village Design Review Boundaries  
Section 512 Goals of the Village Design Review District  
Section 530 Development Review Board Site Plan and Design Review Required on Design Review District Development  
Section 540 Site Plan and Design Review Standards

**Finding of Fact:** Subject property is within the Village Design Review Overlay District. As required by 24 VSA § 4414(1)(E) and Section 530, no Structure in any Design Review District (Historic or Village), may be erected, renovated, substantially altered, restored, moved, demolished,

or changed in Use or type of occupancy without a written decision and approval of the plans by the Development Review Board. Furthermore, Section 540 requires that all development and land improvements within the Historic Design Review District shall conform to the Site Plan and Design Guidelines of Appendix I to the extent reasonable and possible to satisfy the intent of this Ordinance.

**Conclusions of Law:** Article 5 is met. The basis for a Village Design Review Overlay District is to preserve the natural beauty, vistas and the visual character of the Village of Wilmington. The visual aspects of the Village Design Review Overlay District represent an important asset to the community by providing a source of pleasure for both residents and visitors, and contributing to the economic development of the community. This project utilizes an existing building, maintains that buildings current scale and functions, avoids any land disturbance and minimizes visual impacts by using a low-profile design. Furthermore, this project benefits the community by reducing municipal energy costs and lowering greenhouse gas emissions.

#### □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

#### 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 continuous, permanent, ongoing or frequent noise in excess of that of a normal conservation must not exist at the property line.

**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 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.

**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:** Agent confirmed that there would be no new lighting.

**Conclusion of Law:** Section 730 A is met.

**Section 732 G: Solar Projects**

Pursuant to 24 V.S.A. § 4414(15) the Public Service Board shall enforce the requirements of this Ordinance. There are no setback requirements for solar development with plant capacity of less than 15 kilowatts. No solar energy generation land development or facility shall be approved that is not

in conformity with the following municipal requirements:

Setbacks: Ground mounted solar generating development shall meet a minimum setback of:

1. For development plans with a plant capacity of 15 – 150 kilowatts:
  - i. 40 feet from any state or municipal highway, and
  - ii. 25 feet from each property boundary that is not a state or municipal highway, or

For development plans exceeding 150 kilowatts:

- i. 100 feet from any state or municipal highway, and
- ii. 50 feet from each property boundary that is not a state or municipal highway.

No setback is required for solar development with plant capacity of less than 15 kilowatts. For Screening and Buffer Area guidelines see § 730 (F) Screening and Buffer Areas for Ground Mounted Solar Arrays and Related Unaesthetic Features.

All solar installations on Residential and Commercial structures shall provide for fire safety, and comply with existing height limits.

Solar ground installations are discouraged in the following locations: on agricultural lands, in scenic vistas and fields, or in other natural aesthetic settings that contribute to the rural and agricultural character of the Town.

**Findings of Fact:** The proposed solar project is a rooftop mounted project. The Agent testified that the rooftop solar array will not change the building height of the Public Safety Facility. See also Exhibit 4. The Agent further testified that he was unaware of any fire safety issues.

**Conclusions of Law:** Section 732 G. is met.

#### **CONDITIONS:**

This application for development (2026-007) 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.

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:

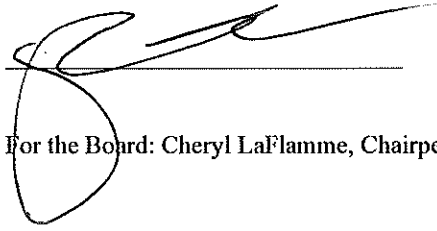
Cheryl LaFlamme  
John Gannon  
Chrystal Holt

#### OPPOSED:

None

ABSTAINING:

None



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Date: 3/4/2026

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).

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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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