

TOWN OF WILMINGTON

DRB Case COVER SHEET

Applicant OLDFIELD

DRB FINDINGS OF FACT to be ATTACHED

Address/Lot 220 LAKE RAPONDA

Zoning Permit Application Number:

2025-138

Date of First Hearing:

4/6/26

Public Hearing Notice published in the Deerfield Valley News on:

3/20/26

Notice was posted in three public places on:

3/20/26

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

3/20/26

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:

9/11/2026

Approved Permit (after two years) expires on:

Not Applicable

**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: **Nicholas & Heather Oldfield**

Owner/Applicant(s) Mailing Address: 5 North Street, Rye, NY 10580

Address of the subject property: **220 Lake Raponda Road, Wilmington, VT**

Tax Map: parcel # **23-21-53**

A copy of the request is filed in the office of the Board and is referred to as: **#2025-138**

Description of Case per Public Notice

Application # **2025-138**:

Owners: Nicholas & Heather Oldfield

Agent: Raymond B. Reed

This is an after-the fact Application. Applicants are seeking to enlarge an existing nonconforming structure beyond the footprint of the pre-existing structure by expansion of the enclosed front porch, the replacement of an access walkway/bridge with a larger staircase and the expansion of the rear deck on a parcel located within the Protected Shorelands Area of Lake Raponda.

Applicable Code Sections:

Article II- Sections: 221, 222, 223, 224, 226, 227, 228, 232, 271 & 272

Article IV- Sections: 431 C (2), 440 444 & 450 E

Article VII- Sections: 705, 706 B, D, E & F, 710, 720, 721, 722, 730 A, B, C, D, G, H & K

Notice for a public hearing was published in the Valley News on: 3/20/2026

Notice was posted in three public places on: 3/20/2026

A copy of the notice was mailed to the applicant on: 3/20/2026

A copy of the notice was mailed to the abutters on: 3/20/2026

Appeal period for this Case expires on:

9/11/2026

~~Approval~~ expires on:

8/11/2025

Dates of Hearing: 4/6/2026; 4/20/2026; 6/1/2026; 6/15/2026 & 7/6/2026

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

Heather Oldfield, Applicant

Nicholas Oldfield, Applicant

Raymond Reed, Agent

Bob Fisher, Agent

Jessica Roberts, Agent

Cindy Meyer, Abutter

John Meyer, Abutter
Bob Bois, Abutter
Carol Bois, Agent, Group of Twenty
Marshall Dix, Wilmington Road Supervisor

EXHIBITS

The following Exhibits were placed in evidence by the Applicants:

1. Town of Wilmington Cover Sheet
2. Zoning Permit Staff Report (2 pages) [review memo during hearing]
3. Application for DRB Review (3 pages)
4. Town of Wilmington Parcel Map for 220 Lake Raponda Road
5. Town of Wilmington Property Tax Card for 220 Lake Raponda Road [review memo during hearing]
6. Site Plan for 220 Lake Raponda Road
7. Construction Plan for 220 Lake Raponda Road (4 pages)
8. Photos of original house at 220 Lake Raponda Road (5 photos)
9. Photos of newly constructed front porch at 220 Lake Raponda Road (3 photos)
10. 3D rendering of newly constructed front porch at 220 Lake Raponda
11. Letter from Town of Wilmington Road Supervisor, dated 3/11/2026 re: safety concern - stairs located in town right-of-way at 220 Lake Raponda Road
12. Emails to and from Town of Wilmington Zoning Administrator and the Town of Wilmington Road Supervisor, dated 3/23/2026 and 3/24/2026 re: new plans for stairs
13. Town of Wilmington Warning
14. Abutter List and postage date for notice mailing
15. Zoning Permit 2025-042, dated 3/14/2025 approving rebuild of 220 Lake Raponda Road in same footprint
16. Application 2025-042 for 220 Lake Raponda (9 pages)
17. Zoning Permit 2024-319 for 220 Lake Raponda Road, dated 12/18/2024 re: repair home foundation with the same footprint for 220 Lake Raponda Road
18. Application 2024-319 for 220 Lake Raponda (2 pages)
19. Audit Report
20. Notice of Alleged Violation, date June 9, 2025, for 220 Lake Raponda Road
21. Updated Notice of Alleged Violation, date June 26, 2025, for 220 Lake Raponda Road
22. Notice of Alleged Violation, date October 8, 2025, for 220 Lake Raponda Road
23. Six photos of house at 220 Lake Raponda Road after construction, dated April 17, 2026
24. Site plan for 220 Lake Raponda Road (8 pages)
25. Assignment of Agent (Jessica Roberts)
26. Assignment of Agent (Robert Fischer)
27. Email from Carol Bois to Alex Miller (cc: John Gannon), dated May 23, 2026
28. Email from Carol Bois to Alex Miller (cc: John Gannon), dated June 1, 2026
29. Email from Joan Yankura to Alex Miller (cc: Cheryl LaFlamme & John Gannon, dated June 2, 2026
30. Emails from Alyx Belisle and Misha Center, Vermont Department of Environmental Conservation, dated June 8, 2026. [Document sent did not contain draft permit or updated application. These will be marked as separate exhibits.]
31. Email from Erik Baker to Heather Oldfield and Bob Fisher, dated June 10, 2026
32. Message from Wayne & Pam Paradise to FAO Design Review Board, Town of Wilmington. [message is undated and no indication that it was a text]
33. Email from Jessica Roberts, Wilmington Zoning Administrator to Ray Reed (cc: Scott Tucker & Ed Adrian), dated August 15, 2025, and attached Memorandum from Jessica Roberts, Wilmington Zoning Administrator to Ray Reed dated August 14, 2025.
34. Emails to and from Alex Miller, Wilmington Zoning Administrator and Ray Reed, dated October 9 and 10, 2025, including Notice of Alleged Violation, dated October 9, 2025.
35. Emails to and from Vermont Department of Environmental Conservation and Ray Reed Construction, dated February 13, 2026, January 20, 2026, December 11, 2025, and November 6, 2025 [many images and attachments did not come through]
36. Email from Jeff Lowey to Heather Oldfield (cc: Bob Fisher), dated June 12, 2026.
37. Email from Cheryl LaFlamme to Development Review Board, dated June 15, 2026, re: Ex Parte Communications and attaching email from Joanne Yankura, dated June 2, 2026.
38. Memorandum from John Gannon to Development Review Board re: Ex Parte Communications, attached emails from Carol Bois, dated May 23, 2026, and June 1, 2026, and Joanne Yankura, dated June 2, 2026.
39. Updated Shoreland Protection Individual Permit Application, dated May 11, 2026
40. DRAFT Shoreland Protection Individual Permit, dated added June 8, 2026.
41. Emails from Heather Oldfield to Jessica Archambault, dated June 15, 2026, and to Alex Miller, dated, June 11, 2026
42. Measurements taken at 220 Lake Raponda Road by Marshall Dix, Wilmington Road

Superintendent

43. Undated letter from Chris & Heidi Zizza to the Wilmington Development Review Board

44. Petition for Interested Party Status from Carol Bois, dated July 1, 2026

45. Two photos of footings on rear deck

SYNOPSIS

This is an after-the fact Application. Applicants are seeking to enlarge an existing nonconforming structure beyond the footprint of the pre-existing, nonconforming structure by expansion of the enclosed front porch, the replacement of an access walkway/bridge with a large staircase and the expansion of the rear deck on a parcel located within the Protected Shorelands Area of Lake Raponda.

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 231 Legal Nonconforming Structures, Uses, and Lots

Section 232 Criteria for Obtaining a Dimensional Waiver from the Development Review Board

Section 231: Legal Nonconforming Structures, Uses, and Lots

For changes to Structures, Uses or Lots that do not conform to the current Zoning Ordinance but which complied with the Zoning Ordinance in existence at the time the Structure, Lot or Use was created, see Article IV § 430, 431, and 432.

Section 232: Criteria for Obtaining a Dimensional Waiver from the Development Review Board

The Development Review Board may grant a Waiver to dimensional requirements of this Zoning Ordinance, except to create a lot that does not meet applicable Zoning District requirements (unless part of a PUD) after making findings on the criteria below:

A. The requested use of the property is reasonable and only possible if the Development Review Board grants a Waiver.

a. The Waiver is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property.

c. The Waiver is for an addition to an existing Principal or Accessory Structure, and said addition does not increase the footprint of the building by more than five (5) percent, or by no more than two hundred (200) square feet, whichever is less.

d. No front setback is reduced to less than two (2) feet (except in Historic Design Review District where it may be a zero (0) setback).

e. The proposed project will still conform to the Town Plan and the purpose of the Zoning District in which the land development is located.

F. The proposed project will not have an undue adverse effect on the following:

1. The appropriate use or development of surrounding properties

2. The character and aesthetics of the neighborhood, as defined by the purpose of the District in which it is located.

3. Traffic patterns and circulation

4. Public health, safety, and utility services

5. Water and wastewater capacity

6. The preservation of open space or scenic vistas

7. The need for a Waiver was not intentionally self-created by past decisions of the applicant

8. The Waiver does not create undue adverse impact on abutting or neighboring properties

9. The Waiver is not to the detriment of public welfare, including the safety and maintenance of the Town and State highways

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. The Application was received containing all necessary documents to

proceed with the hearing. Applicants testified that they understood this article and did not have any questions. Exhibit 2 notes that the principal structure at 220 Lake Raponda Road is an existing nonconforming structure, having been constructed in 1930. Applicant testified that she did not dispute this. Agent Reed also testified that there was no dispute with the square footage measurements for the original structure contained in Exhibit 5.

On June 18, 2026, a site visit was conducted at 220 Lake Raponda. Wilmington Road Supervisor Marshall Dix took various measurements at that time. These measurements can be found in Exhibit 42. Based on these measurements, the new mudroom is 193.02 square feet (an increase of 157.02 square feet compared to the original porch square footage) and the new deck is 579 square feet (an increase of 451 square feet compared to the original deck square footage). See Exhibit 5 (square footage of original porch and deck).

Conclusion of Law: Article II is met. Section 232 is inapplicable to this application. Per Section 231, changes to legal, nonconforming structures are governed by Article IV, Sections 430, 431 and 432. See also Article VII, Sections 705 and 706 B (Modifications to Legal, Nonconforming Structures are not eligible for Waivers.) Even if Section 232 were applicable, the requirements of that Section are not met. Section 232 only permits Dimensional Waivers that do not increase the footprint of a building by more than five (5) percent, or by no more than two hundred (200) square feet, whichever is less. According to Exhibit 2, the footprint of the new mudroom (including the proposed stairs) and new rear deck increase the footprint of the structure at 220 Lake Raponda by a total of 728.02 square feet. According to Exhibit 5, the total square footage of the structure, including the original front porch and rear deck is 2472 square feet. Five percent of the total square footage of the original structure is 123.6 square feet. Therefore, the proposed additions exceed both criteria set forth in Section 232 for granting a Dimensional Waiver.

ARTICLE IV: DISTRICTS & USES

Section 431 Changes to Legal Nonconforming Structures, Lots and Uses
Section 440 Districts and District Requirements
Section 444 Calculation of Lot Dimensions and Setbacks
Section 450 C District Purposes and Descriptions- Residential District (RES)

Section 431: Changes to Legal Nonconforming Structures, Lots, and Uses

Nonconforming Structures, Lots, and Uses shall be allowed to exist indefinitely, in accordance with 24 V.S.A. § 4303(16) and § 4412(7).

A. Legal Nonconforming Structures

Any alteration, renovation or change for the purpose of compliance with environmental, safety, health, or energy codes will be allowed to increase the degree of nonconformity, but only to the extent necessary to achieve compliance.

A nonconforming structure may be altered, renovated, or changed in any direction for any reason, including routine maintenance and repair, so long as it will not increase the degree of nonconformity. Changes to nonconforming structures are allowed to the extent that:

1. The change to the nonconforming element of the structure remains within the footprint of the original nonconforming element or feature, including any overhangs or cantilevering.
2. Evidence of the footprint of the original nonconforming structure must be clearly established and maintained by the property owner seeking to rebuild within the footprint of the original nonconforming structure. The burden of proof as to the location of the original structure remains with the property owner seeking a Permit for such a change.
3. The change shall not increase the degree of nonconformity or encroachment into a setback.
4. A change will be considered a further encroachment of the nonconforming feature or element when it comes closer to the property line, or encroaches further into a setback, or further exceeds a height limitation creating the nonconformity.

5. A change will not be considered an increase in the degree of nonconformity provided that the change does not come closer to the property line, or encroach further into a setback, or further exceeds a height limitation creating the nonconformity. For example, if a house encroaches ten (10) feet into a setback and an attached deck encroaches fifteen (15) feet into that same setback, the house and the deck could be increased in size to the extent that no part of the structure encroaches more than the greatest existing encroachment of fifteen (15) feet into the setback. The house could be expanded by up to five (5) feet, and the deck could be continued so long as it did not encroach more than fifteen (15) feet into the setback.

6. A nonconforming structure which is destroyed or demolished may be restored to its earlier state provided the reconstruction commences within two (2) years of the date of loss and with the written approval of the Zoning Administrator for Permitted Uses or the Development Review Board for Conditional Uses. The Zoning Administrator or Development Review Board shall review such applications to reconstruct a nonconforming structure using the standards and processes applicable to all other Permitted Uses and Conditional Uses, as applicable, and to the extent that the reconstruction does not increase the degree of nonconformity.

A Zoning Permit issued by the Zoning Administrator and approval by the Development Review Board, if necessary, is required prior to commencing any such changes.

Any Structure, Lot, or Use approved for a nonconforming alteration, renovation, or change shall remain subject to all other provisions of this Ordinance.

Finding of Facts: Subject property is within the Residential District (Section 450 C). The property is identified as Tax Map parcel # 23-21-53 per the Zoning Administrator. The primary use is currently residential. There is no proposed change of use.

As detailed in Exhibit 2, the principal structure at 220 Lake Raponda Road is an existing, nonconforming structure. As further detailed in Exhibit 2, this application seeks to enlarge the existing structure beyond the original footprint of the pre-existing structure by expanding the front porch (including the proposed stairs) and rear deck. See also Exhibits 5, 39 & 42. Finally, the Applicant's Shoreland Permit Site Plan contained in Exhibit 39, states that "the new deck extends 4 ft lake-ward than the old parallelogram deck." See also Exhibits 5 & 42.

Conclusion of Law: Article IV is not met. Section 431 requires that any alteration, renovation or change to a nonconforming structure must remain within the footprint of the original nonconforming structure and cannot increase the degree of nonconformity. Here the modifications to the existing structure increases the footprint of the original nonconforming structure and increases the degree of nonconformity by further encroaching on the rear setback.

ARTICLE VII: STANDARDS

Section 705 Changes to Nonconforming Structures, Lots and/or Uses

Section 706 Nonconforming Structures on Developed Land/Lot

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 K Shoreland Protection

□Section 705 Changes to Nonconforming Structures, Lots and/or Uses

A. Nonconforming Structure, Lot and/or Use is a Structure, part of a Structure, a Lot (or parcel), and/or a Use that does not comply with the present Ordinance, but which was created or established legally in conformance with the Ordinance in effect at the time it was created or established. [See 24 V.S.A. § 4303(13 - 16) and 4412(7)]. This includes:

1. Structures, Lots and/or Uses improperly authorized as a result of error by the Zoning Administrator.

B. Nonconforming Structures, Lots and/or Uses created or established legally in conformity with the Ordinance in effect at the time it was created or established:

1. Shall be allowed to exist indefinitely.
 2. Will not be subject to Penalties for nonconforming elements that were in conformity with the Ordinance in effect at the time they were created or established.
 3. May be altered, renovated, changed, or developed in accordance with the requirements of § 706, 707, and 708.
 4. Are not eligible for Waivers under § 231 of this Ordinance.
- C. Changes to a Nonconforming Structure, Lot, or Use which do not comply with the requirements of this Section are illegal and will be subject to remedy consistent with the enforcement, violations and penalties provisions of this Ordinance (see Article II § 215 and 216).

Findings of Fact: As noted in Exhibit 2, the subject property was built in 1930. Applicants do not dispute this.

Conclusions of Law: Section 705 is met. Because the subject property was originally built prior to the existence of the first Wilmington Zoning Ordinance, it is a legally nonconforming structure as defined in this section and may be altered, renovated or changed in accordance with Sections 706, 707 and 708 and is ineligible for a Dimensional Waiver.

Section 706 Nonconforming Structures on Developed Land/Lot

- A. Developed Land/Lot is any Land, Lot or parcel which includes "the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; the demolition, destruction, or razing of a structure, whether intentional or unintentional; any change in the Use of any building or other structure, Land, or Use; the subdivision of a parcel into two (2) or more parcels; any mining, landfill, or excavation that increases peak off-site flow; and any water impoundment such as lakes and ponds", (see Definitions **Land Development, Lot Development**).
- B. A Nonconforming Structure on a Developed Lot/Developed Land may be modified consistent with the guidelines of this Section with the prior written decision and approval of the Development Review Board. Modifications to Nonconforming Structures are not eligible for a Waiver.
- C. In a Development Review Board hearing where there is question as to whether a lot has been previously developed, the burden of proof lies with the applicant. This burden may be met through dated photographs, expert testimony, or the provision of Town land records or Grand List of the Town of Wilmington records back to January 26, 1968 (the time of the first Wilmington Zoning Ordinance) or the time when the lot/land was established or created, whichever is later.
- D. No alteration, renovation, or change shall exceed thirty (30) feet to the highest point of the ridge line. Nonconforming Structures and Land Development of Nonconforming Lots are not eligible for Height Limitation Exceptions – Review Options under § 442 of this Ordinance nor for Waivers under § 231 of this Ordinance.
- E. A Nonconforming Structure on a Developed Lot may be altered, renovated, or changed in any direction for any reason, with the written decision and approval of the Development Review Board (except as provided for in item F below), provided that the change to the nonconforming element of the structure:
1. Remains within the footprint of the original nonconforming element or feature, including any overhangs or cantilevering, or
 2. Does not increase the Degree of Nonconformity, except that when alteration, renovation, or change is for the purpose of compliance with environmental, safety, health, or energy codes the change is allowed to increase the degree of nonconformity, but only to the minimum necessary to achieve compliance.
- F. A Nonconforming Structure which is demolished or destroyed unintentionally may, with a Permit from the Zoning Administrator, be restored to its earlier state, matching all prior dimensions including but not limited to roof pitch, height, footprint, etc., provided the reconstruction commences within two (2) years of the date of loss. Reconstruction seeking any changes to prior dimensions is subject to the terms of this Section and requires a written decision and approval from the Development Review Board.
- G. Determining Footprint of Original Structure: Evidence of the footprint of the original Nonconforming

Structure shall be clearly established and maintained by the property owner seeking to rebuild within the footprint of the original Nonconforming Structure. The burden of proof as to the location and dimensions of the original structure remains with the property owner seeking a Permit for such a change. For owners failing to clearly establish and maintain evidence of the footprint and dimensions of the original structure on the lot, the applicant shall provide evidence of the prior structure's dimensions and photos of the prior structure's location in relation to the lot or such other documentation as may demonstrate the location and dimensions of the original footprint of the structure.

H. Measuring Degree of Nonconformity: if a house currently encroaches ten (10) feet into a setback and an attached porch encroaches fifteen (15) feet into the same setback, there is an existing nonconformity of 15 feet. The degree of nonconformity is measured from the greatest degree of nonconformity for that structure, or in this case 15 feet. Additions that do not exceed the greatest current nonconformity would not be considered an increase in the degree of nonconformity.

Using the above example; the porch with the 15-foot encroachment could be extended so long as it stays less than or equal to the 15 feet of nonconformity, or the 10-foot setback nonconformity of the house could be expanded another 5 feet, up to the 15-foot existing nonconformity, without increasing the degree of nonconformity. No Waiver would be required as the structure is not increasing the degree of nonconformity.

Finding of Fact: The subject property contains a legal, nonconforming structure. Per Exhibit 2, this application seeks to enlarge the existing structure beyond the original footprint of the pre-existing structure by expanding the front porch and rear deck. See also Exhibits 5, 39 & 42. Finally, the Applicant's Shoreland Permit Site Plan contained in Exhibit 39, states that "the new deck extends 4 ft lake-ward than the old parallelogram deck." See also Exhibits 5 & 42.

Conclusions of Law: Section 706 is not met. A nonconforming structure may be modified within the guidelines of Section 706 with the prior written decision of the Development Review Board provided that it remains within the footprint of the original nonconforming structure and does not increase the Degree of Nonconformity. As noted in Sections 705 and 706, modifications to nonconforming structures are not eligible for Dimensional Waivers. As noted above, the proposed additions to the nonconforming structure failed to remain within the original footprint of the nonconforming structure and the new rear deck increases the Degree of Nonconformity by further encroaching on the rear setback.

Section 710 Use Performance Standards

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

Findings of Fact: Applicants 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: Applicants 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: Applicants 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: Applicants 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: Applicants testified that the general standards of section 721 would not be adversely affected by the modifications to the structure. The Wilmington Road Supervisor wrote in an email that he was fine the new plans for the stairs on the front of the structure, as long as there was no parking between the structure and the road.

Conclusions of Law: Section 721 is met.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

A. Lighting and Glare – All lighting shall be shielded and downcast in all districts

Finding of Fact: There is wiring for new lighting on front porch; new lighting on rear porch; new lighting on both sides of home.

Conclusions of Law: All new lighting must be shielded and downcast.

B. Safety – Where a potential safety hazard exists, either from temporary or permanent activities, provisions shall be undertaken to minimize physical hazards.

Finding of Fact: The Wilmington Road Supervisor was originally concerned with the first proposed stairs for the mudroom. However, the Wilmington Road Supervisor wrote in an email that he was fine the new plans for the stairs on the front of the structure, as long as there was no parking between the structure and the road.

Conclusions of Law: Section 730 B is met.

C. Traffic and Pedestrian Safety – Development shall provide for pedestrian walkways to ensure a safe and efficient means for pedestrians to navigate the Town on foot or by bicycle.

Finding of Fact: The Wilmington Road Supervisor was originally concerned with the first proposed stairs for the mudroom. However, the Wilmington Road Supervisor wrote in an email that he was fine the new plans for the stairs on the front of the structure, as long as there was no parking between the structure and the road.

Conclusions of Law: Section 730 C is met.

D. Commercial Parking, Residential Parking and Loading Areas – 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.

Finding of Fact: Except when unloading, all parking would be across the street in or near the garage.

Conclusions of Law: Section 730 D is met.

G. Land and Water Management – Pursuant to 24 V.S.A. § 4414 (1)(G) and 24 V.S.A. § 4414 (9) the development plan shall protect properties, transportation systems, and public safety by:

1. Providing for safe and environmentally appropriate water management including but not limited to water supply quality/availability, stormwater retention/absorption and impervious surface runoff management.
2. Preventing water pollution.
3. Making appropriate provision for management of erosion, preservation of rivers and streams, river/stream banks, wetlands, waterways, channels, and agricultural lands.
4. Preserving and promoting scenic or aesthetic features and open spaces.

If the project is not subject to the State of Vermont Act 250 written decision and approval process, determination of conformity of this provision may be made through expert testimony or studies.

Finding of Fact: Exhibit 39 identifies the steps Applicant is taking to mitigate erosion and preserve Lake Raponda.

Conclusions of Law: Section 730 G is met.

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.

Finding of Fact: Exhibit 16 contains the Wastewater and Potable Water Permit for a four-bedroom home at 220 Lake Raponda Road.

Conclusions of Law: Section 730 H is met.

K. Shoreland Protection – For all property within the protected Shoreland Area, all development shall be in conformity with the Shoreland Protection Act. Any new development, redevelopment or clearing activity within the Shoreland requires a Conditional Use Permit from the DRB. Applications shall include a site plan, project description, documentation of compliance with the Shoreland Protection Act, and applicant must obtain approval from the Vermont Department of Environmental Conservation prior to issuance of a local Conditional Use Permit.

Finding of Fact: The property is located within the protected Shoreland Area of Lake Raponda. The Applicants applied for an Individual Shoreland Protection Permit. See Exhibit 39. The Vermont Department of Environmental Conservation issued a DRAFT Shoreland Protection Permit on June 8, 2026. See Exhibit 40.

Conclusion of Law: Section 730 K is met.

CONDITIONS:

The application for development is **DENIED**.

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.

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 **DENYING** the above referenced application:

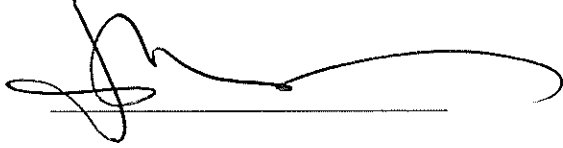
Cheryl LaFlamme
Diane Abate
John Gannon
Chrystal Holt

OPPOSED:

None

ABSTAINING:

None



Date: 8/11/2026

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.