

**TOWN OF WILMINGTON**

**DRB Case COVER SHEET**

Applicant Cold Brooke Properties LLC

**DRB FINDINGS OF FACT to be ATTACHED**

Address/Lot 441 Coldbrook Rd

Zoning Permit Application Number:

2026-014

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:

5/8/26

Approved Permit (after two years) expires on:

4/8/28

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: **Cold Brooke Properties, LLC, Agent: Jacob Moore**

Owner/Applicant(s) Mailing Address: 441 Coldbrook Rd, Wilmington, VT 05363

Address of the subject property: **441 Coldbrook Road, Wilmington, VT 05363**

Tax Map: parcel #02-02-69.000

A copy of the request is filed in the office of the Board and is referred to as **#2026-014**

**Description of Case per Public Notice**

Application # **2026-014**

Owner: Cold Brooke Properties, LLC, Agent: Jacob Moore

Proposal: Expansion of an existing Lodging Facility in the Residential zoning district. The proposed development would consist of construction of five (5) lodging cabins with a total of 15 bedrooms, as well as appurtenant driveways, wastewater systems, and potable water utilities.

Applicable Code Sections:

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

Article IV – Section 440, 450 C

Article VII – Section 710, 720, 721, 722, 730 A, B, C, D, E, F, G, H

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

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:

Approval expires on:

**5/8/2026**  
**4/8/2028**

**Date of Hearing: 4/6/2026**

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

Jacob Moore (agent)

Whitney Kraft (agent)

No abutters were present

**EXHIBITS**

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

1. Town of Wilmington DRB Case Cover Sheet
2. Zoning Permit Staff Report
3. Application for DRB Review (3 pages)
4. Summary of Proposed Project (3 pages)
5. Parcel Map with proposed driveway and cabin locations marked
6. Architectural Drawings of proposed cabins (12 pages)
7. Image renderings of proposed cabins (4 pages)
8. Copy of Warning
9. List of abutters with date stamp of March 20, 2026 for notice mailing

**SYNOPSIS:** Expansion of an existing Lodging Facility in the Residential zoning district. The proposed development would consist of construction of five (5) lodging cabins with a total of 15 bedrooms, as well as appurtenant driveways, wastewater systems, and potable water utilities.

## **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 271 Public Hearings

Section 272 Who May Attend and Be Heard at a Public Hearing

**Finding of Facts:** Article II outlines administrative procedures associated with the DRB, provides definitions, explains the role of the DRB, the responsibility of the applicant, directions on how to handle changes after a DRB decision is received, and explains who may attend and be heard at public hearings. Application was received containing necessary documents at the time of the hearing, and applicant provided testimony to support the documentation. Applicant confirmed there were no questions or concerns with this article.

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

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

Section 440 Districts and District Requirements

Section 450 C District Purposes and Descriptions- Residential District (RES)

**Finding of Facts:** Subject property is within the Residential District (Section 450 C). The property is identified as Tax Map parcel #02-02-69.000 per the Zoning Administrator. The parcel is a 33-acre property in the Residential Zoning District. The property is occupied by the Brook Bound Inn, an active Lodging facility and event venue consisting of a main lodge, two accessory lodging structures with guest rooms, a storage barn, and recreational facilities. The property is surrounded primarily by undeveloped parcels in the Conservation and Residential Zoning Districts, with one developed residential parcel west of the subject property. The broader area includes a mix of moderate-density residential clusters, low-density residential properties, undeveloped woodlands, and the Hermitage resort/commercial development to the northwest. Applicant testified that the property has served as a lodging facility since the early 1960's and has maintained this use continuously to the present day. The Use of Lodging is not listed as a permitted or conditional Use under section 450 C of the current zoning ordinance, which makes the current use (and proposed additional lodging units) a "Use Not Provided For" pursuant to section 426. Based on this section, the Use of Lodging may be approved as a Conditional Use upon finding by the DRB that such Use is of the same general character as those Permitted or Conditional Uses within the District and will not be detrimental to other Uses within the District or to the adjoining land Uses. It is the opinion of this DRB that the Use of lodging and the additional proposed units do meet these requirements.

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

## **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

### **SECTION 710: USE PERFORMANCE STANDARDS**

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

**Findings of Fact:** Applicant testified that there will be no continuous, permanent, ongoing or frequent vibrations.

**Conclusions of Law:** This standard 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:** Applicant testified there will be no noise in excess of this ordinance, and also confirmed their knowledge of the Town of Wilmington Noise Ordinance.

**Conclusions of Law:** This standard is met.

**C. Air Emissions for Commercial Operations:** There shall be no emission of dust, ash, smoke or other

particulate matter.

**Findings of Fact:** Applicants testified that there would be no unallowed emissions.

**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:** Based on the applicant's testimony, the general standards appear to be upheld by the granting of this application, and no undue adverse effect is apparent based on the application and testimony provided.

**Conclusions of Law:** Section 721 is met.

### **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:** There is no evidence at the time of the hearing to indicate that the proposed development will have a negative impact on the character of town.

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

### **SECTION 730: SPECIFIC STANDARDS**

#### **A. Lighting and Glare:**

**Findings of Fact:** Lighting, glare or reflection are prohibited if they- 1) Constitute an unreasonable nuisance to the 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. Applicant testified that any lighting installed on the exterior of the proposed cabins would conform to the lighting requirements of the zoning, which at a minimum would be downcast and shielded.

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

#### **B. Safety:**

**Findings of Fact:** Where potential safety hazards exist, either from temporary or permanent activities, provisions shall be undertaken to minimize physical hazards.

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

#### **C. Traffic and Pedestrian Safety:**

**Findings of Fact:** Development shall provide for pedestrian walkways to ensure safe and efficient means for pedestrian to navigate. Agent testified their understanding of the requirement for marked and designated pedestrian access from the cabins across the driveway to the mowed walking trails. Final design plan will need approval by the ZA to ensure compliance.

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

#### **D. Parking:**

**Findings of Fact:** Per the zoning ordinance, the number of parking spaces required for Lodging use is 1.25 spots for every guest room, which would require 3.75 spots for each 3-bedroom cabin. Applicant testified that each cabin would have designated parking in front that would exceed the parking requirement of 3.75 spots. The final parking plan will need approval from the ZA to ensure compliance.

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

#### **E. Road Development:**

**Findings of Fact:** Any new roads, whether public or private, shall conform to the Wilmington Town Highway Ordinance.

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

#### **F. Landscaping, Screening, and Buffer Areas:**

**Findings of Fact:** 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. Applicant testified that there would be no new landscaping introduced with this development.

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

#### **H. Wastewater and Potable Water:**

**Findings of Fact:** In the project summary submitted with the DRB application, the applicant stated that "one consolidated septic system will be installed to service all five units". Testimony from the hearing confirmed this plan and applicant will seek state level approvals to begin this work. With regard to potable water, the applicant stated "We have received permission from Cold Brook Fire to attach to their existing water lines which originate from a well source on the Brook Bound property. The feasibility of this is being determined. If connecting to the Cold Brook line is not feasible, a new well will be dug to service the five new units." Additionally, the applicant stated they are fully aware of the WW permitting requirements from the State of Vermont and they are requesting the initial permit pursuant to the Wilmington Zoning Ordinance, Article 7, Section 730(H). Finally, the applicant confirmed they are aware that the DRB decision could be issued with the condition that a copy of a WW permit be submitted to the Zoning Office in order for a final, effective permit to be issued.

**Conclusions of Law:** This Use Performance Standard is conditionally 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 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. The parking plan that meets the required 3.75 spots per cabin must be submitted to the Zoning Administrator for final review/approval.
3. The pedestrian safety plan must be submitted to the Zoning Administrator for final review/approval.
4. Wastewater permits and final potable water plan/permits must be submitted to the Zoning Administrator for final review/approval.

**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

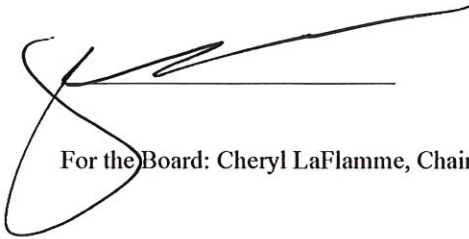
John Gannon  
Chrystal Holt  
Charles Foster

OPPOSED:

None

ABSTAINING:

None



Date: 4/8/2026

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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