

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: **VT 211, LLC**

Owner/Applicant(s) Mailing Address: PO Box 295, New Fairfield, CT 06812

Address of the subject property: **211 Route 9 E, Wilmington, VT**

Tax Map: parcel **#21-22-63**

A copy of the request is filed in the office of the Board and is referred to as: **#2025-167**

Description of Case per Public Notice: Appeal for Reconsideration of DRB conditions issued for Case #2025-167 at 211 VT Route 9 East, Parcel 21-22-63, by VT 211, LLC for the addition of Restaurant Use in the Commercial/Residential zoning district.

Conditional Change of Use application to open a restaurant with maximum occupancy of 45 seats in an existing mixed-use structure on the property with parking on the property.

Application # **2025-167** Appeal
Owner: VT 211, LLC

Applicable Code Sections:
Article II- Sections: 221, 222, 223, 224, 226, 227, 228, 271, 272
Article IV- Sections: Section 420, 440, 450 E
Article VII – Section 710, 720, 721, 722, 730 A, D, H

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: 8/2/2026

Approval expires on: 7/2/2028

Date of Hearing(s): Feb. 2, 2026, March 16, 2026, Site Visit with V-Trans: March 17, 2026, and May 18, 2026

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

Applicant(s): Steven Chila, Tiffany Chila, Joseph Garra, Bob Fisher

Abutter(s): Anthony Lopez assigned representative for Shane and Melanie Lopez, Tim Gore and Chris Stevenson.

EXHIBITS

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

1. Town of Wilmington Cover Sheet
2. Zoning Decision Appeal for Reconsideration Staff Report
3. Application for DRB Reconsideration (2 pages)
4. Email from Quin Mann to Alexander Miller date of December 9, 2025 re: Act 250 authorization and flow of traffic (2 pages)
5. Act 250 Permit # 2W1366-1 and attachments (25 pages)
6. Public Notice of Hearing held 03-16-26
7. List of abutters and postage mailing date of 01-16-26
8. Town of Wilmington Cover Sheet for initial Application
9. DRB Findings of Fact issued 11-25-25 (4 pages)
10. Zoning Permit Application Staff Report
11. Initial Application for DRB Review (2 pages)
12. Parcel Map
13. Proposed Second Floor Layout Drawing
14. Proposed First Floor Layout Drawing
15. Restaurant Layout Drawing
16. Preliminary Wastewater Allocation Approval letter and application from John Lazelle, Chief Operator (3 pages)
17. Site Plan with parking areas indicated
18. Notice of Hearing held 10-20-25
19. List of abutters and postage mailing date of 10-01-25
20. V-Tran Site Plan – with Zoning Office Measurements
21. V-Tans Permit Rev 1 pages 1-22
22. Revised Site Plan #2 plan date 5-06-26

SYNOPSIS

Conditional Change of Use Application in the Commercial-Residential Zoning District by VT 211, LLC to open a restaurant with maximum occupancy of 45 in the existing mixed-use structure on the property.

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 228 State and Federal Permits and Development Review Board Decisions

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 at the time of the hearing, and additional testimony was received from the applicant regarding the application. No information was presented to the DRB at this hearing to indicate otherwise.

Conclusion of Law: Article II is met.

ARTICLE IV: DISTRICTS & USES

Section 420 Uses

Section 440 Districts and District Requirements

Section 450 E District Purposes and Descriptions- Commercial/Residential (COM/RES)

Finding of Facts: Subject property is within the Commercial/Residential district (Section 450 E). The property is identified as Tax Map parcel #21-22-63 per the Zoning Administrator. Conditional Use of Restaurant is requested and allowable in this district with approval from DRB.

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 caused by the Restaurant Use.

Conclusions of Law: This section 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 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 that there would be no noise that will violate this ordinance.

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: Applicant 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: Applicant 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: Applicant testified that the general standards of section 721 would not be adversely affected by the proposed Restaurant Use.

Conclusions of Law: Section 721 is met.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

A. Lighting and Glare: All exterior lighting in the Historic Design Review District and Village District shall be in keeping with 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 of Fact: Applicant testified that there would be no additional lighting.

Conclusions of Law: Section 730 A 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 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. 'To ensure safety of vehicles entering and exiting the property, Applicant to follow VTrans -- Rev1 Approved Permit with submitted site plan including but not limited to traffic patterns, entrance and exits signage in addition to any signage and parking changes listed in the DRB conditions below.'
3. Applicant will have all signage for traffic flow purposes approved by the Zoning Administrator prior to installation.
4. Applicant will coordinate rights-of-way access agreements with abutting property owners.
5. Restaurant Open Hours will be from 7:00am-10:00pm, 7 days per week.
6. Applicant will provide the final wastewater permit to the ZA prior to opening the restaurant.
7. Per the resubmitted exhibit #14 Revised Site Plan #2 with hand revisions by the applicant and submitted to the DRB on the day of hearing, the following conditions, limitations and restrictions will apply:
 - a. Applicant agrees to remove two of the five previously proposed parallel parking areas as noted along the OLD STONE WALL, to maintain safe clearances for pedestrians and vehicles between parked and passing vehicles and the adjacent pedestrian walkway.
 - b. Of the three remaining proposed parking parallel spaces, one will move far north of the old stone wall, adjacent to the restaurant. The remaining two parking spaces will remain adjacent to the ADA parking spot midway of the OLD STONE WALL as previously indicated on the site plan.
 - c. The space between the parking areas along the stone wall shall be maintained as a 'no parking zone'.
 - d. The (3) three 'STAFF ONLY' head on parking spaces indicated on the north side of the restaurant are acceptable.
 - e. To improve access and safety of vehicle and pedestrian movement cars should not park in front of the restaurant. 'NO PARKING' signage should be added to each end of the front of the building to discourage this activity.
 - f. Dumpster located at the front of the property in view along Route 9 to be moved to the back of western parking lot.

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:

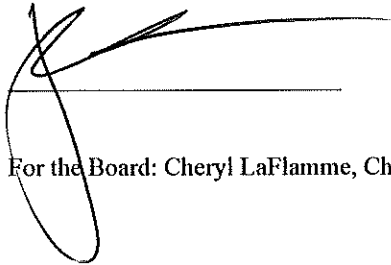
Cheryl LaFlamme
Charlie Foster
Chrystal Holt
John Gannon
Diane Abate

OPPOSED:

None

ABSTAINING:

None



Date: 7/2/2026

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.
