

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: Judith Kline

Owner/Applicant(s) Mailing Address:, 8 Aspen way, North Hampton NH 03862
Address of the subject property: 22 West Main St (front space), Wilmington VT

A copy of the request is filed in the office of the Board and is referred to as: #2026-048.

Description of Case per Public Notice: Date of Hearing June 15, 2026

Application # 2026-048 Owner: Judith Kline
Parcel #: 20-20-79.000

1. Application is being made for permit #2026-048 for a change of use of a portion of the principal structure from an art gallery to an expansion of an existing retail clothing business. There are no planned changes to the exterior, operating hours or number of employees. 22 West Main Street is a contributing property within the Village District, the Historic and the Flood Hazard overlay District.
2. Summary: Retail business is a Conditional Use within the Village District and requires DRB written approval.

Include but are not limited to the following Wilmington Code Sections:

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

Article IV – Section 420, 440, 450 B

Article V – Section 520, 521, 522, 530, 540

Article VI – Section 603

Article VII – Section 710, 720, 721, 722, 723, 730 A

Notice for a public hearing was published in the Deerfield Vally News on: 5/29/26

Notice was posted in three public places on:5/29/26

A copy of the notice was mailed to the applicant on: 5/29/26

A copy of the notice was mailed to the abutters on: 5/29/26

Appeal period for this Case expires on: 8/1/2026

Approval expires on: 7/1/2028

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

Lisa Sullivan

EXHIBITS

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

1. Town of Wilmington Cover Sheet – (1) page
2. Zoning Permit Application Staff Summary (1) page
3. Town Of Wilmington DRB Hearing and Zoning Application (3) pages
4. National Flood Hazard Maps (2) page
5. Email with Water and Sewer Bill (1) page
6. Floor Plans– hand drawn sketches (2) pages
7. Permit Navigator Results Summary for ANR or the NRB – 8 pages
8. Abutter list (1) page
9. Abutter notice – warning notice 1 page

ARTICLE II: ADMINISTRATIVE PROCEDURES

Section 222 A. Conditional Uses: 1, 3, 4 and 5
 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

Finding of Facts: This standard has been met, all exhibits have been received & verified.
Conclusions of Law: Article II is/ is met

ARTICLE IV: DISTRICTS & USES

District:

- VIL = Village

In addition, these three (3) zonings overlays apply:

- HDRD = Historic Design Review District (Article V)
- VDRD = Village Design Review District (Article V)

Section 450: District Purposes and Descriptions

Village District (VIL)

1. Purpose: To retain the character of the existing village, provide for future residential and commercial development through historically appropriate Structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

Development and reconstruction shall reflect the character and ambiance of the historic village.

Building Structures will be reflective of the historic nature of the town.

The Historic Design Review District, as defined in Article V, is included in this district. Some of the parcels in the village are also subject to the Historic Design Review District Guidelines in Article V.

Site Criteria – Village District inside the Historic Design Review District:

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.

Permitted Uses, Village District:

Retail

Conditional Uses, Village District: (Requiring Development Review Board written decision and approval and a zoning Permit)

ARTICLE IV:

Findings of Fact: The project includes expanding existing retail use in an existing structure. Retail is a Conditional Uses within the Village District

Conclusion of Law: *Retail Use* requires DRB approval and subject to review under Section 710: Use Performance Standards, Section 720: Conditional Use Standards, Section 721: General Standards.

ARTICLE V: DESIGN REVIEW DISTRICTS- OVERLAY DISTRICTS

Section 500: Authority

Within the Village Design Review District and the Historic Design Review District no Structure may be erected, reconstructed, altered, restored, moved, demolished or changed in Use or type of occupancy, except as otherwise provided for in Section 531 (A) & (B) of this Article, without a written decision and approval of the plans by the Development Review Board, subject to Site Plan and Design Review and administrative approval by the Zoning Administrator as provided for within this zoning ordinance pursuant to 24 VSA § 4464 (C).

Section 510: The basis for a **Design Review District** is to preserve the natural beauty, vistas and the visual character of the Village of Wilmington. The visual aspects of the Design Review Districts 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.

Section 520: Goals and Purpose of the Historic Design Review District

The basis for the Historic Design Review District is to preserve the beauty, vistas and visual character of the many buildings of historic significance as defined by the National and State Registers of Historic Places dating from the early 19th century.

To protect these characteristics, it is necessary to ensure that proper attention is given to the historic exterior features of buildings and Structures so as to provide a means by which long term economic prosperity may be supported, property values can be stabilized or improved, and economic well-being of the community protected and fostered.

Section 530: Development Review Board Site Plan and Design Review Required on Design Review District Development

As required by §4414(1)(E), 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 appropriate municipal panel." (The Development Review Board).

Section 540: Site Plan and Design Review Standards

- A. All development and land improvements within a Design Review District are subject to the Standards as defined in Article VII as well as any applicable standards as set forth in Article VI Flood Hazard Area, Article VIII Signs, and Article IX Telecommunications.
- B. All development and land improvement with the Village Design Review District shall preserve the character of the village and conform to the Goals of this District as defined in Section 513.
- C. 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 and preserve, rehabilitate or restore the historic Structures of the town as defined in Sections 730, 731, and 732 of this ordinance.

ARTICLE V:

Findings of Fact: There are no proposed changes to the exterior, hours of use or number of employees.

Conclusion of Law: Standard met. There are no adverse impacts or changes to the historic character of the building or the village.

ARTICLE VI: FLOOD HAZARD DISTRICT-AN OVERLAY DISTRICT

Section 603: Development Permit Required

A Permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard.

Conditional Use approval is required for all uses, except those defined as Permitted Uses in § 605, prior to being Permitted by the Zoning Administrator. Such development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, and public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

Findings of Fact: There are no changes proposed to the building.

Conclusion of Law: The change of use from Gallery to Retail would not add risk or exposure to flood hazard or damages.

ARTICLE VII: STANDARDS

Section 710: Use Performance Standards

Pursuant to 24 V.S.A. § 4414(5) Performance Standards, the following standards shall apply to all Uses and land development in the town.

- A. Vibration: No continuous, permanent, ongoing, or frequent vibration shall be produced which, when transmitted, is discernible at the property line without the aid of instruments.

Temporary vibration created during land development should be limited to daylight hours to preserve quality of life in neighboring properties.

- B. Noise: continuous, permanent, ongoing or frequent noise in excess of that of a normal conversation (in the judgment of the Development Review Board) must not exist at the property boundary line. Recurring periodic or intermittent noises in excess of that of a normal lawn mower (in the judgment of the Development Review Board) at the property line is allowed provided it does not occur between the hours of nine (9) PM and seven (7) AM, and does not significantly detract from or diminish other property's allowed Use or land development.

Temporary noise created during land development should be limited to daylight hours to preserve quality of life for neighboring properties.

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

- 1. Which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity

2. Which can cause contamination of the subject property or beyond the property boundaries
3. Which is composed of solid or liquid particles in concentrations exceeding current state authority standards
4. Which causes emission of non-farming, odorous matter in such quantities, as determined to be offensive.

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 may cause injury or damage to human or animal health, vegetation, or property.

Findings of Fact: Applicant testimony that new Use will not create Vibration, Noise, or Air Emissions as noted by standards above.

Conclusions of Law: Conditions are met .

Section 720: Applicability of Conditional Use Standards and Site Plan and Design Guidelines

Conditional Uses are subject to both General and Specific Standards as defined below. Site Plan and Design Guidelines of Appendix I shall be applied to development within the Historic Design Review District and are recommended in all other districts.

The Development Review Board will complete a Site Plan Review and a Design Review as needed to determine conformity with the Standards of this Article VII.

The Development Review Board shall utilize the Listing of Structures in the State and Federal Registers of Historic Places (Appendix II) to determine the historical significance of all pre- existing Structures seeking written decision and approval for alteration, renovation or change.

The Development Review Board shall require conformity with Section 732 within the Historic Design Review District.

SECTIONS 721: GENERAL STANDARDS

In all districts, all Conditional Use development shall protect from undue adverse effects. No Land Development or Use shall result in an undue adverse effect on any of the following:

- A: The Capacity of Existing or Planned Community, Municipal or Educational Facilities
- B. Traffic on Roads and Highways
- C: Bylaws and Ordinances in Effect
- D. Utilization of Renewable Energy
- E. Air Quality
- F. Character of the Area

Findings of Fact: The proposed conditional Uses will not have an undue adverse effect on items A-F.

Conclusion of Law: General Standards are met.

Section 722: Conditional Use - Preserving the Character of the Town

- A. Preserving 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 of Retail (2000 square feet)
- F. Building Scale Conformity
- G. Utility Placement

Findings of Fact: The retail use of this property positively contributes to the downtown economy,

preserves the town's character and encourages visitors and tourism.

Conclusions of Law: Conditions are met

Section 723: Conditional Use - Preserving the Character of the Town: Historic Preservation
(compliance is required for properties in the Historic Design Review District (HDRD))

A. Historic Structures:

All Conditional Uses for a certified historic Structure as defined by Internal Revenue code 26 U.S.C. Section 47 (c) and/or recognized in the National Register of Historic Places, or by the Preservation Trust of Vermont shall not engage in land development that will compromise the Structure's historic status. Every effort shall be made to preserve and enhance the historic features of Structures dating to 1920 or earlier. Preservation and enhancement of historic Structures shall be compatible with the historic character of the town and region.

Findings of Fact: Based on the Appendix II listing of the Zoning Ordinance: This property is listed as a contributing property in the Wilmington Historic Village in the National and State Registers of Historic Places.

Conclusions of Law: No changes are being proposed to the exterior of the building.

B. Historic Preservation, Rehabilitation and Restoration. Historic features and historic Structures shall, to the extent reasonable and possible, be preserved, rehabilitated, or restored.

(Preservation, Rehabilitation, Restoration including Reconstruction as defined in Section 723 B of the Wilmington Zoning Ordinance)

Consistent with Section 723 D, criteria to be applied in determining which of these approaches is most appropriate for the structure include the property's':

1. Historical significance
2. Physical condition
3. Proposed Use
4. Reasonableness of undertaking Preservation, Rehabilitation, or Restoration/Reconstruction
5. Degree to which it will contribute to preserving or enhancing the character of the community

C. Historic Features: For reconstruction, historic features of Structures or complimenting the historic features of the region shall be retained or reconstructed.

Findings of Fact: No Change are being proposed to the exterior façade of the building.

Conclusions of Law: Conditions met.

SECTION 730: CONDITIONAL USE – SPECIFIC STANDARDS

All land development and Uses in all Districts and Overlay Districts shall conform to the following:

A. Lighting and Glare: Shall be shielded and downcast. Glare and reflection is prohibited if it is an unreasonable nuisance to other property owners or tenants, does not contribute to aesthetics, scenic value or character of the area, or could impair vision of pedestrians or drivers. In HDRD and Village District exterior lighting must be consistent with historic character of the commercial area of the village

Findings of Fact: No changes

Conclusions of Law: Conditions are met.

B. Safety: Shall minimize physical hazards where there are potential safety hazards. Not Applicable

C. Traffic and Pedestrian Safety: Pedestrian walkways to ensure safe and efficient navigation by foot or bicycle. Special consideration shall be made for children's safety. Traffic patterns will be review for safety, ease of flow and efficiency. No changes - Not Applicable

D. Commercial Parking and Loading: No Changes - Not Applicable

E. Road Development: New roads, public and private, shall conform to the town's Highway Ordinance. No changes - Not Applicable

F. Landscaping, Screening and Development: Shall "preserve the rural and agricultural character and ambiance of the community". Natural features characteristic of the town's rural and agricultural nature shall be preserved. Landscaping and Screening shall be used to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties.
No-Changes - Not Applicable

G. Land and Water Management: No Changes – Not Applicable

H. Wastewater and Potable Water:

Findings of Fact:
Conclusions of Law:

I. Natural Resources and Features: Not Applicable

J. Wildlife Protection: No adverse impact on wildlife habitats or corridors. Not Applicable

K. Shoreland Protection: Not Applicable

L. Flood Hazard Protection: Development must comply with the provisions of Article VI Flood Hazard District.

Findings of Fact: Property is in a Flood Zone.
Conclusions of Law: No Changes to building. Existing conditions to remain.

M. Energy Resources: Commercial Development shall comply with the Vermont Commercial Building Energy Standards

Findings of Fact: Historic Structures are exempt.
Conclusions of Law: N/A

N. Technical Review Costs: Applicant may be required to pay reasonable costs of technical review.

Findings of Fact: Not Applicable
Conclusions of Law: N/A

CONDITIONS:

The application to allow the change of use from gallery to retail business for the as submitted under this application is **approved**.

Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

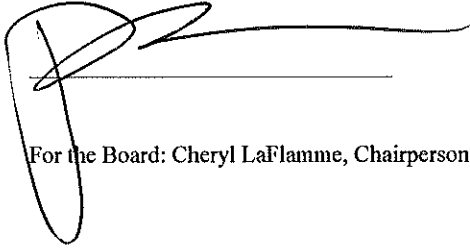
IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions,

requirements, limitations or specifications are contained herein:

Cherly LaFlamme
Chrystal Holt
John Gannon
Diane Abate

OPPOSED:

ABSTAINING:

A large, stylized handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke and a long, sweeping tail.

Date: 7/1/2026

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.
