

TOWN OF WILMINGTON

DRB Case COVER SHEET

DRB FINDINGS OF FACT to be ATTACHED

Applicant Fox/Dunn
Address/Lot 117 W Main St

Zoning Permit Application Number:

2026-059

Date of First Hearing:

7/20/26

Public Hearing Notice published in the Deerfield Valley News on:

7/3/26

Notice was posted in three public places on:

7/2/26

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

7/2/26

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:

8/28/26

Approved Permit (after two years) expires on:

7/28/28

**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: **Tom Fox, Agents: Bryan & Danielle Dunn**

Owner/Applicant(s) Mailing Address: 38 New England Power Rd, Wilmington, VT 05363

Address of the subject property: **117 West Main St, Wilmington, VT 05363**

Tax Map: parcel #20-20-38.000

A copy of the request is filed in the office of the Board and is referred to as **#2026-059**

Description of Case per Public Notice

Application # **2026-059**

Owner: Tom Fox

Agents: Bryan & Danielle Dunn

Proposal: Conditional Use Development permit in the Village Zoning District to demolish the existing structure and construct a self-service car wash facility with a 1-bedroom apartment on the second floor.

Applicable Code Sections:

Article II – Section 221, 222, 223, 224, 226, 227, 228, 271, 272

Article IV – Section 440, 450 B

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: **7/3/2026**

Notice was posted in three public places on: **7/2/2026**

A copy of the notice was mailed to the applicant on: **7/2/2026**

A copy of the notice was mailed to the abutters on: **7/2/2026**

Appeal period for this Case expires on:

Approval expires on:

Date of Hearing: 7/20/2026

8/28/2026
7/28/2028

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

Tom Fox (applicant)

Bryan Dunn (agent)

Danielle Dunn (agent)

No abutters were present.

EXHIBITS

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

1. Town of Wilmington DRB Case Cover Sheet
2. Zoning Permit Staff Summary
3. Application for Zoning Permit and DRB Review (3 pages)
4. Business Plan (4 pages)
5. Site Plan 1- VTrans Submission
6. VTrans Commercial Driveway Connection Standards

7. Site Plan 2- Traffic flow and setbacks
8. Site Plan 3- Aerial Image, Snow removal plan and Parcel map
9. Elevation Drawings (5 pages)
10. Floor Plan Drawing (2 pages)
11. Images of structures similar to the proposed structure (2 pages)
12. Email dated 26 June 2026, between Agent Byran Dunn and Zoning Administrator with project details and clarifications (2 pages)
13. Email dated 29 June 2026, between Wilmington Public Utility Superintendent John Lazelle and agent Bryan Dunn and Zoning Administrator regarding water and wastewater allocation capacity
14. Car Wash Water usage presentation (2 pages)
15. Abutter list with date stamp of July 2, 2026 for notice mailing
16. Copy of Warning
17. Additional images of proposed building exterior design (3 pages)
18. Driveway layout Topical Map
19. Letter from MSK Engineers re the scope of work for the proposed project (3 pages)

SYNOPSIS: Conditional Use Development permit in the Village Zoning District to demolish the existing structure and construct a self-service car wash facility with a 1-bedroom apartment on the second floor.

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: 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 during the hearing to further support that documentation. Applicant confirmed they have 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 B District Purposes and Descriptions- Village District (VIL)

Finding of Facts: Subject property is within the Village District (Section 450 B). The property is identified as Tax Map parcel #20-20-38.000 per the Zoning Administrator. 117 West Main Street is a 0.7-Acre property in the Village Zoning District and outside of the design review overlay districts. The existing principal structure was most recently in commercial use for storage and for fabrication of wooden bowls. Uses adjacent to the property consist mostly of commercial retail, kennel, and office uses; a residential property; and privately owned open space. The proposal in this application is to demolish the existing principal commercial structure and to redevelop the site for mixed commercial and residential use. Proposed uses consist of automotive services, a conditional use in the Village Zoning District, and a one-family dwelling unit, a permitted use in the Village Zoning District. The proposed principal structure would be a 30-foot-wide by 46-foot-long by 27-foot-high building with two stories. The lower level of the structure would be designed for commercial use consisting of a self-serve car wash with two bays and an external seasonal wash bay, an administrative office, storage and a small bathroom for staff. Residential use would consist of a one-bedroom apartment on the second floor of the car wash. The grounds would be altered, and areas of lawn would be established to create two vehicle entrances from West Main Street that are clearly delineated from adjacent properties. Four vehicle vacuum stations would also be constructed on the exterior of the building.

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: Agents testified they would mount placards on the vacuums that specify their permitted use only during day hours (7am-9pm) in support of the Town's Noise Ordinance. Additionally, testimony from the agents indicated that the car wash bays will be operational from "sun up to sun down" at all times of the year.

Conclusions of Law: This standard is conditionally 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 caused by the proposed uses.

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 and provided images of the proposed structure design, the general standards appear to be upheld by the granting of this application, and no undue adverse effect is apparent based on what has been provided to the DRB.

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 structure or vacuum areas would conform to the lighting requirements of the zoning ordinance, 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. There was no evidence at the time of the hearing to indicate any safety 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. Applicant testified that intentional planning was done using green space and dedicated parking areas to ensure safety for customers using the vacuums relative to customers pulling in or out of the property. Additionally, testimony from the agents confirmed there will be adequate signage throughout the property to guide customers in and out, as well as around the property.

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 Dwelling Unit is one, and for Office is one. Testimony from the agents indicated that two parking spaces would be created and properly marked to indicate their purpose. 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. Per agent testimony, the VTrans permit is in process and construction will comply with that permit, which will require one driveway to be used as the entrance and the other driveway to be used as the exit.

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. Agents testified that aside from the green areas indicated on the drawings, no other landscaping is proposed. Agents also confirmed they understand the zoning ordinance requirement to maintain all landscaping in good order.

Conclusions of Law: This Use Performance Standard is met.

H. Wastewater and Potable Water:

Findings of Fact: The agents indicated that initial conversations with John Lazelle confirmed adequate allocation is available and they would be seeking that allocation from the Select Board. With regard to wastewater, the agents plan to use sediment drain traps in each car wash bay (2 interior, 1 exterior) which matches the design used by the Moover facility. It was explained to the agents that the DRB decision would be contingent on a copy of a final WW permit being submitted to the Zoning Administrator.

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 2 spots must be submitted to the Zoning Administrator for final review/approval.
3. Wastewater permits must be submitted to the Zoning Administrator for final review/approval.
4. Any changes to the waste water filtering system must be approved by the Wilmington Public Utility Superintendent.
5. VTrans Permit must be submitted to the Zoning Administrator for final review/approval.
6. Quiet Hours indicated by the Town Noise Ordinance must be upheld.

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:

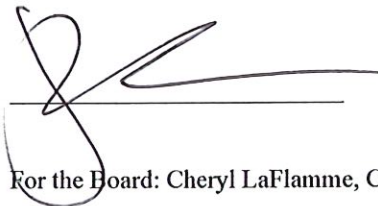
Cheryl LaFlamme
John Gannon
Chrystal Holt
Diane Abate

OPPOSED:

None

ABSTAINING:

None



Date: 7/28/2026

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.