

Draft (rev.9/3/18)

Town of Wallingford, Vermont

Development Review Board (DRB) Meeting & Public Hearing Minutes

August 28, 2018 at Town Offices, 75 School St., Wallingford Village

DRB Members in Attendance: William Brooks III (Chair), Erika Berner, Lucy Thayer, Dave Ballou, Jason Stone (Alternate & serving in regular member's absence).

DRB Members Absent: Jillian Burkett

Others in Attendance: Jeffrey Biasuzzi, Zoning Administrator (ZA) & recorder; and others identified by Attendance Roster (Attached).

The Hearing's audio was electronically recorded.

Chairman W. Brooks called the Continued Hearing of Application #18-01 to Order at 7:10 pm, and introduced the DRB Members and ZA to those in attendance. He reminded those that had been sworn in at the initial Hearing of 7/30/2018 that they were still under Oath. W. Brooks administered the Oath to new participants in attendance.

W. Brooks asked for a MOTION to accept the Meeting Agenda. D. Ballou MOVED to accept the Agenda. L. Thayer seconded, all approved and Motion passed.

Applicant Justin Filskov opened with a summary of his proposed project, stating that he had initially been using his parent's Maranville Road property as a staging area for his small business, which requires transporting equipment up and down the steep portion of the Town Road to VT Rt. 140; an unsafe situation. As his business is growing, there is a need to better service his operations, at a location which minimizes the risks of negotiating steep roads. He submitted the following amendments to his initial application into testimony:

- a. He withdrew a request to subdivide his present 13.5 acre property, which would separate the site for his proposed building from the residential portion of his property.
- b. He submitted a sketch and landscape site plan of the proposed 42' X 60' (Morton brand) structure, which would screen the structure from VT Rt. 140. He stated that the Project would result in a building and site that would be in keeping with the area.
- c. He stated that all exterior lighting would not extend more than 40 feet beyond the structure exterior, and stay within the property's boundaries. This would provide for employee safety and property security.
- d. He is processing an application for a VT Waste Water Application, to approve Septic and Water systems for the proposed structure and use; to be installed with any improved construction.
- e. He withdrew his request to install a free standing business sign on the corner intersection with Moranville Road and State Route 140.
- f. He submitted a VTRANS letter, stating that his proposed drive way access location on Town Highway was acceptable.

K. Allen stated that there was no advance notice of this new testimony, or time in which to review at this time. W. Brooks then had the new materials displayed at a Table in the room, and temporarily suspended the proceeding in order for the Public to review the Applicants new submissions. At 7:25 pm W. Brooks called for the Hearing Testimony to continue.

R. Allen asked if a subdivision was a requirement of Town Zoning regulations. J. Filskov replied that he now understood it was not

W. Brookes asked about use for the proposed Building. J. Filskov stated it would be used to house his equipment, especially in winter conditions, and to accommodate maintenance for company equipment. Some equipment would also be staged outside the building.

K. Allen asked for a specific list of the equipment. W. Brooks responded that the Application was to review a Use, and a specific equipment inventory is not a required criteria. K. Allen then referenced the Applicant's business Website, expressing concerns about the size and type of equipment that the business uses.

T. Ahlers stated that local jobs were key to keeping young residents from moving in the region.

MA Ryan asked if Act 250 review would be required. J. Filskov stated that Act 250 review is required, and that an Application is being prepared.

P. Suthers asked if transporting heavy equipment on VT Routes 140 or 103 was a concern. W. Brooks responded that these were State Highways, and not necessarily a Town issue.

Neighbor J. Ryan stated that his house is for sale and submitted a letter from his (Listing) Realtor Broker into testimony, stating that in his broker's opinion, the proposed project could significantly reduce the Ryan's property value, if this application was approved.

MA Ryan referenced the Town Plan that designates VT Rt.140e as a scenic corridor. She expressed concerns about trucks with trailers entering VT Rt. 140. She felt that the proposed structure was not in character with the area. She suggested that the Seward's (former ice cream & cheese) properties would be a better alternate site. She reiterated that the proposed structure would pose a loss of value to their property.

Nan Dublin stated her disfavor of the application, stating the corner location was currently a school bus stop, and supported the Seward's Plant suggestion as an alternate location.

R. Ahlers supported local business that encourages young adults to stay or locate to VT; and stated the need for a balance between property values, aesthetics, and supporting local business.

W. Brooks asked if the Applicants had explored the E. Wallingford Seward plant as a possible site. J. Filskov started they have not.

Tony Mason stated his disfavor of the application, without details.

Neighbor Brian Ray referred to the Town Plan, identifying the VT Rt, 140e as a Town Scenic Corridor; felt the proposed building was not aesthetically acceptable for the area, and could change the area's character dramatically.

C. Baldwin felt the issue was "all about aesthetics".

K. Smith stated her support of the Project.

R. Filskov stated that the current VTRANS road work did not improve the aesthetics of the Rt. 140 Corridor.

R. Smith stated that the Application did not appear to be a big change to the area.

MA Ryan relayed support of the Applicants as residents and neighbors; but not her approval of constructing the proposed structure across the road from her property.

R Ahlers stated that the proposed one-level structure was not out of scale with existing buildings in the area.

J. Biasuzzi (a resident and ZA) asked those in attendance if the primary objection to the Application was focused on the appearance of the proposed (steel sided) structure, versus the structures' Use. He asked if the structure was to be wood sided; if this would resolve the residents' concerns as to aesthetics. No one in attendance replied to the question.

R. Allen stated his opinion that the Application be denied on the Conditional Use criteria of the Town Zoning regulations, siting the Town Plan. He cautioned against setting a precedent for allowing development in the wrong location.

P. Rondione expressed his concerns with the Application, including conflicts the Town Plan; wetlands, location near the headwaters of Roaring Brook, and a stone he observed on the old barnyard site as being a possible grave marker. J. Filskov replied that VT ANR has reviewed the site, and have signed off on the wetlands issue. There is no record of a grave site, citing research by the Wallingford Historical Society.

S. Filskov stated the Agricultural Rural Residential Zone represented a large part of the Township, and there were many past businesses (pre-zoning & by application) allowed in this Zoning District. He felt the current application would meet zoning regulations and was consistent with the Town Plan.

K. Allen stated that the application did not include a Site Plan drawn to scale; and asked the Hearing be continued.

J. Biasuzzi answered questions from the Floor, on how a Hearing may be requested to be re-opened; and the time line in which the DRB would evaluate the Application and render a decision.

W. Brooks asked for any additional testimony, and read into the Hearing, the written testimony submitted by individuals not able to attend the Hearing in Person. These include letters from D. Seward, K. Zalodeck, K. & K. Ross, D. Cook, P. Graham, D. Hawkins, R. & B. Hawkins, M. Burns, C. Browner, Z. Hordozer, JA McCloud, C.R. McCloud, C. Webster, M. Dendo, K. & R. Smith. K. Allen submitted 11 photos of the Maranville Road / Rt. 140 area.

W Brooks asked for one last chance to enter Testimony into the Public Hearing. Hearing none, he requested a MOTION to Close the Hearing to further Testimony. J. Stone Moved to Close the Hearing, D. Ballou seconded, all approved, and the Motion Passed.

The Chair asked for a MOTION to approve the Minutes of the DRB Hearing of 7/30/2018. E. Berner Moved to approve the Minutes, with any corrections to spelling identified. K. Thayer seconded, all approved and the Motion passed.

In Review of past DRB Minutes, the Town Administrator has identified several meeting minutes lacking a formal record of approval; due to the irregular meeting schedule of the DRB. It is documented that any applications reviewed in these meetings resulted in a DRB authorization for a Permit, by a separate Findings of Fact, Conclusion of Law, and Decision & Order, signed by the DRB Chair. In review of the certain past Meeting Minutes, it became apparent that some DRB members at the time were no longer in service on the Panel. In order to "put this issue to rest" the current DRB Members that also served on the DRB in the 2016 & 2017 Meetings in question have reviewed the draft Minutes, and have voted to approve the following Minutes accordingly:

For Minutes of 2/26/2016 – No current DRB Members were on this Panel

" " 9/12/2016 – E. Berner and W. Brooks voted to approve the Minutes as written, no one opposed,

J. Burkett absent

" " 4/10/2017 - E. Berner and W. Brooks voted to approve the Minutes as written, no one opposed,

J. Burkett absent.

DRB members agreed to schedule a special Meeting for Tuesday, 9/4/2018, at 6:00 pm, at Town Office; for the purpose of entering Deliberative Session to review Application 18-01. The Zoning Administrator was asked to attend, to answer zoning related questions.

At 9:10 pm, D. Ballou made a Motion to Adjourn, E. Bernier seconded, all approved and the Motion passed.

Respectfully submitted by Jeffrey Biasuzzi

Approved _____