

Development Review Board  
Meeting Minutes  
March 19, 2015  
Wallingford Town Hall

DRB MEMBERS PRESENT: Nathan Astin, Jillian Burkett, Derek Farmer

DRB MEMBERS ABSENT or RECUSED: Ann Tiplady, CarolAnn Martin, Beth Sheehe (alter.)

OTHERS PRESENT: Jeffrey Biasuzzi (Zoning Administrator; ZA); Nelson Tift (Town of Wallingford/ Owner/ Permit Applicant); Thomas Phillips (Owner/ Permit Applicant); List of attendance to Hearing/ Interested Parties Identified (attached).

OLD BUSINESS: None on agenda

NEW BUSINESS:

The Meeting was called to order at 7:33 p.m. by Nathan Astin, as acting chairman; and was digitally recorded.

The DRB Members introduced themselves to those in attendance, and a quorum was present.

Upon suggestion by J. Biasuzzi, all interested parties in attendance were identified, signed in to the meeting, and sworn in before the DRB.

N. Astin opened the Hearing with a summary description of Zoning Application #15-01; a Lot Line Adjustment (LLA) between Lands of Phillips (parcel# ) and Town of Wallingford (parcel # ); located south of VT Rt.140, West of Otter Creek, East of Elfin Lake, and north of "Stone Meadow Recreation Area". J Biasuzzi (Zoning Administrator) described the purpose of a LLA, and this Permits' basis for approval.

INTRODUCTORY INFORMATION: This application was approved by the ZA on January 8, 2015, as the application and Survey (recorded in Slide #70 of Town records) conformed to current (minor) subdivision & zoning regulations. The approved Lot Line Adjustment application (LLA) was warned for the minimum (statutory) 15 day Appeal period in two Public Locations and by an on-site Poster. Within the warned appeal period, the Highland Home Sites Association, represented by Dan Brown (as an Agent for several abutting Ownerships), submitted a written Appeal of the ZA's Decision. Subsequently, the ZA has notified the Applicants, Appellant(s), and Abutters of the Appeal to ZA Decision, provided Public notice of the Appeal, and Warning of this Public Hearing, per 24 VSA, Chapter 117. Applicable Town regulations, recorded survey, zoning & tax maps, and aerial photographic depictions of the subject property were available for public review at the Hearing.)

J. Biasuzzi (ZA) clarified to the Hearing participants that the subject parcels were entirely within the Town's Forest-Recreation Zoning District, and that the reference to the Industrial Zoning District made reference to a portion of Town ownership located east of Otter Creek. The ZA further clarified that any abutting landowner has the statutory right to appeal a ZA permit.

S. Nimitz opened discussions by asking if the land exchange increased the road frontage or gave an additional access to lands of Phillips. T. Phillips replied that the existing driveway was on a Right of Way (ROW) that remained his legal access, and no additional road frontage to his ownership resulted from the LLA.

J. Burkett requested further explanation of the survey map, which T. Phillips provided. J. Burkett asked if the (Chartered) Wallingford Park Association had the right to separate a portion of its ownership. T. Phillips believed that (per legal research) transferred acreage was not part of Park Association.

D. Scranton described her observations of the LLA areas involved, and asked if a valuation review had been considered.

M. Pranck (*spelling tbd*) asked how the Town was advantaged by the LLA. T. Phillips replied that he did not want to own any sections of Waldo Lane or Elfin Lake Road, or endure any further ROW issues that may involve additional legal (access and use) issues with Town. T. Phillips stated that the transfers had been discussed and approved following several Town Select Board Meetings, and that the land exchange was a "done deal". N. Tift submitted the reference dates of these Select Board meetings.

D. Brown, as Agent for Highland Home Sites Association and abutting owners who could not attend the Hearing (Appellant), submitted into testimony two written statements from absent Landowners; These were read by D. Brown at the Hearing, and attached as addendums to these Minutes.

N. Tift replied that the Town benefited from the LLA, to gain additional area behind the existing Transfer Station, to expand and accept additional materials (such as Stumps), as being mandated by the Rutland Regional Solid Waste District. Additional advantage discussed included Town Ownership (vs Right of Ways) of land surrounding Waldo Lane & Elfin Lake Rd. N. Tift stated that Towns' future use of the land acquired was considered more significant than a current monetary valuation of the areas involved.

Muriel Brown and S. Nimitz asked (separately) who may have initiated the transaction, and "what & who" might be behind "ulterior motives" to the LLA? T. Phillips replied that he already needed a current survey of the property, in order to clarify boundaries, proceed with septic design and permit work, & establish utility extensions in anticipation for home construction.

He was aware of the Town's need for Transfer Station area, and wanted to simply future easement issues along the Waldo Lane & Elfin Lake ROW's. He felt that the exchange (survey at his sole expense) provided a resolution to present & future property line & easement issues to both parties.

D. Scranton questioned an issue of valuation, referring to a past appraisal by Sargeant Appraisal Co. J. Biasuzzi submitted that changes to real estate were regularly updated by Town Listers. D. Scranton, D. Brown, M. Pranck (*sp. Tbd*), and others expressed their concerns as to the "transparency" of the land exchange, with all of the parties being in the Select Board at the time of transaction, and to public notice to this real estate transaction.

N. Astin summarized his understanding of the exchange, from the written and verbal testimony presented. J. Burkett asked T. Phillips for additional information regarding utility extensions into his ownership, and if the wooded portion (presumed on the .6 acres) would have tree cover cut. T. Phillips replied this area offered a route for underground utility service to extend to the (future) home site(s); and the buried utility line extension would only impact the trees directly in the narrow utility trench corridor.

N. Astin requested any further testimony prior to conclusion of the Hearing:

T. Phillips stated that the Town & its residents had been offered past opportunity to acquire the subject property; several proposals were declined & private opportunities to contribute to proposed public projects for this property did not materialize. An offer of \$120,000 for the subject property would be entertained by the Owner at this time.

D. Brown presented his opinion that the land exchange did not provide any gain to the Town.

Following another request for any public testimony, and no further reply; N. Astin made a motion to close this Public Hearing to testimony and go into deliberative session. J. Burkett seconded the motion, all approved and the motion carried.

Upon request of the acting Chair Person, J. Biasuzzi outlined the statutory Meeting procedure:

The DRB may conduct a "Deliberative Session", which is closed to the Public, and not recorded. The Public is to leave the Meeting (but return for other issues are to be addressed in the agenda); but are not allowed to participate or add to testimony. In Deliberative Session, the DRB has the option to continue their deliberations as they deem necessary; and have 45 days to render a written decision. Any appeals to the decision of the DRB, by a qualified Interested Party, must be filed in VT Superior (Environmental) Court within 30 days of the DRB Decision. (*request statutory references and information*).

The DRB entered into Deliberative Session, with the Public and ZA dismissed from the room.

After 45+/- minutes, the DRB exited from Deliberative Session. J. Biasuzzi submitted introductory information regarding an upcoming appeal to the DRB, regarding an Appeal to ZA Denial of Permit application #15-06, requesting a future hearing date convenient to the DRB.

J. Burkett made the Motion to extend the DRB Deliberative Session of Application #15-01 to another (To Be Determined) date; and to Adjourn the evening's Meeting. N. Astin seconded the Motion, all approved; the Motion carried and the Meeting adjourned at 10:00 p.m.

Submitted By: J. M. Biasuzzi, Interim Recorder

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Initial Draft : 3/20/ 15

Revisions:

Final/ Approved:

DRAFT