

## *Draft*

Town of Wallingford, Vermont

### **Development Review Board (DRB) Meeting & Public Hearing Minutes**

May 31, 2019 at Town Offices, 75 School St., Wallingford Village

**DRB Members in Attendance:** William Brooks III (Chair), Lucy Thayer, Dave Ballou,; also Jason Stone, Beth Blaisdell (Alternate Members serving to fully staff the DRB). **Members Absent:** Erika Berner, Jillian Burkett

**Others in Attendance:** Jeffrey Biasuzzi, Zoning Administrator (ZA) & recorder; Shane Filskov; Justin & Tori Filskov; Robert Filskov; Keith Robertson; Keven Burke; Christine & Amy Davenport; Janice & Jeff Patch; Walter Kelly; Stacy Harshman; Robert & Theresa Ahlers; William Muntean

**Call to Order:** Chairman Brooks called the Meeting to Order at 7:03 pm.

The Hearing's audio was electronically recorded.

There was no Motion to approve a formal agenda or past meeting Minutes.

**Open Public Hearing for Application 19-17:** W. Brooks opened the Public Hearing and read a summary of the Application, "A request by Justin Filskov, dba F.A.S. Trucking & Landscaping (applicant) for a change of Use of the building and grounds at 1281 US Rt. 7s (Parcel #7011253) from residential to a commercial Landscape Contractors Shop & Operations yard." W. Brooks swore in those in attendance who wished to present testimony during the Hearing. The Application also requests placement of one exterior non-illuminated flush mounted 3' X 5' sign for the building wall, to advertise the business.

This change of Use and Signage requires Conditional Use review in the Agricultural Rural Residential (Ag.RR) Zoning District, under Articles V & IX of Wallingford Zoning Regulations (effective 2015), requiring DRB review.

W. Brooks explained the Hearing's procedure, and that the all participants would be given a chance to speak in an orderly manner.

W. Brooks asked the Applicant to introduce himself and describe the nature of his business. J. Filskov explained that the Company operations involved property maintenance; lawn mowing, planting and landscaping, as well as winter plowing and sanding. General hours of operation planned were to arrive at the Shop at 7:00 am; set off for the day's assignments and return around 5:00 pm. Usual work weeks were Monday thru Friday.

W. Brooks asked about winter operations. J. Filskov stated these were dependent on weather conditions; which could require early plowing operations, and work throughout the evenings and weekends.

L. Thayer asked if there would be retrofits to the existing structure. J. Filskov stated "no".

L. Thayer asked about any plans to screen the property from neighbors. J. Filskov replied that the existing fence and arborvitae tree hedge screened much of the view into the property from the street. He plans to use the building as much as possible to shelter the equipment from weather, especially in winter.

J. Filskov was asked if he was going to lease the property. Owner Jeff Patch stated that the property was on contract to sell to the Applicant.

R. Filskov stated that he once owned the property many years ago, when it was a farm, and had used it for his landscape business. He sold part of the property to the Burke Family; still in their ownership.

ZA J. Biasuzzi introduced into Testimony (as Exhibit A) a schematic of the 15 sq. ft. flush/one-sided non-illuminated sign proposed for the building; which was passed around to those in attendance.

W. Kelly (a 50+/- year neighbor) opened his comments with a brief history of business uses he has seen for the property; from farm use, to welding shop; to a logger's base of operation. He wished J. Filskov well in his business. He then expressed a list of his concerns about the proposed operations; including:

- a. the work yard's proximity to flood plains and wetland;
- b. that the Rt.7 corridor should be protected for its scenic qualities;
- c. the travel speed of vehicles on Rt. 7; and the risk of truck and trailers entering & exiting the operations yard, and the narrow road shoulder at the location;
- d. possible contamination of the site and area ground water (noting the several private drilled wells in the area) from the equipment that would be present, and washed or maintained on the property.

R. Filskov noted that he had maintained a private (piped) water system from springs that serviced several properties for years when he owned the farm. When he moved, the lack of maintenance required area Owners to drill individual water wells.

S. Harshman (proprietor of the nearby Sparkle Barn gallery and event facility) expressed her concern on how the landscape operation would look from the highway. J. Filskov stated that his equipment would be on job sites much of the time. When on premises, equipment would be parked behind the existing roadside screen. It would be possible to see the top of the excavator at times.

L. Thayer asked about equipment noise. J. Filskov stated the diesel equipment would generate some start-up noise.

K. Robertson (a new neighboring owner) asked about the number of machines involved, maintenance, and potential impact to property value. J. Filskov stated vehicle count will vary, but he now has four (most pick-up size) trucks with trailers to haul equipment. Service work is routinely done off premise at repair/dealer shops; but some maintenance would be done inside the Shop. Fluids (oils, cleaners, and waste) are stored in steel drums. As a landscape company, J. Filskov stated that neat appearances are important to his company's image as well.

K. Burke (neighboring Lenny Burke Farm) asked to introduce a letter from Emma Burke, sent to the ZA. J. Biasuzzi read the letter he received 7/31/2019 (postmarked 7/25/19, dated 7/24/19) to those in attendance, and entered as Exhibit B into testimony. The letter expressed Mrs. Burke's opinion that the proposed change of use would be disruptive to the Burke property, and her strong opinion in disapproval of the proposed project.

T. Ahlers expressed her concern that the young adult population was leaving VT for outside opportunities, and referred to Town Plan language that stated the goal of encouraging local business.

R. Ahlers expressed his concern about the "push-back" being given to local commercial endeavors, and encouraged the concept of multiple uses for property.

C. Davenport asked if this proposal would involve a change in the Zoning District. W. Brooks replied that this application was being reviewed as a Conditional Use in the Ag.RR Zoning District; and no change to the Zoning District was involved. Daughter A. Davenport stated that she was in attendance to listen to the proceedings.

W. Muntean (neighbor with a legal right of way to use the existing driveway on the Patch property to access his homestead) asked about the diesel fueled equipment, and expressed his concern about exhaust fumes blowing onto his property, as well as the increased traffic on the common driveway.

W. Kelly referred to a 2007 Stipulation Agreement between himself and the Petrossi-Patch owners; as a resolution to a VT Environmental Court (Docket #132-6-0 Vtec) appeal. The ZA had provided the DRB members a copy of this Agreement in advance of the Hearing, which was in town zoning files. Mr. Kelly also referred to the Company website for details on its operations. He requested the DRB require a traffic study with regards to the proposed trucks using the property.

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L. Thayer asked for an estimate of number of trips per day would be anticipated. J. Filskov replied that, usually, there would be four trucks departing in the morning and four trucks returning at end of the day.

W. Kelly asked about salt & sand storage anticipated; expressing his concern that these could be exposed to precipitation, flooding or spillage; which could leach into wetlands and water wells.

S. Filskov stated that the state of Vermont had its own set of regulations in place to protect the environment, and addresses many of the concerns expressed at the Hearing. All businesses are required to follow these VT regulations. He stated that the purpose of the DRB is to address the application as it applies to the Town's zoning rules, and not compliance with VT regulations.

J. Biasuzzi asked if the salt/sand would be stored under cover, and the estimated volume anticipated on site. J. Filskov stated this material would be covered, and that (in winter) about two truckloads (28 cu.yds+/-) would be kept on site.

L. Thayer asked those in attendance for their suggestions on how to mitigate the concerns expressed at the Hearing. S. Harshman stated that she was unable to visualize the appearance of the property in the proposed operation, but that esthetics should be protected. W. Muntean stated his property would be the most exposed to daily appearance of the operation, and that he does not want to have the full view of equipment from his property.

W. Brooks asked for any further questions or testimony. W. Kelly asked if the DRB was going to conduct a Site Visit. As DRB members expressed a familiarity with the property, no site visit was planned.

A participant asked how the application would be processed. ZA J. Biasuzzi explained that, by VT statute, the DRB has up to 45 days after close of the Hearing in which to reach a formal decision. Interested Parties are determined by signing the attendance roster and participating in the Hearing by giving verbal or written testimony; and asked that all Interested Parties fulfill these requirements before the Hearing is closed. Copies of the DRB decision will be mailed to all Interested Parties. Any appeal of the Board's Decision is to be to VT Environmental Court within 30 days of the DRB decision date, with a copy of the appeal delivered to the Town Clerk.

W. Brooks requested a Motion to close the Hearing to further testimony. L. Thayer Moved to close the Hearing, J. Stone seconded the Motion; all approved and Motion passed.

As the attendees were leaving the conference room, L. Thayer made a Motion to enter Deliberative Session, and suggested the ZA be allowed in attendance. D. Ballou seconded, all approved and the Board went into Deliberative Session.

Following its review, B. Blaisdell made a Motion for the DRB to exit Deliberative Session, D. Ballou seconded, and the open meeting resumed.

W. Brooks requested a Motion on Application 19-17. D. Ballou Moved to Approve Application 19-17 with Conditions outlined in Deliberative Session; and to instruct the Zoning Administrator to draft a written decision accordingly, to send to the DRB for its review.

No future meeting for the DRB was set, awaiting notice of business for the Board from the ZA.

D. Ballou made a Motion to Adjourn; B. Blaisdell seconded; all approved; and the Motion passed  
The Meeting concluded at 9:10 pm

Respectfully submitted by Jeffrey Biasuzzi

Approved by \_\_\_\_\_

Date: \_\_\_\_\_, 2019

DRAFT