

Town of Wallingford, VT Development Review Board (DRB)
Findings of Fact, Conclusions of Law and Order

December 12, 2016

Application #: #16-32, Install a Carport within FEMA Flood Hazard Area

Applicant: Paul Thompson

Applicant's Address: 41 Creek Road, Wallingford VT 05773

Property Address: 41 Creek Rd. Wallingford VT

Town Parcel: #0020041

INTRODUCTION

The initial Permit Application was received by the Zoning Administrator (ZA) on 10/18/2016, who reviewed on 10/21/2016. As the property was identified to be in a FEMA SFHA, the ZA referred the Application to ANR, VT Division of River Management and the DRB for review. A Public Hearing for 12/11/2016 was announced in the Rutland Herald on 11/29/2016. Abutting property owners were notified of the Public Hearing by registered mail on 11/28/2016. Notice was posted in three public locations.

A Public Hearing was held at Town Offices on 12/12/2016. The Application and supporting documentation was reviewed, and testimony was introduced. A quorum of the DRB was present. The Applicant and the ZA were present and sworn in. There were no other interested parties identified.

Jurisdiction is taken by Articles III, V, VI of the Wallingford Zoning Ordinance (adopted 8/17/2015) and the Town Flood Hazard Area regulations (adopted 6/16/2008)

Based on the papers and pleadings on record in this matter, and the testimony presented at said Hearings, the Wallingford Development Review Board hereby issues the following Findings of Fact, Conclusions of Law and Orders.

FINDINGS OF FACT

1. The project is located on a 0.75+/- acre lot in the Town Industrial Zoning District. It is also identified as being within a FEMA Floodway.
2. The property encloses a pre-zoning residential structure.
3. The application requests construction of a 10' X 24' open carport, to be installed off the north side of the existing residential structure, accessed by an existing driveway.
4. The application and verbal testimony by the Owner detailed the carport's construction and anchoring design.
5. A review letter, dated 11/16/2016, was received from Brayton West, the VT regional Floodplain Manager and entered into the Hearing as testimony (Addendum I, attached).

CONCLUSIONS OF LAW

1. Application 16-01 is subject to the Wallingford Zoning & Town flood plain ordinances. Town jurisdiction is subject to any VT & Federal applicable jurisdiction that this Project may require.
2. The VT Regional Floodplain Manager has determined that the proposed structure presents a minimal impact on flood hazards, and that the Town may elect to forgo an engineering analysis providing there be no wall enclosures of any kind.

DECISION & ORDER

Based on the Findings of Fact and Conclusions stated, the Motion was made to APPROVE Application 16-32 WITH THE FOLLOWING CONDITIONS:

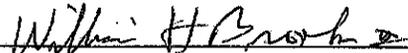
1. That the Project will Conform to the details and specifications included in Application #16-32, its Attachments & That the Findings of Fact, Conclusions of Law, and this Order(s) are based on the representations made by the Applicant; in its written submissions and the Hearing testimony presented. Any errors of fact or misrepresentations may be cause for this Order to be rescinded or deemed void. *PROJECT TO BE COMPLETED ON/BEFORE JULY 1ST, 2017 PER TESTIMONY*
8. That the approval of this Town Permit with Conditions does not release the Applicant, its agents, *WAB* subcontractors or assigns from obtaining and complying with, any and all other Town, State or Federal regulations and permit requirements that the Project may require. Failure to comply are grounds for revocation of this approval and possible zoning violations.

The following Development Review Board Members have voted on the Motion as indicated, and direct the Zoning Administrator to issue a Permit with Conditions, with referenced Site Plan, Addendums, and this Decision attached. The DRB Chairman is authorized to acknowledge the Decision on behalf of the quorum of the DRB.

William Brooks III: Approve Jillian Burkett: Approve Ericka Berner: Approve
CarolAnn Martin: Approve

Decisions of the Development Review Board may be appealed to VT Environmental Court; in accordance with 24 VSA Section 4471.

Approved for the Wallingford DRB this 24 of March, 2017,


W. Brooks III, Chairperson

Received by Wallingford's ZA this 24 March, 2017


Jeffrey Biasuzzi, Zoning Administrator