

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

Application #17-25 dba Woodline Carpentry Builders PO Box 265 Wallingford VT 05773
 Leo & Tyler Wood (Applicant/Owners)
Property Address: 2551 US Rt. 7 south, Wallingford VT Town Parcel #7012251

INTRODUCTION

The initial permit was received 8/7/2017, and found complete by the Zoning Administrator (ZA). On 8/25/2017 the ZA denied the application by rule, as a conditional use requiring DRB approval. An appeal to the DRB was received by the ZA on 8/27/2017 and referred to the Development Review Board (DRB). A Public Hearing was scheduled for September 12, 2017. The Hearing was warned in the Rutland Herald on 8/28/2017. Neighboring property owners were notified by USPS (with Certificate of Mailing), the Applicants installed the required Road Poster, and the Hearing was warned in two other public places on 8/25/2017.

On 9/12/2017, at 6:30 pm the DRB convened the Public Hearing at Wallingford Town Offices. A majority of the Board, the ZA, and the Applicants/Owners of the Property were in attendance. Other Interested parties identified were Bonnie Wood and Truman Young.

Jurisdiction is taken by Article IV of General Regulations (Conditional Use Approval), Article V (Specific Zoning District Regulations), and Article IX (Signs and Advertising Displays), of the Wallingford Zoning Regulations (effective 9/7/2015).

FINDINGS of FACT

1. The property is in the Agricultural Rural Residential (AgRR) Zoning district. It is improved with two commercial buildings that were permitted, constructed, and used as a used vehicle sales facility. Following the death of the last Permit holder, the business was closed for a period of over two years, and the these permits expired, per the Discontinuation Section of the Zoning Regulations.
2. The buildings have VT Wastewater Permits, and conforming water & septic systems installed.
3. Open portions of the property includes both (mapped) wetlands and flood plain.
4. The new Owners/Applicants have applied for a change of use for both buildings:
 - a. Building #1 (as identified in Application) is to serve the Owners wood working and construction business as Office, workshop, and related indoor storage facility. In addition, a minor portion of this building is to have a one bedroom rental apartment.
 - b. Building #2 is to be a commercial rental property for others. The initial tenant is a maple sugar producer. Building #2 is to be converted to be a commercial Sugar House, to process maple sap collected off site, packaging & storage, Office, and retail & wholesale sales of related products.
5. The application includes a request to install a roadside, freestanding, two sided, two business exterior illuminated sign, in the same location as the previous auto sales sign. In addition, the existing flush, wall mounted, non-illuminated signs would be updated with sign of the same size, type, and locations; advertising the current business activities.
6. Security Lighting will be installed around the perimeters of both buildings.
7. Applicants stated that Hours of Operation for both businesses are approximately 7:00 am to 7:00 pm; except during syrup manufacturing seasons, while sap boiling operations may be 24 hours and any day of week.
8. Applicants stated that the majority of business operations would be conducted inside the buildings, and not present significant, noise, noxious odors, or hazardous wastes.
9. The Applicants may want to install outdoor solid fuel hot water boilers in a detached shed, to heat the structures.

CONCLUSION of LAW

1. The Uses applied for conform to Section 1, paragraph 2 of Article IV (Specific District Regulations) AgRR Zoning District, as other allowed Conditional Uses.
2. The Uses applied for conform to the four criteria identified in Article V (General Regulations) for Conditional Use Approval.
3. The Signs are replacing existing signs which were installed prior to the passage of a Town Sign Ordinance, and may be replaced with updated signs of the same size, type, and location. Any new and additional signs shall require a new permit and be in compliance with the current Zoning regulations.
4. The hours of operation and outside activities described comply with other Town Ordinances in effect.

DECISION & ORDER

Based on the written application and testimony presented at the Public Hearing, the DRB grants APPROVAL with the following CONDITIONS:

1. That any change or expansion of these approved Uses are subject to review by the Town, and may require a new permit application, as determined by the Zoning Administrator.
2. That the exterior illumination from the security lighting and roadside sign be directed so that it does not distract or interfere with passing traffic or neighboring ownerships (present or future). Glare and illumination from all lighting shall be contained within the subject property's boundaries.
3. That any outdoor solid-fueled heating device shall comply with all VT and federal regulations, and be located & installed so to not infringe on neighbors with offensive smoke, odor & noise.
4. That this Town permit does not release the Applicants, their heirs and/or assigns, from obtaining and maintaining all other Town, VT and federal permits or regulations their business activities may require. The Applicants should consult the VT Permit Assistance Specialist for additional information on any other required permits.

This DECISION results from the Vote by a majority of the DRB as follows:

W. Brooks - Approve E. Berner - Approve D. Ballou - Approve J. Burkett - Approve
CA. Martin - Absent

The DRB hereby instructs the Zoning Administrator to issue Conditional Permit #17-25, with this Decision attached to and part of the final permit. On behalf of the DRB, the Chairman is authorized to acknowledge this decision:

William H Brooks III on October 16, 2017
William Brooks III, Chairman

Received by the Zoning Administrator on October 20, 2017 JM/Biosys