

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

**Application #21-22:** Request to divide property into two non-conforming lots

**Applicant:** Elizabeth Filskov PO Box 281 E. Wallingford, VT 05742

**Phone:** 802-259-3933

**Property Owner:** Same as above

**Subject Property Location:** 30, 32, 36 Village St. East Wallingford, VT 05742

**Town Parcel:** 0870030

**INTRODUCTION**

The Zoning Administrator (ZA) received the initial application which was reviewed on 26 April 2021. Per Articles VI and V of Wallingford Zoning Regulations (effective Sept. 2015), the ZA determined that the application required DRB review and was denied/referred to the Appropriate Municipal Panel on 3 May 2021. The Applicant, Property Owner, and abutting property owners were notified (documented by Certificate of Mailing) of this application on 10 May 2021 that a Public Hearing was scheduled for 6:30 pm, 26 May 2021, at Town Offices, 75 School St. Wallingford Village and via Zoom. Public Notice was also given by Rutland Herald notice on 8 May 2021, project location POSTER, and in two other public buildings.

Accordingly, a Public Hearing was convened by the DRB at 6:30 pm on 26 May 2021, with a quorum of Members in attendance. The Zoning Administrator, Applicant Elizabeth Filskov, and Alan Gombosi were in attendance, sworn in, and submitted testimony. There were no other identified Interested Parties.

Jurisdiction was taken by Article VI General Regulations and Article V (Residential (R 1,500)).

After hearing testimony from Elizabeth Filskov and Alan Gombosi; the DRB voted to close the Hearing to Testimony, and continued with next application before voting to go (or not go) into Deliberative Session.

**FINDINGS of FACT**

1. The subject property is 1.4 acres (+/-). Dividing it into two lots would to smaller than minimum required lots: LOT 1 0.65 +/- acres and Lot 2: 0.78 (+/- acres)
2. Lot 1 would have a road frontage of approximately 75.4 feet (within District requirements), Lot 2 would have approximately a 20 feet road frontage (less than District requirements).
3. The Applicant Elizabeth Filskov had previously applied to divide the property in 2015 (Application 15-22). At that time the application was approved, however the applicant did not proceed with the sub-division and permit expired.
4. The 2021 Application for sub-dividing the lots was exactly the same size as the 2015 approved application.
5. The applicant had already applied for a Wastewater Permit based on the 2015 approved subdivision.

**CONCLUSIONS of LAW**

1. The DRB Recognizes that the proposed subdivision of property would create two smaller lots with one lot having approximately 75 feet road frontage and the other approximately 20 feet road frontage. However, the previous application for the same lot measurements was approved in 2015.
2. Per the Site Plan dated 13 March 2019, the proposed septic systems (each property to have own system) would require an easement on both sides of the proposed property line.
3. The Frontage variance will not provide undo effects to the neighborhood.

Based on the Application documentation, Testimony of Record, and Review of the applicable regulations, the Wallingford Development Review Board here by **APPROVES APPLICATION #21-22 with the following CONDITIONS:**

1. All property deeds for the two proposed lots specify all easements and Right of Ways.
2. All easements, Rights of Way, driveways need to be identified on survey map.
3. All State of Vermont Permits must be obtained.

**DECISION and ORDER(S)**

WHEREAS the Wallingford Development Board APPROVES this Decision with its CONDITIONS, which is to be attached to final PERMIT #21- 22, as follows:

William Brooks: Approve; Jillian Burkett: Approve; David Ballou: Approve;  
Lucy Thayer: Disapprove.

This Town approval does not release the Applicant from obtaining any other local, state, of federal approval or permit their application may require. Any alteration to the approved application without written prior Town approval, misrepresentation to the facts presented in the application & public testimony, or failure to comply to other VT & federal permits required are grounds to revoke this local permit.

Any Decision by an Appropriate Municipal Panel is subject to appeal by an Interested Party to the VT Environmental Court, within 30 days of the formal decision, as defined in the Town Regulations, and 24 VSA 4471(a), with a copy submitted to the Town, in accordance with the Act.

Approved on behalf of the DRB by William H Brooks, 6/ 3, 2021,  
William Brooks, Chairman, DRB

Received by Zoning Administrator: Erin Beener, 6/ 4 2021