

FINAL
Town of Wallingford, VT Development Review Board (DRB)
Findings of Fact, Conclusions of Law, Decision & Order(s)

Application #21-29: Request to Operate an in-Home Day Care Center.

Applicant: Anna Michelle Fabian

(802) 779-4981

Property Owner: Anna Michelle Fabian

Subject Property Location: 1809 Hartsboro Rd. Wallingford, VT 05773

Town Parcel: 0341809

INTRODUCTION

The Zoning Administrator (ZA) received the initial application which was reviewed on 17 May 2021. Per Article III 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 17 May 2021. The Applicant, Property Owner, and abutting property owners were notified (documented by Certificate of Mailing) of this application on 9 June 2021 and that a Public Hearing was scheduled for 7:00 pm, 23 June 2021, via Zoom (<https://www.wallingford.com/development-review-board>). Public Notice was also given by Rutland Herald notice on 9 June 2021, project location POSTER, and in two other public buildings.

Accordingly, a Public Hearing was convened by the DRB at 7:00 pm on 23 June 2021, with a quorum of Members in attendance. The Zoning Administrator, Applicant, Karl Towsley and Michelle Traverse (interested parties) were sworn in.

Jurisdiction was taken by Article III (Agricultural and Rural Residence, Conditional Uses), Article IV (General Regulations; Conditional Use Approval),

After hearing testimony from Applicant and any Interested Parties; the DRB voted to close the Hearing to Testimony, and continue deliberations in Deliberative Session Meeting format to consider the testimony.

FINDINGS of FACT

1. The applicant testified that the State [of Vermont] has evaluated and pre-approved the facilities. The need for a fence was discussed and the State determined it was not necessary.
2. The water source was tested by the health department.
3. The hours of operation are 5:30AM – 6:00PM Monday through Friday.
4. There would be a maximum of 10 children
5. There were no plans for a fulltime employees. The applicant would have a substitute when necessary.

CONCLUSIONS of LAW

1. The DRB recognizes the State of Vermont has tentatively approved the application for an in-home Child Day Care Center pending permit approval.

Based on the Application documentation, Testimony of Record, and Review of the applicable regulations, the Wallingford Development Review Board here by **APPROVES APPLICATION #21-29 with the following CONDITION:**

1. The applicant consider fencing in the play area.

DECISION and ORDER

WHEREAS the Wallingford Development Board APPROVES this Decision with its CONDITIONS, which is to be attached to final PERMIT #21-29, as follows:

William Brooks: Approve David Ballou: Approve Jill Burkett: Approve
Lucy Thayer: Approve

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 and public testimony, or failure to comply to other Vermont State and 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 Vermont 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 7/17, 2021
William Brooks, Chairman, DRB

Received by Zoning Administrator: Erin Paul Beer 7/19, 2021