

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

**Application:** Request of Variance Letter

**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 an email from L. Filskov explaining that she received a request from the Vermont Agency of Natural Resources / Department of Environmental Conservation asking for a signed Letter of Variance for any future replacement of the current wastewater systems located on her properties.

The Property Owner, was notified that a Public Hearing was scheduled for 6:30 pm, 24 August 2021, at Town Offices, 75 School St. Wallingford Village . Public Notice was also given by Rutland Herald on or about 5 August 2021, and posted in two other public buildings.

**NOTICE OF PUBLIC HEARING – WALLINGFORD DEVELOPMENT REVIEW** A Development Review Board meeting has been scheduled for Tuesday, August 24 at 6:30 p.m. at the Town Hall Office (74 School St. Wallingford, VT.) Masks as required by Vermont State.

Application #21-22. Elizabeth Filskov is requesting DRB Variance approval letter for State of Vermont Wastewater application in order to replace and/add septic systems at 30 and 36 Village St. East Wallingford 05742.

**FINDINGS of FACT**

1. The subject property was approved to be divided into two smaller lots at the 26 May DRB Hearing.
2. Both lots currently have working septic/wastewater systems on them.
3. The Variance Letter was requested by the State of Vermont should either system need to be replaced (due to failure) in the future.
4. The applicant had a current approved Wastewater Permit presented to the DRB on 24 August 2021.

**CONCLUSIONS of LAW**

1. The DRB Recognizes that the divide of the property was approved in May 2021 and that each lot currently has an individual working system.
2. According to the property owner, the flood waters from Irene did not affect the systems.
3. The Letter would be for future needs should either of the current systems fail. A signed copy of the letter would be included in property records.

Based on the Application documentation, Testimony of Record, and Review of the applicable regulations, the Wallingford Development Review Board here by **APPROVES** the Variance Letter Request with no added Conditions.

**DECISION and ORDER(S)**

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

William Brooks: Approve; Jillian Burkett: Approve; David Ballou: Approve;  
Lucy Thayer: Approve on the condition that the DRB had previously approved the sub-division of property.

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, 9/ 7, 2021  
William Brooks, Chairman, DRB

Received by Zoning Administrator: Erich Beer, 9/ 7 2021