

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

Application: Permit 21-46

Applicant: Tamara Musto

Phone: 802-259-2728

Property Owner: Nayla Properties

Subject Property Location: 137 North Main St. Wallingford, VT 05773

Town Parcel: 7000137

INTRODUCTION

The Zoning Administrator (ZA) received the initial application which was reviewed on 26 July 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 26 July 2021. The abutting property owners were notified (documented by Certificate of Mailing) of this application on or about 4 August 2021 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, and 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 #21-46. Tamara Musto is requesting a permit to operate a small 10-seat restaurant and store at 137 North Main St., Wallingford, VT.

Interested parties are requested to sign the attendance register +/-or have submitted written testimony by Close of Business 4.30PM 23 August 2021 at or they may forfeit their right to appeal any decision of the DRB to the Vermont Environmental Court. A complete copy of the application is available for review at Town Office. Any questions or correspondence may be directed via email to ZA at zoning@wallingfordVT.com.

FINDINGS of FACT

1. The proposed application site would be located in a commercial building currently occupied by the US Post Office and an ATM operated by Commercial Bank.
2. The proposed space within the building was operated as the Wallingford Country Store up to approximately two years ago. The Country Store had sold wine, beer, made-to-order sandwiches, hot and cold foods, other convenience-type items.

- 4. Although not specifically requested, the DRB will allow up to three (3) outdoor tables provided they do not interfere with vehicle parking.
- 5. All State permits must be approved as well as an Occupancy permit from the Fire Marshall.

DECISION and ORDER(S)

WHEREAS the Wallingford Development Board APPROVES this Decision with its CONDITIONS, which is to be attached to PERMIT #21- 46, as follows:

William Brooks: Approve; Jillian Burkett: Approve; David Ballou: 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 & 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: Erin Beener, 9/ 7 2021