

Minutes
Wallingford Development Review Board (DRB)
5 April 2023, 7:00 PM
Wallingford Town Hall,
75 School Street
Wallingford, VT 05773

Members present: D. Ballou and J. Burkett. L. Thayer (Chair) via Phone

Member(s) absent: J. Biasuzzi (alternate), E. Blaisdell

Member recused: J. Stone

Public: A. Williams, C. Williams, F. O'Classen

Meeting was recorded by PEG-TV

1. Call the Meeting to Order
The Chair called the meeting to order at 7:02PM .
2. Review Meeting Agenda: revise as necessary or approve.
Motion made by D. Ballou to table Agenda items 2-4 until next DRB meeting. J. Burkett seconded motion. Motion PASSED.
3. Approve Minutes: 2 February 2023 meeting. (tabled)
4. Vote for Chair and Vice-Chair (2023-2024). (tabled)
5. Open Meeting to Public Input (time limits may be imposed).
6. New Business:
L. Thayer explained that a Continuance of New Business items may be necessary due to DRB members absence and proposed a 2 May meeting date.

Application # 23-06: (Christopher and Allyssa Williams) Building a new house within 30 feet of the set-back and remove existing structure on property.

C. Williams cited to the DRB that in the current Zoning Regulations (page 11), the DRB had 45 days to act upon a Conditional Use application, otherwise it would be automatically approved. Discussion followed as to the exact date DRB received the application. E. Berner, was unable to find the exact date the application packet was sent out to DRB after checking Zoning Administrator's Outlook account.

J. Burkett made a motion based on 13 February date of application, the DRB approve application as it was over the 45-day period. L. Thayer objected, believing it was not consistent with State law that give 45 days from the close of a Hearing for the DRB to issue a decision and cited language in the regulations may be in error.

The March meeting was not held because not all the property abutters had been notified. D. Ballou read the stated regulation as the DRB had to act upon the application within 45 days of receipt of application (13 February) and the postponed meeting was not the property owner's fault. Therefore, the permit should be automatically approved. J. Burkett agreed. L. Thayer suggested seeking legal council to understand how Town Regulations compared with State Statutes.

C. Williams stated that he would probably not need to build within the 30-foot set back and had been asking for a variance as a buffer since it would probably be less (15 feet or so). Also, he would try to position the building so as not to obstruct the neighbor's view.

E. Berner explained to C. Williams that the meeting minutes and Facts of Finding must be written up and the Facts of Findings had to be approved before he would receive the building permit. She also explained the after the permit was issued there is a 30-day appeal period and that the Permit sign must be posted during the construction. C. Williams asked if the driveway could be constructed during the appeal time and was told since that permit was approved by the Road Commissioner it could be built.

Application # 23-07: (Daniel Samson): Lot line adjustment 58 and 91 Florence Ave.

L. Thayer asked if the Board needed to move on application or could it be postponed. D. Ballou noted that the 45 days was almost up. L. Thayer asked if the applicant was represented. E. Berner explained he lived in California and was available via phone call if needed. J. Burkett commented she would like to hear from applicant as to why he was requesting the adjustment. D. Ballou noted that if the applicant owned both properties, the adjustment could be made via a deed change. E. Berner explained that both lots were currently non-confirming and that after the proposed adjustment, the lots would still be out of conformance.

A short discussion followed. L. Thayer read letter received from J. Biasuzzi (attached) concerning applications in which he stated:

Appeal of Denied Application 23-07 (Sampson):

This application requests a subdivision of a Parcel in the R15000 zoning district, which is also in a FEMA SFHA, and subject to Conditional Use review. The Town Flood Hazard regulations may have reviewed the initial approval of the existing garage as a conditional use, and I suggest review this original permit for any conditions that may apply to this application.

More important, the Application requests a variance to subdivide a conforming Parcel (with non-conforming structure), into two non-conforming parcels. Even if the Owners merge in perpetuity the vacant lot created with their residential lot across the street, he remainder parcel results in creation of a non-conforming parcel with a non-conforming structure. This is prohibited by VT statute.

D. Ballou asked the date of J. Biasuzzi's email. E. Berner replied 6 March and that it had been included in the 6 March meeting packet.

D. Ballou made a motion to deny S. Samson's application 23-07 (based on the parcels being non-forming). J. Burkett seconded motion. Motion PASSED.

L. Thayer inquired if the Board could meet on 2 May to reorganize the DRB as well as approve previous meeting minutes (e.g., a paperwork meeting) or should the tabled items be moved on at the next called DRB meeting. D. Ballou pointed out he would not be available on 2 May. L. Thayer suggested he could call in. J. Burkett asked when D. Ballou would be available. D. Ballou replied after 20 May. The Board will decide a date in May.

7. OLD BUSINESS: None

8. ADJOURN

L. Thayer asked for a motion to adjourn. D. Ballou made that motion. J. Burkett seconded. Motion PASSED.

Meeting adjourned at 7:45.

9. Next Meeting: To be determined in May.

Respectfully Submitted by Erika J. Berner


Lucy Thayer, Chair Development Review Board

8/2/23

Date