

FINAL**Town of Wallingford, VT Development Review Board (DRB)
Findings of Fact, Conclusions of Law, Decision & Order(s)****Application #:23-15:****Applicant/Owner: Timothy Page****Address: 333 Creek Rd., Wallingford, VT 05773****Subject Property Location: 1 Creek Rd., Wallingford, VT 05773****Town Parcel: 002001****INTRODUCTION**

The Zoning Administrator (ZA) received a complete Application on 8 May 2023, which was reviewed per Article V of Wallingford Zoning Regulations (effective Sept. 2015). The ZA determined that the application involved a Variance use and was denied and referred to the DRB on 15 May 2023. The Applicant appealed the denial and the DRB was notified of the application. The Owner was notified of the Public Hearing from the ZA by Certified Mail. The Applicant and abutting property owners were notified on 24 May 2023 (documented by Certificate of Mailing) that a Public Hearing was scheduled for 7:00 pm, 9 June 2023, at Town Offices, 75 School St., Wallingford Village. Public Notice was also published in the Rutland Herald and posted in three other public locations on 24 May 2023.

Accordingly, a Public Hearing was convened by the DRB on 9 June 2023, with a quorum of DRB Members in attendance. The Zoning Administrator and the Applicant were present.

Jurisdiction was taken by Articles III (Specific District Regulations) and IV (Review of Conditional Use) of the Zoning regulations. Following receipt of testimony, the DRB voted to go into Deliberative Session. Exiting from Deliberative Session, the Board determined that the Hearing would be continued to the next scheduled DRB meeting (29 June 2023), and that the Applicant was requested to provide additional documentation.

The Applicant appeared at the 29 June meeting with some additional information. After further discussion and voting to go into Deliberative Session, the DRB voted unanimously to approve the Application with Conditions.

FINDINGS of FACT

1. The subject property consists of .03 acres on Creek Rd at the intersection of Maples Street and Creek Rd. The parcel is within the Town's Industrial (IN) Zoning District. The parcel is also within the Wallingford Fire District and is serviced by the municipal water system.

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2. The initial Application requested to build a carriage house, approximately 35 feet by 24 feet with 2-bedrooms and 2-bathrooms. The ground level of the structure would be an unfinished garage space with the living area on the second floor. The structure would be built according to section 310.7.2 specifications of the Wallingford Flood Hazard Area Regulations.
3. T. Page originally emailed the Zoning Administrator about the possibility of building on the parcel in May 2022. At that time, the applicant was informed that any structure built on that parcel would have to go through the DRB review as it is in the flood area of Wallingford. Correspondence continued until September 2022. In February 2023, the applicant wrote that he was collaborating with a Civil Engineer and Kyle Medash (Vermont Department of Environmental Conservation). In late April Kyle Medash answered the applicant with specific requirements that had to be met if he built on the property. Mr. Page submitted a building application on 8 May 2023, which was denied by the Zoning Administrator. Mr. Page appealed the ZA decision and a Hearing was called for on 9 June.

CONCLUSIONS of LAW

1. **By-Laws in Effect:** The DRB may approve a Use or Activity in a Zoning District upon demonstration it can or will comply with all standards outlined in the Town regulation, or the Town & Regional Plan. The building of a single-family structure is in keeping with the Wallingford Town Plan (approved in June 2018).
2. As the structure will be built in the Flood Zone area, consideration must be given to building requirements as stated in the Town of Wallingford Flood Hazard Regulations:

310.2.1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and

310.2.2. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and

310.2.3. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

310.2.4. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

310.3. Lands to Which These Regulations Apply

These regulations shall apply to all areas in the Town of Wallingford, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of

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the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

- 3. **In Conclusion:** The DRB APPROVES the Application, with certain Conditions to address and provide for conformance to the Town of Wallingford Flood Hazard Regulations as well as the Town of Wallingford Zoning Regulations.

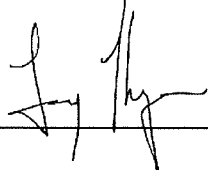
DECISION and ORDERS

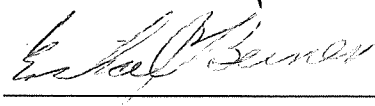
Based on the final Application documentation, Testimony of Record, and Review of the applicable regulations, the Wallingford Development Review Board hereby APPROVES APPLICATION #23-15 with CONDITIONS, as follows:

- Lowest level of building will be 1 foot above base flood level
- All utilities will be elevated and protected
- Supports and foundations will be anchored
- Facility will be made with flood resistant materials
- A drainage system will be built around structure
- The building will have flood vents (baffles)
- The Structure will comply with all local and state Hazardous Flood Plans requirements.
- All required permits (local and State) are to be obtained by the Application

The majority vote of the Wallingford Development Review Board APPROVES this Application with the CONDITIONS specified, and orders the Zoning Administrator to issue a **Permit** with this Decision and its Conditions, attached to and part of the final permit; as follows:

- Lucy Thayer: Approve
- David Ballou: Approve
- Jason Stone: Approve
- Jillian Burkett: Approve
- Elizabeth Blaisdell: Approve

Signed by the Chair, on behalf of the DRB:  on August 1, 2023

Received by the Zoning Administrator:  on August 7, 2023