

FINAL

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

Application #23-07: Requesting change in Boundary line between two parcels of property owned by applicant.

Applicant: Daniel Samson, 17253 Verba Lane, Guerneville, CA 95446

Phone: 617-901-6022

Property Owner: Same as above

Subject Property Location: 58 and 91 Florence Ave., Wallingford, VT 05773

Town Parcel(s): 0560091 / 0560058

INTRODUCTION

The Zoning Administrator (ZA) received the initial application which was reviewed on 12 January 2023. The owner was contacted by the ZA concerning the property and it was agreed by the property owner and ZA to wait until owner could come to Wallingford in order to walk the property and fully explain the application. As such, the Property owner and ZA were able to walk the property after snow melted on 21 February 2023.

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 21 February 2023. The Applicant, Property Owner, and abutting property owners were notified (documented by Certificate of Mailing) of this application and that a Public Hearing was scheduled for 7:00PM on 9 March 2023, at Town Offices, 75 School St. Wallingford Village. Public Notice was also given by Rutland Herald notice on 23 February 2023, and in two other public buildings.

Due to not all the Property Abutters being notified, the 9 March meeting was postponed. Accordingly, a Public Hearing was rescheduled convened by the DRB for 7:00 pm on 5 April 2023. The abutting property owners were notified by certified mail, of the rescheduling, Public Notice was printed by the Rutland Herald on 17 March 2023, and the rescheduled date was posted on the Town website. The 5 April meeting was convened with a quorum of Members attending. The Zoning Administrator, Applicants Christopher and Alyssa Williams and Interested party Frank O'Classen were in attendance.

Jurisdiction was taken by Article VI General Regulations and Article V (R-15 Residential 15,00).

FINDING(S) of FACT

1. The parcels lie within a FEMA and Special Flood Hazard Area (SFHA) zone being next to the Roaring Brook, as such are governed under SFHA regulations.

- 2. This application would create two parcels that are in non-conformance with the Town Zoning Regulations.
BLA's are generally used to resolve existing boundary line disputes, improve the shape of configuration of a parcel, or all a parcel to come into compliance with zoning criteria for a future improvement or structure.

A BLA may not result in any parcel configuration at violates Town Zoning for minimum lot dimensions, setbacks, road frontage or coverage.

CONCLUSIONS of LAW

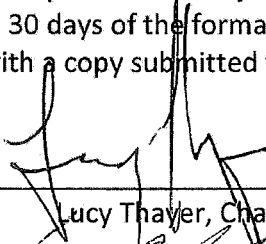
- 1. The application would create two non-conforming parcels from one conforming parcel thus violating Vermont Statutes (Chapter 117 §4418).

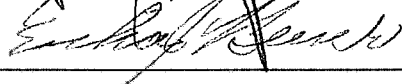
DECISION and ORDER(S)

WHEREAS the Wallingford Development Board **DENIES** this PERMIT #23- 07, as follows:

Lucy Thayer: Approve; Jillian Burkett: Approve; David Ballou: Approve;

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 , 4/18, 2023
 Lucy Thayer, Chairman, DRB

Received by Zoning Administrator: , 4/25, 2023