

Wallingford Development Review Board
Meeting Minutes
November 15, 2023

Members Present: L. Thayer, Chair, D. Ballou, J. Burkett, and E. Blaisdell, and Alternate Joyce Barbieri

Members Absent: J. Stone

Public in attendance: Erika Berner, Ann Buffum, Ross Rosenzweig, and Julie Sharon acting as Interim Zoning Administrator

The Chair called the meeting to order at 7:01 p.m.

D. Ballou made a motion, that was seconded by E. Blaisdell, to approve the proposed agenda with no changes. Motion passed.

The members of the DRB introduced themselves.

The Hearing was opened for Application #23-32 for Erika Berner to operate a bed and breakfast at her residence at 65 South Main Street (#7010065). The permit was referred to the DRB as it a conditional use application..

L. Thayer asked if Ms. Berner wished to make any comments or had additional information.

E. Berner stated that she would like to operate a private bed and breakfast for her husband's consulting business. She will provide meals for his clients who stay at her home. E. Berner will charge her husband's business for these expenses. E. Berner said that the business will not be advertised nor will there be a website. (J. Burkett arrived at 7:05 p.m.) E. Berner submitted a copy of the fire inspection results, from the Division of Fire Safety, State of Vermont, granting approval for up to 8 occupants. E. Berner indicated that the Wallingford Fire District #1 gave their approval, and she has her certificate from the Vt. Department of Health for her bread-making business. She has relayed to the Buffums that there will be no extra vehicles parked at her home as the clients will be picked up at the airport. E. Berner said that technically speaking, this use would fall under home occupation and short-term rental; however, she wants to start off on the right note. She also asked the Selectboard to appoint an Interim Zoning Administrator for her application as she is the current Zoning Administrator.

J. Burkett recused herself. No member had a conflict of interest with the applicant.

J. Barbieri asked who is using the the apartment in the home. E. Berner told the Board that her family friend has resided with her for over three years. She has no lease with her and can ask her to leave at any time. J. Barbieri asked if this new activity would interfere with the health rules for her bakery business. E. Berner replied no; she would be the only one providing meals. J. Barbieri asked if her husband's business would be operated out of the house, and E. Berner replied no;

she hopes it will soon be done overseas. He also has an apartment in Montpelier for weekdays for his consulting business.

L. Thayer asked if it would be a private B&B and not advertised. E. Berner replied yes, that it would only be invited guests with two to three guests at a time staying no more than one week. J. Barbieri mentioned that the zoning regulations do not address this but would E. Berner or B. Dobbins be on site with their guests, and E. Berner replied yes.

Ann Buffum, an adjoining neighbor, is concerned about her right of way through E. Berner's driveway. She asked if the permit would continue with the property if E. Berner ever sold it and if so, could the permit specify that it would terminate with the sale of the property. L. Thayer stated that this is where she and E. Berner disagree sometimes as E. Berner feels that the permit stops with ownership. L. Thayer believes that the permit would continue with the property. The members debated whether the Board could legally add that the permit would cease upon the sale of the property as a condition of the permit. E. Berner was willing to have that stipulation added to the permit requirements.

J. Barbieri asked D. Ballou's opinion as she's never seen this issue before. He said that he hasn't seen this in the handbook, but he doesn't know if the DRB has the authority to legally include this condition.

The Board discussed seeking an opinion from either VLCT or the town attorney. There was discussion about whether to close the hearing and issue a decision within 45 days, or to continue the hearing. A. Buffum asked what the appeal process is for the applicant if the permit is denied. J. Barbieri was comfortable asking the town attorney.

E. Berner felt strongly that a conditional use permit ends when the property is sold, unlike an Act 250 permit. Again, E. Berner was willing to agree to this condition as requested by A. Buffum. L. Thayer added that no one was questioning the condition. The question was whether this condition would be enforceable. After further debate, J. Barbieri made a motion to continue the hearing in order to obtain an opinion from VLCT, which was seconded by D. Ballou. Motion carried.

D. Ballou made a motion, which was seconded by E. Blaisdell, to continue the hearing to Wednesday, November 29th, at 7 p.m. Motion carried.

The June 8th minutes were approved with amendments on a motion made by D. Ballou and seconded by E. Blaisdel. Motion passed. The September 20th minutes were approved on a motion made by J. Barbieri and seconded by D. Ballou. Motion passed. The September 22nd minutes were approved on a motion made by E. Blaisdell and seconded by D. Ballou.

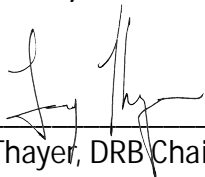
J. Barbieri stated that she was uncomfortable with how some of the discussion went during the meeting.

E. Blaisdell made a motion to go into Deliberative Session at 7:44 p.m. D. Ballou seconded the motion. Motion passed. The DRB came out of Debliative Session at 8:06 p.m.

There was no miscellaneous business or discussion.

J. Burkett made a motion to adjourn the meeting at 8:06 p.m.; motion seconded by J. Barbieri. Motion passed.

Respectfully submitted, Julie Sharon, Interim Zoning Administrator



Lucy Thayer, DRB Chair

November 29, 2023