

Minutes

Development Review Board
Town Hall, 75 School St.
Wallingford, VT 05773
21 August 2024
7:00 PM

Members Present: D. Ballou (Vice-Chair), J. Burkett

Members via Phone: L. Thayer (Chair)

Member's absent: E. Blaisdell, J. Stone

Members of the Public (signed-in): Mildred Mullin, Kevin Mullin, Catherine Pither, Todd Smith, Linda Austin, Cindy Frederick Majka, Richard Majka, Thomas Wicker

I. Call the meeting to order

The Chair called the meeting to order at 7:04PM (19:04 hrs.) Then introduced the members present and herself and asked if any member of the DRB had any Conflicts of Interest issues with either application. Both J. Burkett and D. Ballou affirmed there was no Conflict.

II. Review the Meeting's Agenda, revise as necessary, or approve

D. Ballou made a motion to approve the agenda as written. J. Burkett seconded. Motion PASSED.

III. Swear in interested Parties to the Public Hearing:

L. Thayer swore in T. Smith and T. Wicker as applicants then read Application 24-24 and asked T. Wicker if he would like to address the Board.

T. Wicker explained that there was a 2-bedroom apartment made out of the hayloft of his existing barn. The end goal of having the apartment was eventually for a fulltime caregiver. In the meantime, he would like to use the apartment for a short/medium term rental. He also explained that his wife was ill and was no longer able to work so the rental income would be good to have.

L. Thayer asked the Board if there were any questions.

J. Burkett asked if there was adequate parking. T. Wicker said there was close to the barn and further on the property.

J. Burkett asked about occupancy. How many guests did he expect to be accommodated. T. Wicker replied that the apartment would sleep 4 and 1 on the couch for a total of 5 and that the maximum would be 5.

D. Ballou asked how many rooms were in the apartment. T. Wicker described the apartment with 2 bedrooms, combination kitchen, living room and dining room, with a utility room located on the ground floor.

D. Ballou asked about the capacity of Wicker's septic system. T. Wicker explained that he had called a contractor to plot a separate septic system from the house and that he had a Vermont WW permit on file at the Town Office showing the system. J. Burkett asked about water, was it drilled well water. T. Wicker indicated there were two water sources, a well and 2 springs. J. Burkett asked if he had had the water evaluated. He explained that the water was filtered and went through a UV system.

J. Burkett asked if he and his wife would be in residence. T. Wicker replied yes.

J. Burkett asked how close the neighbors were. T. Wicker replied that the barn was approximately 250 feet from the road.

J. Burkett asked if he had any House Rules. T. Wicker said he had a House manual for the guests. J. Burkett asked if pets would be allowed. T. Wicker said yes but they would have to be under control.

L. Thayer asked if there were no more questions and opened the Hearing to Interested Parties.

K. Mullin spoke up about the water table and that it has been going down on their property ever since the previous owner of the Wickers had a new system installed. Also the spring which supplied his water has dropped. He also mentioned the RV that has been parked in the back of the property. (L. Thayer interjected that the RV was beyond scope of the Hearing.) K. Mullin discussed that there might be overflow from the system to the RV and he did not think the new septic system could take additional 5 people. M. Mullin explained that there was an artificial pond the impeded the water supply and that she and her husband were running out of water almost daily. K. Mullin further stated that seeing the RV parked for so long concerned him as to what else would be going on the Wicker property. L. Thayer suggested that K. Mullin contact the Vermont State about her concerns as they were beyond the scope of the Hearing.

C. Majka said that there was a problem with the road and having extra traffic on it e.g., the road is not wide enough for two cars to pass in certain places. M. Mullin added that that it would not be good to change the road from farm to commercial. L. Thayer pointed out that the State allows accessory units on property. C. Majka reiterated that the road was not wide enough for additional traffic. She also said that T. Wicker's animals have been loose on her property on occasion.

T. Wicker replied to the comments. First that guests would have to keep animals under control and Apologized to C. Majka for the animals. He continued that at the most traffic would increase by 2 cars coming and going twice a day and that people living on the road come and go every day. He described that when he had to clean out a pond it took 3 hours for the pump to lower the water in the pond. He again stated that there was adequate water for the farm. He went on to explain that the apartment was on its own water and septic system. The RV had been used during COVID to house overflow family. He could not explain why it was a problem for the Mullins. In addressing the road issue, he stated that anytime an accident occurred on route 7, traffic was diverted on to Hartsboro Rd.

L. Thayer asked if there were any other comments. C. Majka asked why there couldn't be a road survey conducted. L. Thayer suggested bringing those concerns to the Town and asked if there were any more questions.

J. Burkett asked T. Wicker that if he had to put in a new well what about the house system and what plans did he have if it should fail. T. Wicker replied that the mound system had been approved by the State and yes, there was a plan approved by the State for a back-up system for the house should it fail.

D. Ballou made a motion to close the hearing and enter Deliberative session after the hearing for the next application was closed. J. Burkett seconded. Motion PASSED. L. Thayer explained to everyone that the Board had 45 days to render a decision and thanked everyone for attending.

Application #24-25: (Todd Smith) Application to operate restaurant at 137 North Main St. (former location of Tama Musto Restaurant).

T. Smith was invited to give an overview of application 24-24. He explained that he was currently running a food truck and wanted to take the next step - to a restaurant / carry-out and possibly adding a future catering business.

The proposed hours would be 7 days a week from 9:00AM – 11:00PM. He would like outdoor seating if the Fire Marshal approved.

E. Berner asked if he planned to have any signage. T. Smith replied yes but that he did not have any drawings at the moment. He did, however, show the Board a proposed "Hottdy's" logo on his phone. He is also looking at putting awnings on the front windows. J. Burkett asked if he planned to have any lettering on the windows. T. Smith replied no. T. Smith indicated that the new sign would be the same size as the current sign over the door.

L. Thayer asked if he would be serving alcohol. T. Smith indicated he may apply for an alcohol license in the future.

L. Thayer asked about dining-in. T. Smith indicated he planned for a combination of dining-in and carry-out, perhaps with an area for a television and eventually a bar for people waiting for service. He is currently waiting for the landlord to notify him when he can get into the area and see the inside.

J. Burkett asked about lighting for the signs. T. Smith said he wasn't sure. E. Berner reminded T. Smith lighting has to be per Zoning regulations.

J. Burkett asked if he would have background music. T. Smith replied in the background only and not outside.

J. Burkett asked if he would hold private parties. T. Smith replied possibly.

J. Burkett made a motion to close the Hearing. D. Ballou seconded. Motion PASSED.

IV. **Close the hearing or continue the hearing to a specific date, time, and place set.**

Hearing for both applications closed at 7:54 PM.

V. **Enter deliberative session.**

Board entered Deliberative session at 7:56PM.

Board exited Deliberative Session at 8:29PM

VI. **Instructions to Z.A.**

Both applications passed in Deliberative Session with following conditions

24-25 (Todd. Smith)

- Need Fire Marshal inspection for occupancy.
- 1- Sign allowed in keeping with present dimensions of sign and in accordance with Zoning regulations.
- 1- lighted sign in the window (open/ closed) non-flashing
- Awnings over the windows and door permitted but with no lettering and no advertisement allowed on the awnings.
- 3- Outdoor tables allowed providing they did not interfere with parking
- No outside music
- Operating hours are 7 days a week 9:00AM – 11:00PM.

2424 (Thomas and Sarah Wicker)

- 4 persons occupancy
- Must have Fire Marshal inspection and approval
- No loud noises/ parties after 11:00 (per Town Ordinance)
- Pets must be under owner control
- All parking will be off street.

VII. **Approve Minutes of 29 November 2023, 24 January 2024, 21 February 2024, 27 March 2024 and July 2024**

D. Ballou made a motion to table approval of all minutes as there was not a quorum of attendees. L. Thayer seconded. Motion PASSED

VIII. **Open Meeting to Public Input (time limits may be imposed)**

No public present

IX. **Any Other Business or discussion**

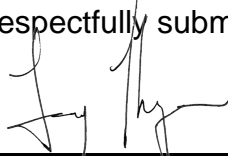
None

X. **Adjourn next scheduled meeting of the DRB 18 September 2024**

E. Berner indicated that there were no pending applications.

D. Ballou made a motion to adjourn meeting. L. Thayer seconded. Motion PASSED meeting adjourned at 8:30.

Respectfully submitted by E. Berner



02/28/25

L. Thayer, Chair DRB