

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

Application #17-15: Request for retail shop, art gallery, event center, and illuminated sign  
 Applicant/Owner: Stacy Harshman      Postal address: 1509 US Rt. 7 s      Wallingford VT 05773  
 Subject Property Location: 1509 US Rt. 7 s      Wallingford VT 05773      Town Parcel: 7011509

#### INTRODUCTION

The Zoning Administrator (ZA) received an initial application on 5/26/2017, which was reviewed per Article V of Wallingford Zoning Regulations (effective Sept. 2015). The ZA determined that the application involved a conditional use & illuminated signage, which required DRB review, and was denied. An Appeal of the ZA decision was received on 6/2/2017, and the application referred to the DRB. Abutting property owners were notified on 5/26/17 (documented by Certificate of Mailing) that a Public Hearing was scheduled for 6:30 pm, 6/13/2017, at Town Offices, 75 School St. Wallingford Village. Public Notice was also given by Rutland Herald on 5/27/2017, property location POSTER, and in two other public buildings.

Accordingly, a Public Hearing was convened by the DRB on 6/13/17, with a quorum of Members in attendance. The Zoning Administrator; and the Applicant were present. No other Interested party was identified or presented testimony.

Jurisdiction was taken by Article V, of the Zoning regulations, review of conditional use; and Article IX, review of illuminated signs.

After hearing testimony from Applicant and all others present; the DRB voted to close the Hearing to testimony, and deliberated the following:

#### FINDINGS of FACT

1. The subject property consists of a residential home and several outbuildings. The detached 30' X 60' Barn has served as a retail antiques and arts & crafts shop in the past. The previous business had been closed for over two years, and past permits discontinued.
2. No additional exterior construction or expansion of existing water & wastewater systems is anticipated or requested.
3. The Applicant requests using the first floor of the Barn as a retail, art gallery, and antique shop. The second floor would be used for a variety of classes (both by Owner and short term tenant/instructors), and for special events. These uses are not specifically identified as Conditional uses for the Agricultural & Rural Residential (AgRR) Zoning District, where the property is located.
4. The site plan details two existing accesses to Rt. 7 and parking for eight cars.
5. The Owner plans include two employees, which may not all be on duty in the same shift.
6. The Owner wishes to convert the existing (permitted) two-sided, free-standing, non-illuminated roadside sign; to an illuminated sign. Illumination would be from top mounted directional flood light units, down lighting only the sign's face. This sign is in the same location of the previous business sign, and the site does not have any immediate neighbors that may be impacted by the illumination.

#### CONCLUSION of LAW

1. The Uses requested are similar to past permitted uses. Article IV identifies the District Regulations for the AgRR Zone, including *"Other Uses not listed...may be permitted if the findings by the DRB shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to other uses within the district or adjoining landowners, or the natural or*

*human environment, and so long as not prohibited under Article IV of these regulations." The DRB finds the application conforming to this criteria.*

2. The DRB finds the addition of exterior illumination to the existing permitted sign, as proposed, conforms to Article IX, Section 8 of the Zoning regulations.

#### DECISION & ORDER

Based on the Application documentation, Testimony of Record, and Review of the applicable regulations, the Wallingford Development Review Board here by **APPROVES APPLICATION #17-15**, providing that all other applicable VT and federal permit requirements are satisfied by the Applicant.

The majority of the Wallingford Development Board approves this Decision, which is to be attached to final PERMIT #17-15, and orders the Zoning Administrator to issue said permit as follows:

William Brooks: Approve   Erika Berner: Approve   Jillian Burkett: Approve   Carol Ann Martin: Absent

This Town approval does not release the Applicant from obtaining any other local, state, or federal approval or permit their application may require. Any alteration to the approved application without written prior Town approval, misrepresentation to the facts presented in the application & public testimony, or failure to comply to other VT & federal permits required are grounds to revoke this local permit.

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.

William H Brooks, 7/3/2017, William Brooks, Chairman, DRB

Received by Zoning Administrator: JM Berner 7/7, 2017