

Draft

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Town of Wallingford, Vermont

Development Review Board (DRB) Meeting & Public Hearing Minutes

April 22, 2019 at Town Offices, 75 School St., Wallingford Village

DRB Members in Attendance: William Brooks III (Chair), Erika Berner, Lucy Thayer, Dave Ballou, Jillian Burkett.

DRB Members Absent: Alternate Members Jason Stone & Beth Sheeche

Others in Attendance: Jeffrey Biasuzzi, Zoning Administrator (ZA) & Recorder; Vicki & Ed Timbers, Tammy Durgin, Robert Fitzgerald (Applicant)

Call to Order: Chairman Brooks called the Meeting to Order at 7:03 pm.
The Hearing's audio was electronically recorded.

Agenda: W. Brooks requested a Motion to approve the draft Agenda; but with moving the Public Concerns & Input and Past Meeting Minutes review to after the Public Hearing, and moving Hearing deliberations towards the end of the Agenda. E. Berner Moved to accept the amended Agenda. J. Burkett seconded, all approved and Motion passed.

Annual Organizational Meeting: W. Brooks introduced the DRB Members and ZA to those in attendance. He then requested nominations of Officers for the DRB for a one year term.

J. Burkett nominated W. Brooks for Chairperson; who accepted the nomination. All approved W. Brooks as Chairperson.

W. Brooks nominated E. Berner as Vice Chairperson; who accepted the nomination. All approved E. Berner as Vice Chair.

W. Brooks nominated J. Biasuzzi as Recorder; who accepted the nomination. All Approved J. Biasuzzi as Recorder.

J. Stone and B. Sheeche were nominated by W. Brooks, on the assumption these individuals were willing to serve as alternate members, to continue their appointment. All approved the nomination.

The regular members agreed to re-establish that the DRB was to meet on the call of the Chairperson or whenever there was business to address, but that there was no regular meeting schedule.

Open Public Hearing for Application 19-03: W. Brooks swore in those in attendance who wished to present testimony during the Hearing. He then requested anyone to identify any Conflicts of Interest involving the DRB Members and the Applicant or Owners that are submitting the Application. Hearing no concerns, W. Brooks opened the Public Hearing for Application 19-03, submitted by Robert Fitzgerald (as Applicant) and JM & MM Properties LLC (as Owners of Record) for a Change of Use to the vacant commercial space at 34 Maple Street (Town Parcel # 11-0030034) to be a Restaurant and Delicatessen business. The Application also requests placement of exterior illuminated signage to advertise the business. Both requests involve Conditional Uses in the Industrial Zoning District (where the building is located) under Articles V & IX of Wallingford Zoning Regulations (effective 2015), requiring DRB review.

Brooks asked Mr. Fitzgerald to describe the plans for the Restaurant & Deli. (i.e. the Business). R. Fitzgerald described starting out by serving Lunch and Dinners. Food offered was to be typical American fare; sandwiches, salads, burgers & fries, pizza & pastas, soups & stews, desserts. The maximum hours of operation were to be from 6:00 am to 12:00 am (midnight).

E. Berner asked if Breakfast would be included in the operation. R. Fitzgerald stated that initial daily opening would be for Lunch. Breakfast would be considered in the future.

(DRB Member to be identified) asked about available parking, in addition to the existing Family Dollar store traffic. R. Fitzgerald responded that past there was significant existing paved parking area, *(refer to site plan)*.

J. Burkett asked about Sign details. The Applicant submitted photos (marked by ZA as Exhibit A) of the 4' X 4' sign board base to be used for all locations. The material was to be solid material for the building's signs; or a translucent plastic panel for the installation on vacant space in the existing internally illuminated free standing sign plaza. The application did not include the sign's message (name of the Business) or final colors of the lettering. The Applicant stated these were still undecided. One sign is to be installed on the building's "awning" (aka. entry porch roof), and would be in (horizontal) line with the existing Family Dollar sign (the adjacent business). The Application also requests two 4'X 4' flush mounted signs to be installed on the east wall of the building, on each side of the Business's entry door. The flush mounted signs would be externally illuminated by existing down-lit soffit lighting under the entry porch. The ZA noted that the existing signs (including the Sign Plaza) were installed with Conditional Use approval, but prior to passage of the current (2015) regulation for Signage; and that the free standing sign plaza is in the Multiple Residential Zoning District.

D. Ballou asked how the awning sign would be illuminated. The Applicant stated that it would be externally up-lit with a spot light directed westerly onto the sign.

J. Burkett asked how the Applicant was progressing with VT permits required for the Business. The applicant stated he had been in contact with the required state agencies, who have been to the location.

E. Berner asked about the total number of seats allowed for the Business. R. Fitzgerald answered that two bathrooms were required by VT regulations, and installation of these are in progress. Each bathroom allows 25 occupants, so that up to 50 seats may be approved. Actual seating, based on the table arrangement has not been finalized.

J. Burkett asked if outside dining seating was planned. The Applicant responded he would like a number of picnic tables to be placed on the (north) side lawn area.

W. Brooks noted that the Application involved a Change of Use, and read aloud the applicable (2015) Zoning Regulations for Conditional Uses in the Industrial Zone, which did not include a restaurant as an identified use. However, the application may be reviewed under the second paragraph of conditional uses.

J. Biasuzzi asked if alcoholic beverages, tobacco, or lottery tickets would be sold on premises; and if there were any plans for a drive-up window service. R. Fitzgerald stated that there would not be any alcohol, tobacco, or lottery tickets sold. There are no current plans to install any drive-up window service.

Vicki Timbers (abutting owner) asked if there would be any live music at the Business. J. Burkett asked if there would be any outside music. Mr. Fitzgerald answered "No" to both questions.

E. Berner asked if any special food styles planned. The Applicant stated that the menu was a work in progress, and requests would be considered.

J. Burkett asked for further review of the Sign regulations that apply. J. Biasuzzi suggested that the awning/porch roof sign could be considered a projecting type of sign. L. Thayer noted that Zoning (Article IX) allowed two (2) flush mounted signs, and that one (1) of these could be substituted for a projecting sign.

T. Durgin stated that the existing Dollar General is very bright, and is left "On" 24 hours/7 Days.

L. Thayer asked R. Fitzgerald about using timer switches to turn off external lighting when the Business was not open. The Applicant stated that he would not have exterior sign lighting on when the Business was not open.

E. Timbers (abutting owner) asked if there would be exterior lighting on the north boundary line of the property, which is shared with his south & west portion of his property's boundary. The Applicant stated there were no plans to install exterior lighting there; but there was existing parking lot lighting in that area.

J. Burkett asked for clarification on the request to add an internally lit sign (panel) to the existing free standing sign plaza. R. Fitzgerald stated it would replace the previous internally lit sign that was there (same size), and used in same way as the Family Dollar sign.

T. Durgin expressed her concern as to additional external lighting to the area.

V. Timbers expressed her concern about additional traffic on the premises. There was further discussion about the late hours of operation requested, and exterior tables becoming attractive as an after-hours location for un-permitted use of premises and illegal gatherings. The Applicant noted that the adjacent Green Mountain Power substation had security camera coverage. The existing building also has security camera coverage, but details of this was not available. J. Biasuzzi asked about existing security camera and lighting behind (west side) of the building; but this information was unknown by the applicant.

J. Burkett asked if a "Bring Your Own Bottle" of alcoholic beverages would be allowed. The Applicant replied that no alcohol would be allowed at the restaurant operation. W. Brooks stated that a VT liquor licensed, approved by the Town Select Board would be required for this.

J. Biasuzzi asked again about status of VT permits (from Waste Water, Labor & Industry, Fire Marshal, and Health Department). Applicant stated he had the necessary permits. The ZA asked for confirmation of VT's final permit approvals for Town's files, and offered to contact the appropriate officials for copies.

W. Brooks asked if there was any further input or questions from the Applicant, DRB Members, the ZA, and those in attendance. Hearing none; the Chairman asked for a Motion to close the Public Hearing of Application 19-03. E. Berner so Moved to close the Hearing; D. Ballou seconded, all approved and the Motion passed. The applicant was informed that the DRB has up to 45 days in which to issue a final written decision, but that the ZA would keep you apprised of progress on the review process, and that this is typically a much sooner process.

The Chairman thanked all present for their participation, and deferred further deliberation until after to other Meeting business,

Public Concerns & Input: No other Public Concern or Input was received.

Review of Past DRB Meeting Minutes: *W. Brooks requested Motions to Approve the following past Meetings:*

Minutes of 4/9/18: E. Berner so Moved as written, L. Thayer 2nd, all Approved, Motion passed.

Minutes of 7/30/18: E. Berner so Moved with spelling corrections, L. Thayer 2nd, all Approved, Motion passed.

Minutes of 8/28/18: E. Berner so Moved with spelling corrections, L. Thayer 2nd, all Approved, Motion passed.

Minutes of 10/9/18: E. Berner so Moved with spelling corrections, L. Thayer 2nd, all Approved, Motion passed.

Review of Application 19-03: The DRB initiated an open discussion of the Hearing's proceedings. There were concerns expressed by members regarding the hours of operation, signage requested, lighting and external security.

E. Berner made a Motion to enter Deliberative Session. L. Thayer seconded, all approved and the Board went into Deliberative Session. The Zoning Administrator was allowed to stay, to provide Zoning regulation input as requested.

E. Berner made a Motion to Recess the Deliberative Session until 7:00 pm, Tuesday, May 14, 2019; at Town Offices (75 School Street, Wallingford Village). D. Ballou stated that he would be out of state for that meeting, but would submit a written summary of his concerns and input on the Application. L. Thayer seconded the Motion, all approved and the Motion passed.

Next Meeting Date: The Board will meet to Continue their review of Application 19-03 in Deliberative Session, at 7:00 pm, May 14, 2019, at Town Offices. Deliberative Sessions are not open to the Public.

Adjournment: At 9:05 pm, D. Ballou made a Motion to Adjourn the Meeting. E. Berner seconded, all approved and the Motion passed.

Respectfully submitted by Jeffrey Biasuzzi

Approved _____