

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

Application #: 20-04: Request to replace an illuminated free-standing two-sided store sign

Applicant: MT Associates (Owners of record), dba. Midway Oil Corp.

Postal address: 217 N. Main St. Rutland VT 05701

Subject Property Location: 172 N. Main St. Wallingford Village, VT

Town Parcel: 7000172

INTRODUCTION

The Zoning Administrator (ZA) received incomplete application and was reviewed on 11/1/2019. Per Article IX 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 12/13/2019. In anticipation of a complete application, Applicant was given Notice by USPS Certified Mail, and abutting property owners were notified (documented by Certificate of Mailing) of this application 1/3/2020; and that a Public Hearing was scheduled for 7:00 pm, 1/23/2020, at Town Offices, 75 School St. Wallingford Village. Public Notice was also given by Rutland Herald notice on 1/4/2020 and project location POSTER, and in two other public buildings. This Hearing was cancelled due to Applicant's illness, and subsequently rescheduled for February 26, 2020 at 7:00 pm at Town Offices. Applicant and abutting property owners were sent Notice of the new Hearing date in the same manner as the initial Notice on 2/7/2020, and the Rutland Herald published Notice on 2/8/2020.

Accordingly, a Public Hearing was convened by the DRB at 7:00 pm on 2/26/2020, with a quorum of Members in attendance. D. Dukeshire (manager & agent for MT Associates, dba Midway Oil Corp.), and a number of Interested Parties (identified by Meeting Minutes & attendance roster) were present.

Jurisdiction was taken by Article IX, Paragraph 8 of the Zoning regulations, regulating Illuminated signs; and Article IV, with attention to Specific (Zoning) District Regulations.

After hearing testimony from Applicant and all Interested Parties; the DRB voted to close the Hearing to Testimony, but Continue deliberations at 8:30 pm, on 2/26/2020. At that time the DRB deliberated this application and issued this decision.

FINDINGS of FACT

1. The subject property was originally established as a pre-zoning automobile service station with gasoline sales. Subsequent permits have been issued to replace past permits, which include a convenience store with gasoline sales. This is a conditional use in the Neighborhood - Commercial Zoning District.
2. The application is requesting to replace an existing, permitted free-standing sign with a similar illuminated sign proposed, in the same location (due to customers knocking down the existing sign), but of different shape and design, as detailed in the Application.
3. The replacement sign is to be only illuminated during open hours of operation, presently 6:00am until 9:00 pm (eastern time zone).

CONCLUSIONS of LAW

1. That the Application is subject to Town Zoning jurisdiction. The dimensions of the sign applied for conforms to Articles IV and IX regarding dimensions for a free-standing illuminated sign.

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 #20-04 for a new (replacement) free-standing, internally illuminated pole mounted two-sided sign.**

The Development Review Board finds the Application in compliance with Articles IV & IX of the current Zoning Regulations for a similar illuminated sign in the same location and authorizes the Zoning Administrator to issue a permit for a similar illuminated sign.

The majority of the Wallingford Development Board authorizes this Decision, which is to be attached to final PERMIT #20-04 with the CONDITIONS to approve, as follows:

- 1. **The western outer most edge of sign shall not extend past property boundary, estimated to be east edge of existing sidewalk.**
- 2. **Shall not be less than 7 feet above the ground**

William Brooks: Approve
 Erika Berner: Approve
 Jillian Burkett: Approve
 Elizabeth Blaisdell: Approve
 Lucy Thayer: Approve

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, 4/3/2020, William Brooks, Chairman, DRB

Received by Zoning Administrator: JM Beasely 4/3/2020