

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

Application #21-36 Seeking approval for external sign lighting on building located at 34 Maple St. Wallingford, VT.

Applicant: Family Dollar (Action Signs)

(518)847-0560

Property Owner: James Mulkin (JM & MM Properties, LLC)

Subject Property Location: 34 Maple St. Wallingford, VT. 05773

Town Parcel: 0030034

INTRODUCTION

The Zoning Administrator (ZA) received the initial application which was reviewed on 4 June 2021. Per Article III 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 1 June 2021. The Applicant, Property Owner, and abutting property owners were notified (documented by Certificate of Mailing) of this application on 9 June 2021 and that a Public Hearing was scheduled for 7:00 pm, 23 June 2021, via Zoom (<https://www.wallingford.com/development-review-board>). Public Notice was also given by Rutland Herald notice on 9 June 2021, project location POSTER, and in two other public buildings.

Accordingly, a Public Hearing was convened by the DRB at 7:00 pm on 23 June 2021, with a quorum of Members in attendance. The Zoning Administrator, Applicant(s), Kathleen Dallman, Steve McMahon and Nicholas Malito, and Tammy Durgin (interested party) were sworn in.

Jurisdiction was taken by Article III (Industrial, Conditional Uses), Article IV (General Regulations; Conditional Use Approval), Article VI (Signs).

After hearing testimony from Applicant and any Interested Parties; the DRB voted to close the Hearing to Testimony, and continue deliberations in Deliberative Session Meeting format to consider the testimony.

FINDINGS of FACT

1. The Applicant did apply for a separate permit for external lighting, as requested by DRB at the 3 June meeting.
2. The proposed gooseneck lighting will shine down on the outdoor signs not upward or in neighboring property as requested.
3. The proposed lighting will be dimmer than originally proposed.

CONCLUSIONS of LAW

1. The DRB recognizes that the Applicant has submitted redesigned proposed lighting fixtures that are more in alignment with community environment.
2. The proposed lighting will be of a gray color to better blend in with the signs.

Based on the Application documentation, Testimony of Record, and Review of the applicable regulations, the Wallingford Development Review Board here by **APPROVES APPLICATION #21-36 with the following CONDITIONS:**

- 1. The lighting will shine down on the signs as stated in the specifications, and will use the lowest wattage possible (as stated on the specification sheet).
- 2. There will be four (4) lights per sign as stated in testimony.
- 3. The lighting can be dimmed (if necessary).
- 4. The lighting will be turned off at store closing, NOT later.

DECISION and ORDER

WHEREAS the Wallingford Development Board APPROVES this Decision with its CONDITIONS, which is to be attached to final PERMIT #21-36, as follows:

William Brooks: Approve David Ballou: Approve Jill Burkett: Approve
Lucy Thayer: Approve

This Town approval does not release the Applicant from obtaining any other local, state, of 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 and public testimony, or failure to comply to other Vermont State and 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 Vermont 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.

Approved on behalf of the DRB by William H. Brooks 7/17, 2021
William Brooks, Chairman, DRB

Received by Zoning Administrator: Esther J. Bener 7/19, 2021