

FINAL
Development Review Board
Wallingford Town Hall & Zoom
23 June 2021
6:30 PM

Member Present: B. Brooks (Chair), D. Ballou, J. Burkett, L. Thayer

Members absent: J. Stone

Recording Secretary: E. Berner

Members of the Public (in-person): Anna Michelle-Fabian, Tori Filskov, Michelle Traverse

Members of the Public via Zoom: Karl Towsley, Kathleen Dallman, Steve McMahon, Nicholas Malito, Tammy Durgin

I. Call to Order:

The Development Review Board meeting was called to order at 18:34 (6:34PM) by B. Brooks

II. Review of Agenda:

D. Ballou motioned to approve Agenda; L. Thayer seconded. All approved, Motion PASSED.

III. Permit Applications:

B. Brooks introduced the Development Review Board members to the members of the public. B. Brooks swore-in all applicants and interested parties.

- i. **Application #21-29. Anna Michelle Fabian:** Requesting approval to operate a registered in-home day care center. A.M. Fabian explained that she has applied to the State for a registered Day Care in her home for up to 10 children of school age. Parents would provide transportation to school as the school busses do not come down to her property. During vacation days, parents would drop-off school children.

B. Brooks mentioned the applied for hours of operation would from 5:30AM – 6:00PM Monday through Friday. A.M. Fabian replied that the State requires local permitting approval.

J. Burkett inquired about fencing in the yard. A. M. Fabian replied that there was already a play area but that it is not fenced in at this time. She continued by saying that the area could be fenced-in if needed. She added that the State is not going to require a fence.

J. Burkett further inquired how close were the neighbors. Am. M. Fabian replied not close.

L. Thayer asked if neighbors had been notified, E. Berner replied that all abutting neighbors had been notified via letter. L. Thayer asked if there were any public comments. K. Towsley,

identified himself as a neighbor and asked if he needed to be concerned about liability issues should a child hurt themselves on his property while under Day Care supervision. A.M. Fabian said she will consider fencing in the play area and that she did have liability insurance.

L. Thayer asked if there would be any other employees. A.M. Fabian replied that she did not have any other employees at this time. However, she would have a substitute fill-in if she went on vacation, or was called away.

B. Brooks acknowledged that A.M. Fabian's aunt was in attendance (M. Traverse).

K. Towsley asked about water, would A. M. Fabian be getting water from the brook. A.M. Fabian replied that she had a drilled well.

B. Brooks asked if there were further questions. There were none. B. Brooks asked for a motion to close the testimony. L. Thayer made a motion to close the testimony. J. Burkett seconded. Motion was APPROVED.

- ii. **Application #21-34. *Tori Filskov*.** Seeking Conditional Approval to take-in 10-15 rescue dogs/puppies. No new structures are requested.

T. Filskov explained that she was working to start a Vermont branch of the Second Chances Ranch Organization – a registered dog rescue organization in New Hampshire. She noted that she had experience with dogs from her time as Wallingford Animal Control Officer. T. Filskov also explained that she had 10 x10 foot kennels in her basement and would be installing more for the dogs. She already has dog runs.

B. Brooks asked how the dogs would be transported to her. T. Filskov explained that the dogs were from out-of-state, but that they all have medical papers (health certificates, etc.,). Further all the dogs would be held in quarantine in the kennels and dog runs to ensure they had no diseases.

L. Thayer asked what the typical length of stay would be. T. Filskov replied that it varies and that all dogs have their rabies shots before coming to her.

B. Brooks asked about the process with the dogs – what exactly does Second Chance do. T. Filskov explained that they ensure the dogs are healthy and ready for adoption. The adoption facilities are in New Hampshire, and that she would have nothing to do with that.

L. Thayer asked if there was anytime when the dogs would be off-leash. T. Filskov replied no. They would be in the kennels or in the dog run.

D. Ballou asked about set-backs. T. Filskov said the operation would be away from all setbacks.

J. Burkett asked about neighbors complaining about dogs barking. T. Filskov replied that the dogs would be in her basement, and that most of her neighbors were family.

L. Thayer asked if T. Filskov would have any help. T. Filskov replied that eventually she would have help – perhaps volunteers but was not planning on hiring employees.

B. Brooks asked if there were further questions. There were none. D. Ballou made a motion to close the testimony. L. Thayer seconded the motion. Motion PASSED.

iii. **Application #21-36. Family Dollar / Dollar Tree.** Seeking approval for external sign lighting on building located at 34 Maple St. Wallingford.

K. Dallman, N. Malito and S. McMahon explained that Family Dollar/Dollar Tree was proposing to install 8-goose necked projecting lights (4 per sign) as per the specifications the DRB received. The lights would be placed above each sign with lights shining on the Family Dollar and Dollar Tree signs. The lights could have 10-watt LED bulbs, the lighting hardware could be one of several colors, although gray was the suggested color. Gooseneck lights were chosen because they have a sleek look and will not shine out into the street or neighbors' property.

B. Brooks thanked the Family Dollar people for finding something that the DBR requested.

L. Thayer noted her appreciation for the down-lighting fixtures and matching color. She asked if the lighting could be dimmed. K. Dallman replied that she was not sure but that she would check into it.

B. Brooks asked if Family Dollar was planning to use 10-Watt LED bulbs. (Answer was garbled)

T. Durgin (interested party) expressed her thank you for finding better lighting.

J. Burkett asked about landscaping. S. McMahon replied they would work with the landlord.

B. Brooks asked if there were any more questions. None were asked.

D. Ballou motioned to close the testimony. J. Burkett seconded. Motion was APPROVED.

IV. DISCUSSION

B. Brooks read into record a letter received by DRB from J. Biasuzzi as an interest party concerning the Family Dollar / Dollar Tree signs. (copy attached). There was no discussion.

V. DELIBERATIVE SESSION

J. Burkett moved that the DRB go into Deliberative Session concerning Permit 21-29. L. Thayer seconded and motion PASSED.

DRB came out of Deliberative session concerning Permit 21-29 for A. M. Fabian. L. Thayer moved to approve Permit 21-29. D. Ballou seconded. Motion PASSED.

L. Thayer moved that the DRB go into Deliberative Session concerning permit 21-34. D. Ballou seconded. Motion PASSED.

DRB came out of Deliberative Session concerning permit 21-34. L. Thayer moved to approve a Conditional Use Permit for T. Filskov. D. Ballou seconded; motion PASSED with condition(s)

Condition(s): Limited to 10-15 dogs/puppies

J. Burkett moved to go into Deliberative Session to discuss Permit 21-36. D. Ballou seconded. L. Thayer moved to come out of Deliberative session, D. Ballou seconded.

D. Ballou moved to approve the Family Dollar / Dollar Tree permit. B. Brooks seconded. Motion PASSED with conditions.

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.

VII. Review of the Minutes (16 April, 26 May, and 3 June)

L. Thayer moved to accept the 16 April Minutes with changes. B. Brooks seconded. Motion PASSED.

L. Thayer moved to accept the 26 May minutes with changes. B. Brooks seconded. Motion PASSED

L. Thayer moved to accept the 3 June minutes with changes. J. Burkett seconded.
Motion PASSED.

VIII. Adjournment

B. Brooks asked for a motion to adjourn. D. Ballou motioned to adjourn; L. Thayer seconded. Motion APPROVED. Meeting was adjourned at 8:45PM

Respectfully submitted: Erika J. Berner

Approved:

William H. Brooks
Chair, DRB

8/31/21
Date

Dear Wallingford ZA & Development Review Board Members;

As a 40 year resident of Wallingford, and who may further appeal any decision of any Development Review Board decision as an Interested Party under Section 24 VSA, Ch. 117, Section 4465; I submit the following OBJECTIONS to Application 21-35 as submitted, to install a new free-standing internally illuminated sign and/or two (2) new roof-mounted internally illuminated signs on the commercial building at 34 Maple Street. I request this email is to be read aloud into the record and entered into testimony if I may not be able to participate in person. For the record, I am currently appointed as a second alternate DRB Member; and recuse my panel position in this application.

As the (minimum) detail of Application 21-35 requests;

- a. Road side Sign - Replacement of two (2) 7' X 5' faces of an existing pre-zoning, free-standing, internally illuminated sign. The Application does not clarify if this sign is to remain within the existing dimensions of the pre-zoning sign panels, and the application did not include any schematic drawings, hours of illumination, etc.
- b. The Application requests the replacement of an existing roof mounted, internally illuminated "FAMILY DOLLAR" sign having a boxed area of 185.6 sq. ft., to be roof mounted left (south) of center of the store main entrance. It also requests a NEW additional roof mounted internally illuminated "DOLLAR TREE" sign having a boxed area 122.36 sq. ft., to be mounted to the right (north) of the main entrance to the store's main entrance. There was no comparison of the dimensions of pre-zoning sign to the proposed replacement sign

Application 21-35 should be reviewed in accordance with Article IIII (Industrial Zoning District), IX (Non-Conforming Uses), and Article IX (Signs) of Zoning Regulations (2015). It is my opinion that:

- a. Existing street side Free-standing Sign: The application MAY only request a change to only the message area of the existing street side free-standing, internally illuminated sign. As in the past, the 2015 Zoning has allowed this change of message area, This is actually uncertain, as the Application does not provide adequate detail.
- b. The Application requests Replacement of a 113 sq. ft pre-zoning and a larger 122 sq. ft New/ roof mounted sign. Zoning does not define roof mounted sign, but "common meaning" would likely define these as either a version of a flush-mounted or a projecting sign. As a projecting sign is a more restrictive use, I am suggesting the DRB to consider the proposed signs as more lenient "flush mounted" advertising.. In the Industrial Zoning district. Flush mounted Signs are not to exceed 16 sq. ft. (= 32 sq. ft total for two signs). The proposed new signs have a combined area of Nineteen (19) Times of the allowable sign area.

As the DRB knows, I have some experiance with commercial sign applications. Especially with National brands, Management is likely to order the standard corporate product from their local Sign representative (i.e. Action Signs, of NYS). It is apparent to me, in reviewing the application note included with the Application, that Corporate Management gave little review of regard to local regulations, and hopes to receive little resistance the largest signs it requests. Considering all the efforts this DRB has expended on relatively recent applications for commercial signs (at this location, the adjacent Cumberland Farms, and the Smart-Shop); this application should either be Denied outright as nonconforming to rules; or the DRB's decision "recessed to a future time & place determined" offering the Applicant to revise its application to a compliant design for continued review. As the local population all know of the store's existence, and the visiting public will easily see the store from the road; there is little justification by

Management to post over sized and glarish signs; especially after open hours of operation (another omission in the application).

Sincerely,

Jeffrey Biasuzzi
964 West Hill Rd, Wallingford