

TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for a permit was made to the Board by: **Owner: George & Mary Suddell. Agent: Mark Sprague.**

Applicants Mailing Address: P.O. Box 843; West Dover, VT 05356

Address of the subject property: **5 North Main St**

Tax Map: # 021-21-031

A copy of the request is filed in the office of the Board and is referred to as: **#2016- 056**

Description of Case per Public Notice:

Application # 2016-056: Owner: George & Mary Suddell. Agent: Mark Sprague. Application is being made for a Conditional Sign Waiver to allow two structure mounted signs. Village zoning district (Historic Design Review) Sections 850 & 233; location: 5 North Main Street (Exhibit 1).

Notice for a public hearing was published in the Valley News on: **July 21, 2016**

Notice was posted in three public places on: **July 21, 2016**

A copy of the notice was mailed to the applicant on: **July 21, 2016**

A copy of the notice was mailed to the abutters on: **July 21, 2016**

Public hearings were held on August 8th, 2016

There was no Site Visit.

Action taken on this application may be appealed by anyone identified as an interested party, pursuant to Vermont Statutes Annotated. Said appeal shall be made to the Vermont Environmental Court.

Appeal period for this Case expires on: September 30, 2016

Approval Expires on: August 30, 2018

In addition to the Applicant/Agent the following persons, heard by the Board in connection with this request, were determined by the Board to be "interested personal: Copies of this decision have been mailed to those persons listed below.

None

The following presented testimony on behalf of the Applicant or an Interested Person:

- Mark Sprague
- Carolyn Palmer

EXHIBITS

The following Exhibits were placed by the Applicant:

1. Application with abutter list and drawing of sign

APPLICABLE DISTRICT

Finding of Fact: Subject property is identified as Parcel ID# 021-21-031

Conclusion of Law: The structure for the sign in question is in the Village District

SECTION 233: CRITERIA FOR OBTAINING A SIGN WAIVER FROM THE DEVELOPMENT REVIEW BOARD

Findings of Fact: The Development Review Board may grant a Waiver to sign requirements if the sign is found to be in the public interest and will contribute to the character of the area and the community.

Waivers meeting these criteria may be granted if the waiver is:

1. For the minimum size necessary to serve its intended function.
2. The waiver is not to the detriment of the public welfare, including the safety and maintenance of the Town and State Highways.

Applicant testified that customers have had difficulty finding his establishment based solely on the smaller sign overhanging the sidewalk. They indicate that finding the store in this location from a moving vehicle is nearly impossible and feel a larger sign posted on the building would be helpful. The applicant feels a larger flush mounted sign is essential to operate his business. He prefers to not eliminate the overhanging sign. Applicant testified the sign will be of the same material and look as the current overhanging sign.

Overhanging signs are encouraged in the Zoning Ordinance as they contribute to the historic character of the downtown. A larger flush mounted sign consistent with the historic character of the town will allow customers to locate the business and promote successful business development. The proposed sign will have no impact on the safety and maintenance of Town and State Highways.

Conclusion of Law: The Development Review Board finds that the proposed flush mounted sign is not to the detriment to public welfare. It is found to benefit public welfare and successful business development. It will promote positive business development in the Village and to allow this business to be successful.

Size of Signs

Findings of Fact: Flush mounted sign are allowed by the Zoning Ordinance to be a maximum of

24 square feet

Conclusion of Law: The flush mounted sign will be 15 square feet and it meets the maximum size allowed

CONDITIONS

The application for sign waiver is **approved** by the Development Review Board

If unused, this Approval expires 2 years from the date of issue. A request for extension may be made in writing to the Development Review Board before the expiration date. Such request shall be in the form of an APPLICATION FOR EXTENSION.

There is a thirty (30) day appeal period from the date of signature before the Approval becomes final. In addition, all fees must be paid and a Zoning Permit must be issued prior to the commencement of any work requested in the application. When a Zoning Permit is issued, there is an additional fifteen (15) day appeal period before the Permit becomes final. Work may commence when the Permit has been issued and all Appeal periods have ended.

This approval does not relieve you, as applicant, from obtaining any and all applicable State and Local Permits.

Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board.

IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications and contained herein:

Fred Houston
Tim Hall
Peter Wallace
Wendy Manners

OPPOSED:
None

ABSTAINING:
None

For the Board: Wendy Manners, Chairman

Date:

Appeal Rights: An interested person may appeal this decision to the Vermont Superior Court, Environmental Division, pursuant to 24 VSA 4471 and VRECP Rule 5, in writing, within 30 days from the date this decision is issued. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 VSA 4472(d) (exclusivity of remedy; finality).

This approval does not relieve the Applicant of the responsibility to obtain all other applicable approvals that may be required by Federal, State, and local laws and ordinances.