

**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: **Sandri Realty Inc.**

Owner/Applicant(s) Mailing Address: **400 Chapman Street, PO Box 1578,
Greenfield, MA, 01532**

Address of the subject property: **43 East Main Street, Wilmington, VT, 05363**

Tax Map: #021-22-031

A copy of the request is filed in the office of the Board.

Description of Case per Public Notice:

Application # **2017-019**

Notice for a public hearing was published in the Valley News on: **May 18, 2017**

Notice was posted in three public places on: **May 18, 2017**

A copy of the notice was mailed to the applicant on: **May 18, 2017**

A copy of the notice was mailed to the abutters on: **May 18, 2017**

A public hearings was held on **June 5th 2017 & June 19th**
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: August 28, 2017

Approval Expires on: July 28, 2019

The following presented testimony on behalf of the Applicant:

- **Applicant Sandri Realty, Inc,**
 - **Michael Bean**
 - **Richard Marcks (not in attendance June 5)**
- **Sean Donovan & Lauren Cronin, Viewpoint Sign & Awning (Agent)**
- **Joe Cadet, Franchise Operator (Expert Witness)**
- **John Nadreau, Franchise Operator (Expert Witness)**

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 Persons”: Copies of this decision have been mailed to those persons listed below.

- Todd Gareiss, 19 East Main Street
- Judith Lauderback, 38 East Main Street

In addition to the above Interested Persons, the following presented testimony from the general public. As other than an Interested Persons, these individuals are not eligible to appeal this decision.

- Emily Beeman
- Joseph Cincatta
- Jamie Brunn
- Barbara & Bruce Cole
- Alex Felser

EXHIBITS

The following Exhibits were placed by the Applicant:

- 1. Application with abutter list**
- 2. Site Map (See also Exhibit 12)**
- 3. 2-Pole Freestanding Sunoco Sign [See also Exhibit 8 & 15]**
- 4. Drawings for Menu Board (45.59 sq ft)**
- 5. Letter from Viewpoint dated May 12th 2017**
- 6. Photograph to exemplify Dunkin Donut Signs at night**
- 7. Site Plan by Wilcox and Barton**
- 8. 2-Pole Freestanding Sunoco Sign Option 2 (31.24 sq ft – 15 ft tall)**
- 9. Drawings for a Menu Board with extenders/appendages (33.10 sq ft - 7'4" ft tall)**
- 10. Drawings for a Menu Board without extenders/appendages (23.16 sq ft – 7'4" tall)**
- 11. Existing and Modified “Grandfathered” Sunoco Single Pole (32.37 sq ft, 16.5 ft tall)**
- 12. Site Map (adding item F to Exhibit 2)**
- 13. Various Menu Illumination Samples**
- 14. Site map showing new position of free standing double pole sign**
- 15. 2-Pole Freestanding Sunoco Sign (31.24 sq ft – 15’ tall) [adds the word “optional”]**

SYNOPSIS

On June 5th 2017 an application was placed before the Development Review Board (the “Board”) for the approval of:

Freestanding “Sunoco” sign: changes to an existing Freestanding internally illuminated sign of 32.37 square feet for a filling station and Dunkin’ Donuts (“DD”) Drive Thru restaurant situated at 43 East Main Street, Wilmington, Vermont, 05363 (the “Sunoco” sign) and

A second Freestanding sign: an illuminated “Menu Board” of 45.59 square feet at the same address. (the “Menu Board”)

The agent for the applicant discussed the signs and concluded that to satisfy the requirements of the Board further discussion was required with the applicant. The meeting was adjourned until June 19th 2017.

On June 19th 2017 the application was resubmitted to the Board,

Sunoco Sign was, after a number of iterations, submitted as a Freestanding sign of 31.24 square foot, two posted sign, with a wooden DD sign, a plastic gas price sign, both up-lit, and an internally illuminated “Sunoco” sign. (Exhibits 8 & 15)⁹

Menu Board was submitted as an illuminated sign measuring 23.16 sq ft (Exhibit 10)

APPLICABLE DISTRICT

Findings of Fact: Subject property is identified as Parcel ID# 21-22-031-000

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

USES

Findings of Fact: Intended Use Is Retail Business and an Automotive Service Station and Repair Garage as defined in the Zoning Ordinance. (Agent testimony) The property is subject to DRB decision #2015-073

Conclusions of Law: Retail Business and Automotive Service Station and Repair Garage are Conditional Uses in the Village District. The Uses were established by the above referenced DRB decision.

GRANDFATHERED SIGNS

Section 870 (K): Sign Standards – Applying to ALL signs

Previously Permitted internally illuminated signs existing on November 20, 2014, the date of adoption of this provision in the Sign Article of the zoning ordinance, are “Grandfathered” and considered “Permitted” under Section 803 (2) of this Article VIII and may remain “as-is.” Sign changes require full compliance with this Article VIII. (See Section 842)

SIGN CHANGES THAT ARE NOT CONSIDERED AN ALTERATION

Section 842 (C): When is a Zoning Permit Required

A sign Permit shall be secured from the Zoning Administrator: (C) For alteration or change of any existing Permitted sign resulting in a different sized sign or a substantially changed sign. Rewording of a sign for an existing use while maintaining uniformity of background shall not be deemed to constitute sign alteration.

Findings of Fact: The Sunoco Sign existed on November 20, 2014 and is “Grandfathered”.

Grandfathered status may only be maintained if the sign remains unchanged with the exception of “rewording for an existing use while maintaining uniformity of background”. (Section 842)

The applicant seeks a “substantially changed sign” including changes to sign location, sign structure supports, sign lighting, size of sign, and sign design. As proposed, the Sunoco sign would remove two pricing signs, add one Dunkin Donuts sign, become a two post sign vs. a one post sign, seeks to maintain the internally lit Sunoco sign, changes sign dimensions and location.

Conclusions of Law: Changes requested by the application would not retain the “grandfathered” status. Proposed sign changes request substantial alteration to a “Grandfathered” sign, losing all “grandfathered” status and must come in full conformity with the zoning ordinance. The existing single posted, internally lit Sunoco Sign is “Grandfathered” and considered “Permitted”. It may remain “as is” so long as there are no sign changes except as defined in Section 842 (C).

Section 831: Types of Signs

Permitted Signs (Requiring a Zoning Permit)

Permitted signs will be one of the following two types.

1. **Freestanding** (of all types including poles, pedestals, posts, and plaza signs)
2. **Structure Mounted** (of all types)

Appendix III - Sign is defined as: Any structure, display, device or representation, either temporary or permanent, which is designed or used to advertise or call attention to or direct persons to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing or activity of any kind whatsoever, and is intended to be visible from a public road. A sign shall include window signs, as defined herein, with the exception noted in the definition of window signs.

Appendix III - A Freestanding Sign is defined as: - A sign supported by structures or supports in or upon the ground and independent of support from any building.

Findings of Fact:

The Sunoco Sign calls attention to the existing automotive service station and is supported by structures or supports in or upon the ground and independent of support from any building. (Exhibit 15)

The Menu Board Sign is designed to advertise or call attention to or direct persons to a product and is supported by structures or supports in or upon the ground and is independent of support from any building. (Exhibit 10)

Conclusions of law:

Both signs are “Freestanding Signs” as defined by the Zoning Ordinance and subject to the terms of Article VIII Signs.

Section 832: Number of Signs

Permitted Signs (Requiring a Zoning Permit)

Each Commercial Business other than Home Occupations and Home Businesses may have:

- A. One (1) **Freestanding** sign – Allowed only when setback requirements of Section 873 can be met.

Findings of Fact: The applicant has requested two Freestanding Signs, the Sunoco Sign and the Menu Board (Agent testimony)

Conclusions of Law: Only one Freestanding Sign is allowed under this zoning ordinance. A second freestanding sign does not meet the requirements of this Section.

**Section 833: Size of Signs
Permitted Signs (Requiring a Zoning Permit)**

The following are sign **maximums**.

	Village District Maximum Sq. Ft. Per Side	Other Districts Maximum Sq. Ft. Per Side
A. Freestanding signs		
• 1 - 2 Businesses	24	32

All Freestanding signs shall be fully contained within the structure of the sign. No appendages or extensions outside of the sign structure are allowed.

Findings of Fact:

The Sunoco Sign: The proposal as submitted calls for a 31.24 sq ft sign (Exhibit 15) whereas the existing “Grandfathered” sign is 34 sq ft.

The Menu Board Sign: calls for a 23.16 sq ft sign (Exhibit 10) and testimony was received from the applicant that this was the minimum area required to be functional.

Conclusions of Law:

The Sunoco Sign as proposed at 31.24 sq feet does not meet the size requirements of this ordinance. The extant Sunoco sign is Grandfathered and therefore compliant with this ordinance.

The Menu Board Sign meets the size requirements of Section 833.

Section 870: Sign Standards – Applying to ALL signs

Allowed (not requiring a Permit) and Permitted (requiring a Permit)

With the exception of those signs receiving a Conditional Sign Waiver from the Development Review Board as defined in Section 850, all signs, both Allowed and Permitted, must satisfy the following standards:

- B. Signs shall not prevent a clear and unobstructed view of existing Allowed or Permitted signs.
Findings of Fact: Testimony was received from the applicant that the proposed signs do not prevent a clear and unobstructed view of existing signs. (Applicant testimony and Exhibit 12)
Conclusions of Law: The application meets the standards of Section 870 B.

- F. Signs shall not impair public safety or impede pedestrian traffic. Violations are subject to State penalties pursuant to 19 V.S.A. § 1105.
Findings of Fact: The proposed signs do not impair public safety or impeded pedestrian traffic. (Applicant testimony and Exhibits 8, 10, 12)
Conclusions of Law: The application meets the standards of Section 870 F.

- G. Signs shall not prevent a clear and unobstructed view of official signs and approaching or merging traffic.
Findings of Fact: Neither of the proposed signs obstruct the view of official signs, nor do they obstruct approaching or merging traffic. Views are clear and unobstructed. (Applicant testimony and Exhibits 8, 10, &12)
Conclusions of Law: The application meets the standards of Section 870 G.

H. Signs shall not impede access to any door, window, or fire escape.
Findings of Fact: No sign impedes access to any door window or fire escape (Applicant testimony and Exhibit 12)

Conclusions of Law: The application meets the standards of Section 870(H).

I. With the exception of entrance and exit signs, signs shall not be erected which appear to direct the movement of traffic or interfere with, imitate, or resemble any official traffic, directional or route sign, signal or device.

Findings of Fact: Proposed signs do not appear to direct the movement of traffic or interfere with, imitate, or resemble any official traffic, directional or route sign, signal or device. (Exhibit 8, 10)

Conclusions of Law: The application meets the standards of Section 870(I).

J. External illumination of signs shall be downcast and effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of a Public Road or adjacent properties.

Findings of Fact:

Sunoco sign: As proposed the Sunoco Sign would be both internally illuminated and up-lit.

Menu Board: As proposed the Menu Board would be internally illuminated.

Conclusions of Law:

The Sunoco Sign, as proposed, does not meet Section 870(J).

The Menu Board, as proposed, does not meet Section 870(J).

K. Signs with internal illumination, including but not limited to incandescent, fluorescent, neon, and LED, are not allowed.

Findings of Fact:

Sunoco Sign: The proposed Sunoco Sign is for an internally lit Sunoco Sign and an up-lit Dunkin Donuts (DD) sign. Testimony was received from a number of individuals, Ms Judith Lauderback an Interested Person, and Mr Todd Gareiss joined Ms Lauderback in strongly criticizing the existing Sunoco sign. Both emphasized that the sign was out of character for the town. Ms Judith Lauderback went on to explain that the light from this sign shone into her bedroom. Todd Gareiss called for the DD sign to be wooden. There followed a general discourse between the owner, the owner's representative and the various Interested Persons and other parties in attendance. Finally the owner testified that he would be willing to do away with the existing single pole sign, replace it with a newly sited double pole sign, a wooden DD sign, a plastic non illuminated gas sign (both to be up-lit) and transfer the existing illuminated Sunoco sign from the single pole sign to the double pole sign if allowed by the Board. Further testimony was given by the owner's representative that down lighting the Sunoco sign would be ineffective and difficult, and therefore would need to be up-lit.

Conclusions of Law:

The Sunoco Sign as presented is proposed to be both internally illuminated and up-lit. This does not meet Standards 870 (J) and (K) requiring external illumination which is downcast and shielded and where internal illumination is not permitted.

The Menu sign as proposed is an internally illuminated sign and as such does not meet Standard 870 (J) and (K) requiring external illumination which is downcast and shielded and where internal illumination is not permitted.

L. Signs shall not be illuminated, internally or externally, by any flashing, moving or intermittent light.

Findings of Fact: The proposed signs do not have any flashing, moving or intermittent light. (Applicant testimony)

Conclusions of Law: The application meets the standards of Section 870(L).

M. Signs shall not contain any moving parts.

Findings of Fact: Proposed signs do not have any moving parts (Applicant testimony)

Conclusions of Law: The application meets the standards of Section 870(M).

N. Signs shall not emit noise or have audible systems to the extent that they can be heard on adjacent properties, public ways, parking areas, streets, or highways.

Findings of Fact: Testimony was received that the Menu Board sign will emit noise but it will be quiet enough so as to not be heard on adjacent properties, public ways, parking areas, streets, or highways. (Applicant testimony)

Conclusions of Law: The Menu Board is compliant with Section 870(N). However, the Board will require a condition that volume be controlled to ensure compliance.

O. External signs shall be sufficiently secured and of a material able to withstand sustained winds.

Findings of Fact: Proposed signs will be secured and of a material able to withstand sustained winds. (Applicant testimony)

Conclusions of Law: The application meets the standards of Section 870(O).

P. Signs may not be placed internally so as to be visible through a window or door, with the intention of circumventing this article.

Findings of Fact: All proposed signs are external.

Conclusions of Law: Section 870 P is not applicable.

**Section 873: Setback and Height Limitations - Applying to ALL signs
Allowed (not requiring a Permit) and Permitted (requiring a Permit)**

B. Freestanding signs shall be no more than sixteen (16) feet to the top of the sign from the average normal grade of the ground.

Findings of Fact:

The Sunoco sign is proposed to be 15 feet to the top of the sign from average grade. The existing Sunoco sign is 16.5 feet to the top of the sign. However, this sign is Grandfathered pursuant to Section 870. The Menu Board is proposed to be 7ft 4 inches to the top of the sign from average grade.

Conclusions of Law: Proposed signs meet the standards of Section 873(B).

C. Freestanding signs shall be set back ten (10) feet from the right-of-way of any Public or Private Road, except in the Historic Design Review District that has a zero (0) setback. In no case shall a sign impede traffic visibility or public safety.

Findings of Fact: The proposed signs are in the Village District and must satisfy this ten (10) foot setback requirement from the right-of-way of any Public or Private Road.

The Sunoco sign is set back 1 foot from a right-of-way of any Public or Private Road. (Exhibit 12)

The Menu Board Sign is set back 85 feet from a right-of-way of any Public or Private Road. (Exhibit 12)

Conclusions of Law: The Sunoco sign as proposed fails to meet the setback requirements as set out in Section 873(C)

The Menu Board Sign meets the requirements of Section 873(C).

D. Freestanding signs shall be set back ten (10) feet from a side or back property line in all districts except the Historic Design Review District that has a zero (0) setback.

Findings of Fact:

The proposed signs are in the Village District and must satisfy this ten (10) foot setback requirement from a side or back property line.

The Sunoco sign is set back 3 feet from the closest side property line and 110 feet from the back property line. (Exhibit 12)

The Menu Board Sign is set back 45 feet from the closest side property line and 22 feet from the back property line. (Exhibit 12)

Conclusions of Law:

The Sunoco sign as proposed fails to meet the setback requirements as set out in Section 873(D).

The Menu Board Sign meets the requirements of Section 873(D).

E. All hanging signs (including flags) in all districts, shall provide at least seven (7) feet of unobstructed area down vertically to any pedestrian walk way. Any sign providing less than seven (7) feet vertical clearance to the average normal grade of an area accessible to the public must make the area under the sign inaccessible to pedestrians so as not impair public safety.

Findings of Fact: Signs 1 and 2 are Freestanding Signs

Conclusions of Law: Section 870 E is not applicable.

Summary of Ordinance Compliance Failures

Sunoco Sign: The proposed Sunoco Sign fails to meet the following Standards (Exhibit 15):

- Section 870 and Section 842: Loses all grandfathering as substantial change other than “Reworking of a sign for an existing use while maintaining uniformity of background” is proposed.
- Section 833: Exceeds maximum allowable size.
- Section 870 (J) and (K): Does not comply with the requirement that signs be externally illuminated with downcast and shielded lighting.
- Section 873(C) and (D): Does not comply with the setback requirements of ten (10) foot from the right-of-way of any Public or Private Road and/or ten (10) foot from a side or back property line.

Menu Board: The proposed Menu Board Sign fails to meet the following Standards (Exhibit 10)

- Section 832 (A): Exceeds just one Freestanding Sign.
- Section 870 (J) and (K): Does not comply with the requirement that signs be externally illuminated with downcast and shielded lighting.

Section 229: Dimensional and Sign Waivers Granted by the Development Review Board [Pursuant to 24 V.S.A. § 4414(8)]

In the case of proposed development that does not meet the standards of this ordinance, Waivers may be requested for dimensional requirements other than density when seeking approval from the Development Review Board. In applying for a Waiver, the burden of proof is on the Applicant to demonstrate that the Waiver request meets Waiver criteria. The Development Review Board may require a survey to be completed at the owner’s expense, if essential to verify the location of property lines.

In the event that a Waiver is granted, the Permittee must comply with all other requirements of this Bylaw.

Findings of Fact: As demonstrated above, both the Sunoco Sign and the Menu Board Sign fail to meet all standards of the zoning ordinance.

Conclusions of law: The Sunoco Sign and the Menu Board Sign are eligible for Waiver consideration.

WAIVER CONSIDERATION

Section 233: Criteria for Obtaining a Sign Waiver from the Development Review Board

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. (Refer to Article VIII, Section 850).

Waivers meeting these criteria may be granted by the Zoning Administrator 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.

Findings of Fact:

In the Public Interest:

The Sunoco Sign: The board finds that the proposed sign involves changes which cause it to lose its 'grandfathered' status as defined in Section 870 and Section 842. As a non-grandfathered sign, the proposed sign fails to meet:

- Front and side setback requirements
- External illumination and downcast/shielded lighting
- Maximum allowable size requirements

Further, the board finds that, while some aspects of the look of the proposed sign are desirable and could contribute to the character of the area, the failure of the proposed sign to meet key provisions of the Zoning Ordinance, specifically setbacks, external downcast/shielded illumination, and maximum size make the approval of such a sign not in the public interest.

The Menu Board: On September 18, 2015 the Development Review Board approved land development of this property for a Dunkin Donuts inclusive of a drive-through service. Consistent with this decision it is reasonable to assume that a menu board is essential to the function of a drive through service. Further, the board finds that the function of the drive through is best served by a Freestanding sign, as the proximity of the sign to the cars allows the Menu Board to be minimized in size. The east facing sign, with minimal side-view visibility from the road, does not have a negative impact of the character of the community, As such, the Development Review Board finds a Menu Board freestanding sign, as a second freestanding sign, to be in the public interest.

Further, the Board finds that sign (2) Menu Board at 23.16 square feet is the minimum necessary to serve the intended function, and is not to the detriment of the public welfare, including the safety and maintenance of the Town and State highways.

Conclusions of Law:

Sunoco Sign: The Board concludes that approval of this sign is not in the public interest given the number of nonconformities in proposed signs and resulting number of resulting Waivers required. This sign fails to meet the requirements of Section 233.

Menu Board: The Board concludes this sign meets the requirements of Section 233.

Section 850: Conditional Sign Waivers Requiring Approval of the Development Review Board

A waiver may be requested from the Development Review Board for signs not meeting all of the requirements of this Article VIII. The Development Review Board may approve the sign if:

3. It meets the requirements found in Article II, Administrative Procedures, Section 233, Criteria for Obtaining a Sign Waiver from the Development Review Board, or
4. If the sign is found to be in the public interest and will contribute to the character of the area and the community.

Findings of Fact:

See Section 233 above.

Conclusions of Law:

Sunoco Sign: The Board has concluded that this sign does not meet the requirements of Section 233 and approval not in the public interest.

Menu Board: The Board has concluded that that sign meets the requirements of Section 233 and approval of a Waiver for this sign is in the public interest.

Section 234: Dimensional and Sign Waiver Application and Review Process of the Development Review Board

- C. The Development Review Board shall assess the impact on abutters in deciding whether to grant the Waiver, or to place conditions on the Waiver approval.
- D. In granting a decision in favor of the Applicant, the Development Review Board may attach reasonable conditions including mitigation by design, screening, or other remedy.

Findings of Fact:

Sunoco Sign: Not applicable. Is not eligible for a Waiver.

Menu Board: The Menu Board Sign, as a second Freestanding sign, has been determined to be eligible for a Waiver. In approving this Waiver the Board shall therefore consider impact on abutters and apply reasonable conditions including mitigation by design, screening, or other remedy. The Board finds that the Menu Board shall be:

- No more than 23.16 sq ft
- Externally lit with downcast shielded gooseneck lighting of the minimum lumens necessary to allow the Menu Board to be read at night from a distance of six feet by the average person.
- The Menu Board support structure shall resemble the design in Exhibit 10 and made of aluminum.
- The product description portion of the sign will be made of glass and molded plastic.
- The sign will be generally east facing with minimal side visibility from the road.
- Dunkin Donuts' westerly abutter is a Post Office, with no windows facing this property. As such, no screening or other aesthetics remedy shall be required for protection of the western property. The Menu Board will not be visible from the property to the east.

Conclusions of Law:

Sunoco Sign – not eligible for a Waiver

Menu Board – conditions shall be placed on the Menu Board as defined above.

CONDITIONS

1. Sunoco Sign as proposed – not applicable
2. Menu Board
 - Volume shall be managed so as to not emit noise that can be heard on adjacent properties, public ways, parking areas, streets, or highways.
 - Shall be no more than 23.16 sq ft
 - Shall be externally lit with downcast and shielded gooseneck lighting of the minimum lumens necessary to allow the Menu Board to be read at night by the average person with normal eyesight from a distance of six feet.
 - The Menu Board support structure shall resemble the design in Exhibit 10 and made of aluminum.
 - The product description portion of the sign will be made of glass and molded plastic.
 - The sign will be generally east facing with minimal side visibility from the road.

DECISION

Sign (1) Sunoco: A Waiver for the proposed relocated sign with internal illumination, reduced setbacks, and oversized is **declined** by the Board..

The existing Freestanding Sunoco sign is grandfathered and may be maintained as is, with the exception of changes consistent with the provisions of Section 842, “Rerwording of a sign for an existing use while maintaining uniformity of background.” Such minimal changes to the existing sign to accommodate Dunkin Donuts on the existing Grandfathered sign are allowed under this ordinance and are, by default, **approved** by this Board

Sign (2) Menu Board: A Waiver for the second Freestanding Sign, he Menu Board is **approved** by the Board pursuant to the Conditions outlined above.

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 the Decision

Tim Hall
Fred Houston
Paul Lockyear
Wendy Manners Seaman

Opposed to the Decision

None

For the Board: Wendy Manners Seaman, Chairman

Date: July 28th, 2017

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.