

**TOWN OF WILMINGTON**  
**COVER SHEET**  
**DRB FINDINGS OF FACT ATTACHED**

7 North Main  
HORN

Zoning Permit Application Number:

2025-018

Date of First Hearing:

3.17.25

Public Hearing Notice published in the Deerfield Valley News on:

2.21.25

Notice was posted in three public places on:

2.19.25

A copy of the Notice was mailed to the applicant and abutters on:

2.19.25

Appeal period for this DRB Decision expires on:

5.28.25

Approved Permit (after two years) expires on:

4.29.27

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

A request for permit was made to the Board by: **Matt and Veronica Horn**

Owner/Applicant(s) Mailing Address: **786 Howes Corner Road, Turner, ME 04282**  
Address of the subject property: **7 North Main Street, Wilmington VT**

Tax Map Parcel Lot ID#: **21-21-30**

A copy of the request is filed in the office of the Board and is referred to as **#2025-018**

**Description of Case per Public Notice:**

Application # **2025-018**: Owner: **Matt and Veronica Horn**

Proposal: Additional Signs in the Commercial/Residential District and the Historic and Village Design Review Overlay Districts.

**Applicable Code Sections:**

Article II- Sections: 213, 221-224, 226, 227, 229, 233, 234, 240, 246, 271 & 272

Article IV- Sections: 420, 440 & 450 B [Village District]

Article V – Section 510, 511, 512, 520, 521, 522, 530 E, 540

Article VI – Sections 602, 603, 606, 608, 609, 620

Article VIII- Sections: 801-803, 822 E, F, H, 823 K, 830-833, 842-844, 850, 860, 870, 871, 873, 874, 880, 881 & 890

Notice for a public hearing was published in the Valley News on: **2/21/2025**

Notice was posted in three public places on: **2/19/2025**

A copy of the notice was mailed to the applicant on: **2/19/2025**

A copy of the notice was mailed to the abutters on: **2/19/2025**

Appeal period for this Case expires on: 5/28/2025

Approval expires on: 4/28/2025

Dates of Hearing: **March 17, 2025 & April 7, 2025**

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

Matt Horn  
Veronic Horn  
John Boyd

**EXHIBITS**

The following Exhibits were placed in evidence by the Applicant or the Zoning Administrator:

1. Cover Sheet
2. Notice of Hearing
3. Application (3 pages)

4. Photos of Signage (8 photos)
5. Sections 832-842 of Article VIII (Sign Ordinance)
6. Letter from Town Attorney Edward G. Adrian to Matt and Veronica Horn, dated 1/31/2025 (2 pages)
7. Summary of Signs Permitted, Permitted but built against conditions and Signs Never Permitted prepared by Jessica Roberts, Wilmington Zoning Administrator, dated 2/19/2025
8. Suspected Violation Report Form for 7 North Main Street
9. Notice of Violation Letter from Town of Wilmington to Matt and Veronica Horn, dated 12/13/2024
10. Photos of Signage (2 photos)
11. Abutter List
12. Previous Sign Permit 2023-082 (2 pages)
13. Photos of Signs (4 photos)
14. Photo of Sandwich Board Sign
15. Flood Hazard Map
16. Photos of Signs from Site Inspection (16 photos)

## **ARTICLE II: ADMINISTRATIVE PROCEDURES**

Section 213: Sign Permits Issued by the Zoning Administrator  
 Section 221: The Role of the DRB  
 Section 222: Land Development and Uses Requiring Development Review Board Approval  
 Section 223: Development Review Board Site Plan and Design Review  
 Section 224: Development Review Board Site Plan and Design Review Submission Requirements  
 Section 226: Development Review Board Decisions  
 Section 227: Plan Changes after Receiving a DRB Decision  
 Section 229: Dimensional and Sign Waivers Granted by the Development Review Board  
 Section 233: Criteria for Obtaining a Sign Waiver from the Development Review Board  
 Section 234: Dimensional and Sign Waiver Application and Review Process of the Development Review Board  
 Section 240: Appeals  
 Section 246: Appealing Decisions, Acts, or Failures to Act of the Development Review Board  
 Section 271: Public Hearings  
 Section 272: Who May Attend and be Heard at a Public Hearing

**Finding of Facts:** Sections noted outline administrative procedures, definitions, role of the DRB, and responsibility of the applicant. Application was received containing all necessary documents to proceed with the hearing. Applicant testified they understood this article and did not have any questions.

**Conclusions of Law:** Article II is met

## **ARTICLE IV: DISTRICTS & USES**

**Section 420: Uses**  
**C. Conditional:** Requiring DRB written decision

**Section 440: Districts and District Requirements**

**Section 450 B**

District:

- VIL = Village

In addition, these two (2) zonings overlays apply:

- HDRD = Historic Design Review District (Article V)
- VDRD = Village Design Review District (Article V)

**Section 450: District Purposes and Descriptions**

**Village District (VIL)**

1. **Purpose:** To retain the character of the existing village, provide for future residential and commercial development through historically appropriate Structures and business types at appropriate densities, and promote residential and tourist quality of life by preserving and developing a clustered village reflecting a visibly vibrant and energized community.

Development and reconstruction shall reflect the character and ambiance of the historic village.

Building Structures will be reflective of the historic nature of the town.

The Historic Design Review District, as defined in Article V, is included in this district. Some of the parcels in the village are also subject to the Historic Design Review District Guidelines in Article V.

**Site Criteria – Village District inside the Historic Design Review District:**

<b>Density Limits</b>	Unlimited
<b>Structures/Uses Per Lot</b>	Unlimited
<b>Dimensional Requirements - New Lots</b>	
<b>Minimum Lot Size:</b>	1/8 acre
<b>Minimum Lot Frontage:</b>	40 ft
<b>Structure Height (Max):</b>	38 ft to the highest point of the ridge line All Structures over 24 feet from average grade to the eave line or 38 feet to the ridge line are subject to Development Review Board written decision and approval. *
<b>Setback-Front (Min):</b>	0 ft Measured from edge of the actual or proposed road right-of-way to the dripline for 0 setback
<b>Setback-Side/Rear (Min):</b>	0 ft Measured from the dripline.

**ARTICLE IV:**

**Findings of Fact:** Subject property is within the Village District and the Historic Design review District (Section 450 B). The property is identified as Tax Map parcel # 21-21-30 per the Zoning Administrator. The primary use is currently retail.

**Conclusion of Law:** Article IV is met.

**ARTICLE V: HISTORIC DESIGN REVIEW DISTRICT**

**Section 510: Village Design Review District Purpose**

**Section 511: Village Design Review Boundaries**

**Section 512: Goals of the Village Design Review District**

**Section 520: Historic Design Review District Purpose**

**Section 521: Historic Design Review District Boundaries**

**Section 522: Goals of the Historic Design Review District**

**Section 530 E: Development Review Board Site Plan and Design Review Required on Design Review District Development**

**Section 540: Site Plan and Design Review Standards**

**Finding of Facts:** The applicants' property is in the Historic Design Review District, and subject to review of all proposed development to ensure the preservation of the character of the many buildings of historic significance.

**Conclusion of Law:** Article V is met.

## **ARTICLE VI: FLOOD HAZARD DISTRICT – AN OVERLAY DISTRICT**

**Section 602: Lands to Which These Regulations Apply**

**Section 603: Development Permit Required**

**Section 606: Conditional Uses [Except for Ag uses, recreational uses and residential uses, everything is a conditional use requiring DRB review and approval]**

**Section 608: Conditional Use Application Procedures**

**Section 609: Review Procedures**

**Section 620: Flood Hazard Area Definitions**

**Finding of Facts:** The applicant's property is in the Flood Hazard District. If no renovations or structural changes are proposed, then no additional permitting requirements need to be addressed.

**Conclusion of Law:** Article VI is met.

## **ARTICLE VIII: SIGNS**

**Section 801: Purpose**

**Section 802: Application in District**

**Section 803: Types of Signs**

**Section 822 E, F & H: Other Signs**

**Section 823 K: Other Signs**

**Section 830: Permitted Signs**

**Section 831: Types of Signs**

**Section 832: Number of Signs**

**Section 833: Size of Signs**

**Section 842: When is a Zoning Permit Required**

**Section 843: Administrative Amendments to Zoning Permits**

**Section 844: Obtaining a Zoning Permit for a Sign**

**Section 850: Conditional sign waivers requiring written decision & approval from the DRB**

**Section 870: Signs Standards: Applying to all signs**

**Section 871: Sign Design guidelines**

**Section 873: Setback and Height Limitations – Applying to All Signs**

**Section 874: Calculation of Area and Number of Signs Allowed**

**Section 880: Enforcement and Penalties**

**Section 881: Appeals and Waivers**

**Section 890: Signs for Which Provision Is Not Made**

**Findings of Fact:** Applicants have a number of previously permitted or allowed/exempt signs referenced in Town of Wilmington Permit 2023-082. See Exhibit 12. These signs are:

- The Matterhorn Apothecary large structure mounted sign above the customer entry to the cannabis store;
- The Matterhorn & Reed large structure sign mounted on the pre-existing building next to the cannabis store.
- The bike “open” sign
- A sandwich board sign for Matterhorn Apothecary

Applicants testified Permit 2023-082 also references a freestanding sign that was permitted. Its dimensions are 21 inches (height above the ground); 59 inches (length) and 20 inches (width). The Town of Wilmington Zoning Administrator testified that this sign was the sign next to the front door of the Matterhorn Apothecary with the business' rules on it. See Exhibit 16.

Applicants also has added several unpermitted signs to the property at 7 North Main Street. These signs are:

- A free-standing sign – “Frankie” 5’5” tall and 2’ round
- An Open Flag located on the front of Matterhorn Apothecary
- A 1’5” x 2’5” “Ski Chairs for Sale” structure mounted sign located on the front of Matterhorn Apothecary
- A 6.5” x 6.5” “Cash Only” structure mounted sign located on the front of Matterhorn Apothecary
- A 12” x 18” “Hours” structure mounted sign located on the front of Matterhorn Apothecary
- A 5” x 5” “21+” structure mounted sign located on the front of Matterhorn Apothecary

- A 14" x 14" Hot Dog & Relish structure mounted sign located on the left exterior wall of Matterhorn Apothecary
- A 42"x 55" plain wood structure mounted sign with a light located on the left exterior wall of Matterhorn Apothecary
- A Hot Dog image structure mounted sign above the ordering window on the hot dog shed
- An 18" x 30" Matterhorn Dog House structure mounted sign with three lights above the ordering window on the hot dog shed. Two of the lights appear to be downward facing and one of the lights is upward facing.
- A Chicago Hot Dog structure mounted sign to the left of the ordering window on the hot dog shed
- A structure mounted sign to the right of the ordering window on the hot dog shed
- A 2'x3' Polish Sausage structure mounted sign below the ordering window on the hot dog shed
- A 2'x 3' Chicago Style Hot Dogs structure mounted sign below the ordering window on the hot dog shed
- Six 10"x14" Vienna Hot Dog structure mounted signs on the exterior right side of the hot dog shed
- An 8"x12" Hot Dog Parking structure mounted sign located on the front of the pre-existing building next to the hot dog shed
- A 2'x2' Vintage Vienna Beef structure mounted sign located on the front of the pre-existing building next to the hot dog shed
- A 2'x3' Vintage Vienna Beef structure mounted sign located on the front of the pre-existing building next to the hot dog shed

Many of these signs were the subject of a Notice of Violation letter and a follow up letter from Wilmington's Town Attorney. See Exhibits 6 & 9.

After the original application, a complaint was filed regarding a sandwich board sign for Matterhorn Dog House. See Exhibit 14. Applicants amended their application to include this sign.

As part of their application, Applicants have also proposed adding several additional signs. These signs are:

- Five 15"x7 wood signs – "Franks for Coming;" "Relish the Moment...;" "Mustard Your Courage...;" "Dog So Good..." and "The Taste that Raises ..." structure mounted signs to be located somewhere on the hot dog shed. See Exhibit 4.
- A 11"x24" wood "Snow Falling" structure mounted sign Apothecary
- A 11"x15" wood "Line Starts Here" sign.
- Two 12"x8" wood "Exit" signs
- An 8"x6" wood "Employees Only" sign

Finally, the Town of Wilmington Zoning Administrator noted in her summary of signs at 7 North Main Street that the hot dog shed also has an open flag that is displayed. Currently, this is not part of Application 2025-018. See Exhibit 7. Applicants testified that they request that the flag be added to the application.

During the hearing on March 17, 2025, Applicants testified that certain signs were being eliminated from the applications and would not be affixed to any building. These include:

- An 8"x6" wood "Employees Only" sign
- Chicago Hot Dog structure mounted sign to the left of the ordering window on the hot dog shed
- A structure mounted sign to the right of the ordering window on the hot dog shed
- Two 12"x8" wood "Exit" signs
- A 11"x15" wood "Line Starts Here" sign
- An 8"x6" wood "Employees Only" sign

The Design Review Board conducted a site visit on March 31, 2025. Some of the signs referenced above were removed or moved to a different location. Signs that were moved include:

- A 2'x3' Polish Sausage structure mounted sign below the ordering window on the hot dog shed was moved to the exterior right side of the hot dog shed

- A 2'x2' Vintage Vienna Beef structure mounted sign located on the front of the pre-existing building (garage) next to the hot dog shed was moved to the exterior left side of the pre-existing building (garage) next to the hot dog shed

Signs that were removed include:

- Six 10"x14" Vienna Hot Dog structure mounted signs on the exterior right side of the hot dog shed
- A 2'x3' Vintage Vienna Beef structure mounted sign located on the front of the pre-existing building next to the hot dog shed

These signs are no longer part of the application and are not permitted.

Other signs referenced above were affixed to structures. These include:

- Four of the five 15"x7 wood signs – "Franks for Coming," "Relish the Moment..." "Mustard Your Courage..." "Dog So Good..." and "The Taste that Raises ..." were mounted on the hot dog shed. See Exhibits 4 and 16. Three of these signs were mounted to the supports for the section of the roof over the order window. See Exhibit 16. One of these signs was placed on for the section of the roof over the order window. See Exhibit 16.
- The "Snow Falling" sign was placed on the side of Matterhorn Apothecary with the American Flag. See Exhibit 16.

In addition, new signs that were not part of the original application or part of the hearing on March 17, 2025, were discovered. These include:

- A small green cross sign located near the front door of Matterhorn Apothecary
- Four signs in the shape of birdhouses near the front door of Matterhorn Apothecary that advertise OCB Rolling Papers
- A small sign around the neck of "Frankie" that describes how to make a hot dog.
- A flag displaying the Matterhorn logo
- A T-Shirt with advertising on the large skeleton sitting in the large green Adirondack chair
- Matterhorn stickers on the feet of the large skeleton near the front door of Matterhorn Apothecary
- Two freestanding toy fire hydrants with Matterhorn stickers signs located in front of the hot dog shed

At the April 7, 2025, hearing, Applicants requested that the following signs be added to the application:

- A small green cross sign located near the front door of Matterhorn Apothecary
- Four signs in the shape of birdhouses near the front door of Matterhorn Apothecary that advertise OCB Rolling papers
- A small sign around the neck of "Frankie" that explains how to make a Chicago hot dog
- A flag displaying the Matterhorn mountain that looks like an American Flag
- Two toy fire hydrants with Matterhorn stickers located in front of the hot dog shed

Applicants further testified that they would remove the t-shirt from the skeleton and the Matterhorn stickers on the feet of the large skeleton and on the two toy fire hydrants would be removed.

Therefore, the t-shirt and stickers on the skeleton and toy fire hydrants are not part of this application. All stickers advertising the Matterhorn businesses must be removed from the skeleton and fire hydrants.

## Conclusions of Law:

### 1. Allowed/Exempt Signs

Public Convenience Signs: Section 822 sets forth certain types of signs that are allowed/exempt and do not require a permit as long as such signs do not exceed six square feet per side. Section 822 F. allows "Signs without advertising, displayed for the convenience, direction or instruction of the



public, including, but not limited to signs identifying rest rooms, entrances, wireless internet access, ATMs or posted areas, pursuant to 10 VSA § 494(5) & (8)." 10 VSA § 494(8) states that "Small signs displayed for the direction, instruction or convenience of the public ... with a total surface area not exceeding four square feet" are exempt. Applicants' "Cash Only," "21+," and "Snow Falling," signs fall under the Public Convenience Signs definition and are allowed/exempt signs.

Applicants testified that "Green Cross" sign near the front door was a universal sign for "medical" and that they serve medical cannabis customers. According to the Vermont Cannabis Control Board's website there are only three registered medical cannabis dispensaries in the State. Those dispensaries are located in Brandon, Montpelier and Winooski. See <https://ccb.vermont.gov/medical-dispensaries>. The Green Cross sign is at best misleading since the Matterhorn Apothecary is not a registered medical cannabis dispensary and, therefore, the sign does not fall within the Public Convenience Signs definition and is not an allowed/exempt sign and must be permitted.

#### Matterhorn Mountain Flag

Section 823 I. allows one State and one Federal flag without a permit. Applicants are already displaying a Federal flag on the left exterior side of Matterhorn Apothecary. Therefore, this flag would need to be allowed pursuant to Section 823 I. However, Section 822 sets forth certain types of signs/flags that are allowed/exempt and do not require a permit as long as such signs do not exceed six square feet per side. Section 822 D. allows two flags (other than Open/Closed flags) per property. Therefore, the Matterhorn Mountain flag is an allowed/exempt flag under Section 822 D.

#### Matterhorn Apothecary Open Flag:

Section 822 E. allows one Open/Closed sign or one Open Flag per business. Section 872 states that open signs or flags should only be displayed when a business is open. Section 873 states that all hanging flags shall provide at least seven feet of unobstructed area down vertically to any pedestrian walkway. If this cannot be accomplished, the Applicants must make the area under the flag inaccessible to pedestrians so as not to impair public safety. Subject to the conditions of Sections 872 and 873, the Matterhorn Apothecary Open Flag is an allowed/exempt sign.

It should be noted that the Matterhorn Apothecary Open Flag replaces the previously permitted bike "open" sign. Section 822 E only allows one Open/Closed sign or one Open Flag per business.

Thus, the Matterhorn Apothecary Open Flag replaces the bike "open" sign as the one open flag allowed under Section 822 E. The bike "open" sign is no longer permitted.

Matterhorn Dog House Open Flag: Section 822 sets forth certain types of signs that are allowed/exempt and do not require a permit as long as such signs do not exceed six square feet per side. Section 822 E. allows one Open/Closed sign or one Open Flag per business. Section 872 states that open signs or flags should only be displayed when a business is open. Section 873 states that all hanging flags shall provide at least seven feet of unobstructed area down vertically to any pedestrian walkway. If this cannot be accomplished, the Applicants must make the area under the flag inaccessible to pedestrians so as not to impair public safety. Subject to the conditions of Sections 872 and 873, the Hot Dog Shed Open Flag is an allowed/exempt sign.

Matterhorn Dog House Sandwich Board Sign: Section 822 sets forth certain types of signs that are allowed/exempt and do not require a permit as long as such signs do not exceed six square feet per side. Section 822 H. allows one A-Frame or sandwich board sign per business. These signs shall not be displayed when the business is closed, must be located on or directly in front of the business, shall not impair public safety or impede pedestrian traffic. Subject to these four conditions, the Matterhorn Dog House Sandwich Board sign is allowed/exempt.

Matterhorn Dog House Umbrella: Section 823 sets forth certain types of signs that are allowed/exempt and do not require a permit. Section 823 K. allows one table umbrella sign for each permitted outdoor customer dining table at a restaurant or food stand which has a valid food service license and an approved zoning plan allowing outdoor seating. The umbrella must be installed over the table. The Matterhorn Dog House Umbrella fails to meet the requirements of Section 823 K. Therefore, it is not an allowed/exempt sign.

## **2. Permitted Signs**



Matterhorn Dog House "Frankie" Freestanding Sign: Section 832 states that properties with multiple commercial businesses shall not have separate freestanding signs for each business. Each property is allowed just one freestanding sign. This is the only freestanding in the permit application and, therefore, is permitted. However, because part of the property is in the flood zone. This sign must be properly secured so that cannot float away. All other freestanding signs must be removed. These include:

- The "How to Make a Chicago Hot Dog" sign hanging around "Frankie's" neck
- The Matterhorn Dog House Umbrella
- A T-Shirt with advertising on the large skeleton sitting in the large green Adirondack chair
- The Matterhorn stickers on the feet of the large skeleton sitting in the large green Adirondack chair

Matterhorn Dog House Structure Mounted Signs: Applicants testified there is no customer entry to the Matterhorn Dog House. Section 832 D allows one structured mounted "identification sign on each side or rear of the structure that has no customer entry door but faces a public area." An identification sign is a sign that lists the name of the business, its logo or the address of the business. The 18" x 30" "Matterhorn Dog House" structure mounted sign that is over the ordering window is permitted.

The 18" x 30" "Matterhorn Dog House" structure mounted sign has three lights above the ordering window on the Matterhorn Dog House. Two of the lights appear to be downward facing and one of the lights is upward facing. Section 870 J requires that "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." The two lights that are downward facing may be maintained if they meet the conditions of Section 870. The upper facing light must be removed.

All other structure mounted signs on the Matterhorn Dog House must be removed because either the signs exceed the number of structure mounted signs allowed under Section 832 D and/or they are not identification signs. These include:

- The four 15"x7 wood "Franks for Coming;" "Relish the Moment...;" "Mustard Your Courage...;" "Dog So Good..." and "The Taste that Raises ..." structure mounted signs on the Matterhorn Hot Dog House. See Exhibits 4 and 16.
- A Hot Dog image structure mounted sign above the ordering window on the hot dog shed
- A 2'x 3' Chicago Style Hot Dogs structure mounted sign below the ordering window on the hot dog shed
- A 2'x3' Polish Sausage structure mounted sign on the exterior right side of the hot dog shed.

Matterhorn Apothecary Structure Mounted-Customer Entry Signs: Section 832 states that "structures or properties with more than one business, plazas, or business complexes are allowed only one Structure Mounted – Customer Entry sign per individual customer entry door. The 12" x 18" "Hours" structure mounted-customer entry sign located on the front of Matterhorn Apothecary is permitted.

All other structure mounted customer entry signs are in violation of Section 832 and must be removed. These include:

- A small green cross structure mounted sign located near the front door of Matterhorn Apothecary
- Four birdhouse structure mounted signs near the front door of Matterhorn Apothecary that advertise OCB Rolling Papers
- A 1'5' x 2'5" "Ski Chairs for Sale" structure mounted sign located on the front of Matterhorn Apothecary

Matterhorn Apothecary Structure Mounted-No Customer Entry but Facing a Public Area Signs: Section 832 D allows one structured mounted "identification sign on each side or rear of the structure that has no customer entry door but faces a public area." An identification sign is a sign that lists the name of the business, its logo or the address of the business. Applicants testified that a 42"x 55" plain wood structure mounted sign with a light located on the left exterior wall of

Matterhorn Apothecary would display a menu for Matterhorn Dog House. That is not an identification sign and is not permitted. The 14" x 14" Hot Dog & Relish structure mounted sign located on the left exterior wall of Matterhorn Apothecary is also not an identification sign and is not permitted.

Preexisting Building (Garage) Structured Mounted Signs-No Customer Entry but Facing a Public Area Signs: Section 832 D allows one structured mounted "identification sign on each side or rear of the structure that has no customer entry door but faces a public area." An identification sign is a sign that lists the name of the business, its logo or the address of the business. The Matterhorn & Reed structure mounted sign on this building is already permitted. No other structure mounted signs are allowed on this side of building pursuant to Section 832. The 8"x12" Hot Dog Parking structure mounted sign located on the front of the pre-existing building must be removed. The 2'x2' Vintage Vienna Beef structure mounted sign located on the exterior left side of the pre-existing building (garage) is not an identification sign, is not permitted and must be removed.

#### CONDITIONS:

This application for signs is **APPROVED IN PART** with the following conditions, restrictions, requirements, limitations and specifications:

1. Applicants' "Cash Only," "Hours," "21+," and "Snow Falling," signs fall under the Public Convenience Signs definition and are allowed/exempt signs.
2. The Matterhorn Mountain flag is an allowed/exempt flag under Section 822 D.
3. Subject to the conditions of Sections 872 and 873, the Matterhorn Apothecary Open Flag is an allowed/exempt sign under Section 822 E. Section 872 states that open signs or flags should only be displayed when a business is open. Section 873 states that all hanging flags shall provide at least seven feet of unobstructed area down vertically to any pedestrian walkway. If this cannot be accomplished, the Applicants must make the area under the flag inaccessible to pedestrians so as not to impair public safety.
4. Subject to the conditions of Sections 872 and 873, the Matterhorn Dog House Open Flag is an allowed/exempt sign under Section 822 E. Section 872 states that open signs or flags should only be displayed when a business is open. Section 873 states that all hanging flags shall provide at least seven feet of unobstructed area down vertically to any pedestrian walkway. If this cannot be accomplished, the Applicants must make the area under the flag inaccessible to pedestrians so as not to impair public safety.
5. The Matterhorn Dog House Sandwich Board sign is an allowed/exempt sign under Section 822. This sign shall not be displayed when the business is closed, must be located directly in front of the Matterhorn Dog House and shall not impair public safety or impede pedestrian traffic.
6. The Matterhorn Dog House "Frankie" freestanding sign is permitted under Section 832. However, because part of the property is in the flood zone. This sign must be properly secured so that cannot float away.
7. The 18" x 30" "Matterhorn Dog House" structure mounted sign is permitted. This sign has three lights above the ordering window on the Matterhorn Dog House. Two of the lights appear to be downward facing and one of the lights is upward facing. Section 870 J requires that "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." The two lights that are downward facing may be maintained if they meet the conditions of Section 870. The upper facing light must be removed.
8. The 12" x 18" "Hours" structure mounted-customer entry sign located on the front of Matterhorn Apothecary is permitted.

This application for signs also is **DENIED APPROVAL IN PART**. All signs or flags not referenced above as approved that were part of the amended application, identified in testimony or during the site visit or identified in exhibits are not permitted and must be removed, including, but not limited to the following signs:

1. The bike "open" sign
2. Matterhorn Dog House Umbrella
3. A small green cross sign located near the front door of Matterhorn Apothecary
4. Four birdhouse signs near the front door of Matterhorn Apothecary that advertise OCB Rolling Papers
5. A 1'5" x 2'5" "Ski Chairs for Sale" structure mounted sign located on the front of Matterhorn Apothecary
6. Two freestanding toy fire hydrants with Matterhorn stickers signs located in front of the

Matterhorn Dog House.

7. An 8"x6" wood "Employees Only" sign
8. Chicago Hot Dog structure mounted sign to the left of the ordering window on the hot dog shed
9. A structure mounted sign to the right of the ordering window on the hot dog shed
10. Two 12"x8" wood "Exit" signs
11. A 11"x15" wood "Line Starts Here" sign
12. An 8"x6" wood "Employees Only" sign
13. A Hot Dog image structure mounted sign above the ordering window on the hot dog shed
14. The five 15"x7" wood "Franks for Coming;" "Relish the Moment...;" "Mustard Your Courage...;" "Dog So Good..." and "The Taste that Raises ..." structure mounted signs on the Matterhorn Hot Dog. See Exhibits 4 and 16.
15. A Chicago Hot Dog structure mounted sign that was mounted to the left of the ordering window on the Matterhorn Dog House
16. A structure mounted sign that was mounted to the right of the ordering window on the Matterhorn Dog House
17. A 2'x3' Polish Sausage structure that was mounted sign below the ordering window on the Matterhorn Dog House
18. A 2'x 3' Chicago Style Hot Dogs structure mounted sign below the ordering window on the hot dog shed
19. Six 10"x14" Vienna Hot Dog structure mounted signs that were mounted on the exterior right side of the hot dog shed
20. An 8"x12" Hot Dog Parking structure mounted sign located on the front of the pre-existing building next to the hot dog shed
21. A 2'x2' Vintage Vienna Beef structure mounted sign located on the front of the pre-existing building next to the hot dog shed
22. A 2'x3' Vintage Vienna Beef structure mounted sign located on the front of the pre-existing building next to the hot dog shed
23. The "How to Make a Hot Dog" sign hanging around "Frankie's" neck.
24. 42"x 55" plain wood structure mounted sign located on the left exterior wall of Matterhorn Apothecary
25. The 14" x 14" Hot Dog & Relish structure mounted sign located on the left exterior wall of Matterhorn Apothecary
26. The 2'x2' Vintage Vienna Beef structure mounted sign located on the exterior left side of the pre-existing building (garage)

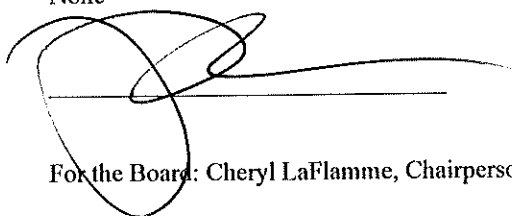
Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

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

Cheryl LaFlamme  
Charlie Foster  
Chrystal Holt  
John Gannon

OPPOSED:  
None

ABSTAINING:  
None



For the Board: Cheryl LaFlamme, Chairperson

Date: 4/28/2025

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.*