

## Town of Danville Development Review Board

### Permit 2023-74, Waiver Hearing,

**Applicants:** Kingdom Gravel and Aggregate, Inc. Care of Jason Sicard.

**Site:** UW002-048.001, 2033 Rt 2 West, West Danville VT 05873.

**Zoning District:** Low Density Residential and Conservation

**Project Description:** Applicant seeks a waiver for a 64 square foot sign on Rt-2.

**Warnings:** 28 October 2023 (Caledonia Record)

**Hearing Date:** 15 November 2023.

**Development Review Board Members Present:** Mickey Bullock, Brian Henderson(Chair), Terry Hoffer, Bob Magro(Alt), Craig Morris, Bruce Palmer, Theresa Pelletier.

**Development Review Board Members Absent:** Larry Rossi, Wes Standish(Alt)

**Interested Parties Present:** Dennis Marquise (Zoning Administrator), Jason Racine (For Applicant),

### Correspondence from Interested Parties:

1. Letter of objection from Fred Blair, abutter on Oneida Rd.

**Disclosure of Conflict of Interest:** None by board.

**Disclosure of *Ex Parté* Communication:** None by board.

### Applicable Bylaws:

This application requires a review by the DRB under the following section of the Danville Bylaws:

Sec 304, page 18, Waivers

Sec 901, page 71, Signs

### Preliminary Findings of Fact:

Sec 304.2 General Conditions for a Waiver. *The applicant must demonstrate for each requested waiver:*

- a) That the waiver, if authorized, **shall not alter the essential character of the neighborhood or district** in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy sources, or be detrimental to the environment or public safety;
- b) That the waiver, if authorized, **will represent the minimum waiver necessary to afford relief and will represent the least deviation possible from these bylaws** and the goals and recommendations of the Danville Town Plan.

Sec 903.1: Signs That Require a Permit

- j) Total signage per non-residential / business shall not exceed 64 square feet where permitted.

Sec 903.2, Permanent permitted sign limitations per property

*Low Density Residential is permitted one sign of 10 square feet.*

### Summary of Discussion:

Jason outlined his presentation for an 8' by 8' sign, perpendicular to Rt-2. The purpose for the increased signage was to identify the business, its location, and to advertise the products that are offered. He noted that Rt-2 is a 50-mph road in that location and a larger sign is needed to be visible. He presented a survey

of signage along Rt-2, along with images and their approximate size. He commented that Kingdom Trailer was about 44 square feet, while Larrabee's was about 50 square feet with the additional model above. The board noted that these signs were likely grandfathered before the current bylaws. The board acknowledged all having read the objection letter from abutter Fred Blair on Oneida Rd. The Public Hearing was then adjourned to private Deliberative Session.

### **Decision and Conditions:**

The board entertained a lengthy discussion about adjacent signs, the purpose and benefit for signs, and the intent of the Planning Board for the Rural Residential District. Different dimensions for signs were discussed for that District, along with the bylaw's minimum requirements for a waiver to be granted. A similar sign at the Bickford quarry in Marshfield was brought up for a comparison as to size and content.

The Chair motioned to deny the initial permit for a 64 square foot sign and approve a new 4' by 6', 24 square foot double faced sign. The motion was seconded by Mickey Bullock. With a 7-0 vote and unanimous support, the motion carries. The board suggested using the design and shape of the blue portion of the proposed image, but the ultimate design is the applicant's choice.

A permit will be issued by the Zoning Administrator after the 30-day appeal period as noted below.

### **Signed:**

*Brian F Henderson*

Brian Henderson, Chair, Danville Development Review Board

**Date of Hearing:** 15 November 2023

**Date of Decision:** 15 November 2023

**Final Appeal Date:** 15 December 2023

### **NOTICE:**

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.