

**TOWN OF DUMMERSTON  
DEVELOPMENT REVIEW BOARD  
LAND USE DECISION**

Applicant: David Baker  
Mailing Address: 573 Dutton Farm Road  
Dummerston, VT.  
Location of Property: 573 Dutton Farm Road  
Dummerston, VT.  
Zoning Permit Application: #3174  
Re: Site Plan Approval/Sign Permit  
Date of DRB Hearing: December 16, 2008

The matter came before a duly warned public hearing of the Dummerston Development Review Board (DRB) held at the Dummerston Town Offices, Dummerston Center, Vermont.

The matter was publicly warned in a notice published on November 28, 2008. Additional notice was provided as specified in State statute and the DRB's procedures.

Present and participating at the hearing were the following members of the Development Review Board: Herbert Rest, Cindy Wilcox, Rick Sullivan, John Warren and Lew Sorenson, Chair. Rick Sullivan and John Warren are alternates on the Board who were seated to replace Regina Rockefeller who was absent and Pat Jaquith who recused herself. The applicant, David Baker, attended the hearing and presented the case. Also attending was Eileen Baker. No other interested parties attended or participated in the hearing.

**FINDINGS OF FACT**

The Board finds as follows:

1. The property is located in a Rural Residential District at the intersection of Middle and Dutton Farm Roads with primary frontage on Dutton Farm Road. The approximately two-acre lot is the site of the owner's residence, which includes his home occupation violin shop. Home occupations are allowed by right by state statute and Section 604 of the bylaw.
2. The application requests authorization for a single faced 4-square foot sign to identify the home occupation. The applicant describes the proposed sign as wooden, artistically rendered and located near the front of the property, either behind a mailbox grouping at the intersection or slightly south of the intersection along Dutton Farm Road.
3. The proposed sign would hang from a horizontal crossbar supported by 1 or 2 posts. The applicant has no present plans to light the sign but would like authorization to do so should he decide to in the future. Any lighting would be by an overhanging arm from the crossbar and would be used only during that part of the year when his services would be available after dusk but before his normal quitting time of about 5:30 or 6:00 pm.
4. Zoning Bylaw Sections 665-670 regulate outdoor advertising and set standards for signs. Section 666 provides that signs are "Land Development" and as such "require a zoning

permit before being erected, constructed or replaced and must be approved by the Development Review Board under Sections 725-727 of this Bylaw". Sections 725-727 provide for the Site Plan Approval process, which the applicant has requested. Section 605, in setting standards for home occupations, states that associated signs shall be permitted only if in character with the neighborhood.

5. Of the two alternate locations proposed for the sign, the Board finds that the one located directly behind the mailbox grouping may be confusing to persons traveling Middle Road as it would not be as visually connected to the owner's residence or parking. The southerly location, approximately half way between the southerly of the two large trees and the parking area would not have this problem, and would be in keeping with the spirit of the prohibition of outdoor advertising signs at intersections.
6. The applicant correctly points out that there are a number of other similar signs in the general Middle Road, Dutton Farm neighborhood, including one as close as approximately 500 feet north of the site, several lower on Middle Rd and several at Dummerston Center.
7. This Board questions the purpose and applicability of the second part item #8, Section 670 listing sign prohibitions including those within 150 feet of street intersections. The 150 feet would preclude many reasonable home occupations identification signs for smaller properties. The Board urges the Planning Commission to review and clarify this provision with its next Bylaw update.
8. No concerns about the proposal were received by the Board at the hearing or in writing.

### **CONCLUSION AND DECISION**

The Board concludes that the proposed sign is in keeping with the character of the neighborhood and complies with applicable standards of the Zoning Bylaw. The application is approved with the following conditions:

1. The sign shall be at the southerly proposed location approximately halfway between the southerly of two trees and an established parking area.
2. The top of the sign structure with supporting members shall not exceed 7-feet above grade.
3. The sign shall have a matte or other non-reflective surface.
4. If lit, illumination shall be from a single downward source and limited to times the resident is active in the home occupation, generally no later than 6 pm or occasionally later by appointment.

Development Review Board members Herb Rest, Cindy Wilcox, Rick Sullivan, John Warren and Lew Sorenson concurred in this decision. This decision is subject to appeal as provided by Vermont Statute.

Dated: December 24, 2008  
DUMMERSTON REVIEW BOARD

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Lew Sorenson, Chair  
For the Board

## **EXHIBITS**

1. Zoning Permit Application # 3174 and Site Plan received November 21, 2008
2. DRB Application received November 21, 2008 including statement regarding proposed sign
3. Newspaper Public Hearing Notice 11/28/08.
4. Applicant's Certification of posting and adjoining property owner notice dated 4/07/08
5. Attendance Sign-In sheet