

## ATTACHMENT A

In the course of preparing for consideration of the application # 3232 for variance by the applicant, Dewey Lankford, the board site review identified, aside from the completed porch construction for which the variance was applied, a number of zoning by law violations that require correction. These issues were shared with Mr. Lankford in the DRB letter of July 20, 2010 hereto affixed as ATTACHMENT B. Subsequent to this, at Mr. Lankford's request, the DRB chairman and Mr. Lankford toured the site, discussed the violations and the need to provide corrective action as well as documentation of the corrective measures. At the DRB meeting of October 19, 2010 Mr. Lankford's documented reply was considered by the Board. Mr. Lankford, attending the meeting telephonically and still under oath from the continued meeting of August 10, 2010, was directed to correct the violations promptly and was provided some suggestions that could easily resolve some of the issues. A summary of the issues is as follows:

### **Signage:**

- All signage must return to area dimensions specified in the granted variance of application # 731 dated Oct 2, 2004. Removal of all signs other than the currently displayed logo and establishment name will satisfy.
- Beverage advertising lighted signs displayed in the establishment front windows should be removed or, at the very least, extinguished.

### **Traffic:**

- The opportunity for vehicle egress onto Route 5 across the entire front property line is considered a potential hazard. The DRB stipulates that a barrier be established across the front property line to the degree that ingress and egress areas be limited to the north and south ends of the front parking areas at a distance that respects the highway right of way. Additionally, recognizing that parking area egress patterns may have been established by chronic use and in order to avoid changed pattern egress errors, any barriers should have such height that they are visible at the auto/truck windshield level. One suggestion is that a split rail fence or other similar structure be considered, providing visibility, traffic redirection and aesthetics.

### **Ancillary structures:**

- The trailers (storage trailers and housing trailers) located at the rear and sides of the establishment must be removed. The Board stipulates that removal of these trailers be

completed within forty days of the signing of the purchase agreement or by Dec 10, 2010, whichever date comes first. The Board requests that a copy of the section of the purchase agreement wherein is included a clause acknowledging the responsibility of trailer removal as that of the seller or that of the purchaser, as is agreed to by the respective parties, and documenting the above completion dates be provided to the DRB within one week after the signing of such.

- The RV vehicle that occupies the northern side yard area must vacate the property by the proposed purchase closing date of October 29, 2010.

**Conditional use permit:**

- While the porch addition does include tables and seating, Mr. Lankford testified that no additional lighting would be added and neither drink nor food would be allowed in the porch area. Enforcement of the latter is an assigned responsibility of the door security individual in the employ of the facility. The DRB advised Mr. Lankford that should he or his successor desire to expand services to that area, a conditional use permit would be required as this constitutes the expansion of the business footprint of a non conforming structure beyond that now permitted.

**Storage shed attachment to building:**

- The addition of a storage shed to the rear of the commercial establishment was done without permit. A permit must be applied for. Additionally, the property dimensions and structure location on the application suggest the need for a front and side yard property line set back variance

**The above described violations and DRB Board expectations/suggestions are hereby provided to the Zoning Administrator for follow up and for further action as is appropriate.**

**Dummerston Development Review Board**

**October 19, 2010**

**Herbert F. Rest, for the Board**

