

TOWN OF MARLBORO  
Development Review Board

Application for Sign  
Review Findings and Decision

Permit Application No. #16-10 S

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of a variance for refurbishment of a sign that is in the right of way submitted by J & S Enterprises, of 7678 VT Route 9, Marlboro, VT for refurbishment of an internally lit sign for their restaurant business.
2. The application was received by the Zoning Administrator on May 31, 2016. A copy of the application is available at the Marlboro Town Office.
3. On June 6, 2016 notice of a public hearing was published in the Brattleboro Reformer.
4. On June 6, 2016 notice of a public hearing was posted at the following places:
  - a. Marlboro Town Website
  - b. Municipal Town Bulletin Board
  - c. Marlboro Town Office
5. On June 6, 2016 a copy of the notice of a public hearing was mailed to the applicant. On June 6, 2016, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application.
  - Cidermill Canal Holdings, LLC, 110 Honey Brim Road, Vernon, VT 05354
  - John & Kathryn Greenberg, 564 Butterfield Rd, Brattleboro, VT 05301
  - Hogback Properties, LLC, PO Box 8 Whitingham, VT 05361
  - VTel Wireless, Inc, 354 River St, Springfield, VT 05156
6. The application was considered by the Development Review Board at a public hearing on June 21, 2016.
7. Present at the hearing were the following members of the Development Review Board
  - T. Hunter Wilson, Chairman
  - Jean Boardman
  - Gail MacArthur
  - Bennett Grout, Alternate

- Julia von Ranson, DRB Administrative Assistant
- Mary Sargent, Zoning Administrator

8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity to demonstrate that the criteria set forth in that statute could be met. The DRB granted interested person status to the following persons:

- Sara Jasinski, PO Box 1510 Wilmington, VT 05363
- Jason Petrelli, PO Box 1510 Wilmington, VT 05363

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- Letter from State of Vermont, Agency of Transportation, June 17, 2016
- Email from Christopher Taft, Vermont Agency of Transportation, June 1, 2016
- Site plan and floor plans for Pizzapalooza & Beer Naked Brewery at the Skyline, 7678 Rout 9, by JP Designs, May 19, 2016
- Town of Marlboro/ CTI map indicating tax map numbers

These exhibits are available at the Marlboro Town Office.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a sign permit to refurbish an existing internally lit sign. The subject property is a 9.8 acre parcel located at 7678 VT Route 9 in the Town of Marlboro (tax map parcel no. 10-00-19.11).
2. The property is located in the Recreational - Commercial District as described on the Town of Marlboro Zoning Map on record at the Town of Marlboro municipal office and Article III section 305 of the Zoning Bylaw.

## DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for the property of J & S Mountain Enterprises.

1. The application will not have an undue adverse impact the capacity of existing or planned community facilities.

2. The application will not have an undue adverse effect on the character of the area affected, as defined by Section 305 of the Town of Marlboro Zoning Bylaw.

3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.


4. The application will not have an undue adverse effect on the following bylaws currently in effect.

5. The application will not have an undue adverse effect on utilization of renewable energy resources.

6. The sign is outside the Route 9 right-of-way.

6. The application will satisfy the requirements of the bylaw with respect to: minimum setbacks, since it is an existing sign and therefore grandfathered. It does not otherwise comply with setback requirements..

Dated at Marlboro, Vermont, this 23 day of June, 2016.

A handwritten signature in black ink, appearing to read "T. Hunter Wilson". The signature is written in a cursive style and is contained within a light gray rectangular box.

T, Hunter Wilson Chairman, DRB

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken 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.