

Variance and Conditional Use Hearing for Signs  
*Highland Lodge*  
July 19, 2017

*To consider a variance request by Highland Lodge to retroactively approve the size and location of two welcome signs near the road at either end of the Highland Lodge property, within the Rural Lands District at 1608 Craftsbury Road.*

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 D #12, 5.4, and 5.6.

**Warnings** were posted on July 3, 2017 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners: Smith Trust, Kevin and Joanne Degnan, Perkins Family Trust, Dorothy Snedeker, Rob Brigham, Nancy Potak, Valdine Hall, Gomes Family, Woodruff Resident, Mann Family, Linda Post, Thomas and James Shattuck, and Tom Reynolds and Elsie Fisher on July 3, 2017. It was also published in the Hardwick Gazette on Wednesday, July 5, 2017.

**Development Review Board members present:** MacNeil, Linda Romans, Sean Thomson, Jane Woodruff, Lee Wright, Wayne Young, Janet Travers (alternate), and BJ Gray (alternate).

**Development Review Board members absent:** Nat Smith.

**Others present:** Heidi Lauren Duke, applicant; Sam Young; and Audrey DeProspero, Zoning Administrator.

**Correspondence from interested persons:**

- Email from Caroline Norden, Lodge guest
- Letter in support of the signs, signed by James Bandle and Rebecca Holcombe
- Letter in support of the signs, signed by Timothy Briglin and Laurel Mackin
- Letter in support of the signs, signed by Ashley Milliken and Peter Milliken

**During the course of the hearing the following exhibits were submitted and admitted:**

- #1 Pictures of signs during the design process
- #2 Email chain with notes of support for the signs from residents
- #3 Email chain between Ms. Duke and Zoning office, beginning 2016, and between Ms. Duke and sign designer

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:03 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing.

Ms. Woodruff then asked Ms. Duke to explain what she wants to do on the Highland Lodge property at 1608 Craftsbury Road. Ms. Duke is asking for retroactive approval of two signs that have been in place for several months. Both signs measure 41 inches x 41 inches, which exceeds the by-law criteria of 6 square feet for signs. The sign to the south of the Lodge is approximately 38 feet from the centerline of the road and the sign to the north of the Lodge is approximately 30 feet from the centerline of the road. The bylaws require that signs be set 50 feet from the centerline of the road.

Ms. Duke emailed the Zoning Administrator in August, 2016, and got no response, due to transition in the Zoning Administrator position and email addresses. Ms. Duke said she then asked the Town Clerk at the time about the process and she was told the signs would be acceptable as long as the signs were small and 25 feet from the centerline of the road. The new Zoning Administrator then contacted Ms. Duke by email in September, 2016. There is no record that there was further email contact between Ms. Duke and the new Zoning Administrator.

Ms. Duke mentioned that the Town Plan supports recreation goals. Cars park at the top of the hill near the Lodge for use of the nature trail and ski trails. As a business owner, she wishes to have these signs to clearly indicate that Lodge guests have reached their destination. She believes that the signs

enhance the welcoming aspect of the community, while also encouraging drivers to slow down near the Lodge. Ms. Duke asserts that a sign smaller than 6 square feet cannot be read easily if it is 50 feet from the centerline of the road.

It was determined that the triangle of land to the north of the Lodge, where the northern sign is located, is 200 feet long and approximately 0.1 acre. The sign seems to have been placed as far from the road as this piece of land will allow. The sign to the south is also on an irregularly shaped part of Highland Lodge property. Ms. Duke has placed this sign about midway between the main road and a southern access road to the Lodge. Ms. Duke believes all of the Lodge land is on one deed. Ms. Duke affirmed that the signs would not be internally lit.

The hearing was temporarily recessed at 8:05 to consider another application. The Board returned to its deliberation at 8:27 and announced their decision at 9:20.

### **Findings of Fact:**

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

### **2.5 Rural Lands District**

(D) Signs larger than 6 square feet are a Conditional Use in the Rural Lands District. Both existing signs are currently larger than 6 square feet.

(E) The minimum setback from the centerline of a public or private road is 50 feet. Neither sign meets the required minimum setback.

### **5.4 Conditional Uses**

It should be noted that there was considerable concern among the Board members over the size of the signs.

#### *B) General Standards:*

*The proposed conditional use will not have an adverse effect on:*

1. *the capacity of existing or planned community facilities.*

The signs do not affect any community facilities.

2. *the character of the area.*

The signs, as they are designed, do not meet size requirements outlined in the bylaws, and the oversized signs are neither in keeping with others in Greensboro nor is a hardship present that would require the oversized signs.

3. *traffic in the vicinity.*

Ms. Duke hopes the signs will slow area traffic.

4. *by-laws and ordinances presently in effect.*

The signs do not affect any by-laws or ordinances in effect.

5. *the utilization of renewable energy resources.*

The signs do not affect renewable energy resources.

#### *C) Specific Standards:*

1. *The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.*

The minimum lot size requirement is met for the existing signs.

2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.*

The required setbacks for conditional use have not been met, and the Board granted a waiver (see 5.6 below).

3. *Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area.*

Fencing or landscaping is not needed.

4. *Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located.*

The existing signs conform to the requirement that they will not be internally lit. They are compatible in materials and workmanship to other signs in the area in which they are located. The square footage is nearly double the allowable amount.

5. *The location, on the lot, of structures and service areas shall be compatible with other structures in the area affected.*

The locations of the existing signs, on the lot, are not 50 feet from the centerline of the road, as required in the bylaws; however, the Waiver consideration below addresses the setbacks. The design of the signs is not compatible with the character of the area, as the oversized signs are neither in keeping with others in Greensboro nor is a hardship present that would require the oversized signs.

6. *The proposed structure adheres to the uses allowed in the relevant district.*

The specific criteria for the Rural Lands District says that structures will be located 50 feet from the centerline of the road, and permitted signs will be up to 6 square feet in area.

7. *The proposed structure will not affect the noise or air pollution in the area.*

The signs will not effect noise or air pollution in the area.

The signs do not meet the 6-square-foot area permitted in the Rural Lands District (C,11). The signs do not meet the 50-foot setback requirement in the Rural Lands District (E). See 5.6 Waivers below.

### 5.6 Waivers

While this application was made for a variance, in this case the DRB has decided to use the more applicable language of the Waiver to decide upon the setback application, as the variance criteria is less applicable relative to the setbacks for signs. The DRB finds that section 5.6, Waivers, subsection D, applies to sign setbacks where the hardship represented is that signs cannot be easily read when placed at a distance greater than 50 feet from the center line of the road.

### Decision and Conditions

Based on these findings, the Board voted 5-0 with 2 abstentions to deny the conditional use permit for the two signs, each over 6 square feet.

Based on these findings, the Board voted 7-0 to approve a waiver, as opposed to a variance, for the setback requirement. Therefore, signs 6 square feet or less may be placed at the requested locations as permitted, as the waiver for setbacks has been granted.

#### Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. Existing signs must be removed. Signs must be 6 square feet or smaller, as permitted in the Rural Lands District.
2. The Board waives any additional fees related to any permits required for signs that meet all the criteria of this decision.

Signed:

Jane Woodruff, chair  
Jane Woodruff

Date 7/24/17

Mary Landon, clerk  
Mary Landon

Date 7/24/17

### 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.