



**TOWN OF BRANDON
DEVELOPMENT REVIEW BOARD
APPLICATION FOR CONDITIONAL USE
FINDINGS AND DECISION**

In Re: Applicant and Landowner: Midway Oil Corp.

Permit Application No. 5782

Introduction and Procedural History

This proceeding involves review of an application for the replacement of a conditional use permit submitted by applicant and landowner Midway Oil Corp. under the Town of Brandon Zoning Bylaw.

The extension request was received by the Town of Brandon on August 06, 2018. A copy of the application is available at the Brandon Town Office, 49 Center St.

On August 25, 2018, a notice of public hearing was published in "The Rutland Herald."

On August 27, 2018 a copy of the notice of the public hearing was mailed to the applicant by certified mail and to the adjoining property owners by regular mail. The list is included in the file, located in the Brandon Town Office, 49 Center St., Brandon.

The extension was considered by the Development Review Board at a public hearing which was opened and closed on September, 12, 2018.

The Development Review Board reviewed the application under the Town of Brandon Zoning Bylaw, as approved May 7, 2012.

Present at the hearing were the following members of the Development Review Board: Samantha Stone, John Peterson, Amber Lovely-Lee, Robert Clark, Thomas Bohler.

Also present at the hearing were: Hillary Knapp (DRB Clerk), Jeff Biasuzzi (ZA), Trish Porter, Gail Cordner, Wayne Rausenberger, Kelly Weigand-Yunker, Ben Lawton, Charles Powell, Steven Zorn and Dan Dukshire.

Jeff Biasuzzi, Zoning Administrator, Kelly Weigand-Yunker Charles Powell, Steven Zorn and Dan Dukshire were sworn in.

Steven Zorn, Charles Powell, Kelly Yunker, Kjell Thompson for Sheri Thompson 3 Conant Square, Jeff Biasuzzi were granted interested party status.

During the course of the hearing the following exhibits were submitted into evidence:

Exhibit A: Conceptual Site Plan

Exhibit B: Purposed building and site plans, with sign dimensions.

Exhibit C: Exxon Mobil/Dunkin Donuts sign plans

Exhibit D: TenneyBrook Car Wash and Dunkin Donuts Logo Sign Plans

FINDINGS

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

The applicant seeks a replacement permit (with minor changes) for expired permit # 5782, which was approved for the removal of the existing structures at 9-9/12 Conant Square and re-construction of a 3,380 square foot commercial building for use as a convenience store with drive-thru (Dunkin Donuts) window service, a fuel island with canopy, a detached car wash and new signage.

This parcel is in the Central Business District as described on the Town of Brandon Zoning Map on record at the Town of Brandon municipal offices. It is within the Fluvial Erosion Hazard Zone.

The only significant change is a reduction in the size of the building. The building has been narrowed, there will only be a Dunkin Donuts, the convenience store has been removed from the plans. This will reduce the traffic impact due to not having the convenience store. The right of way for the town parking lot will be extended as well.

There will also be less signage and will be set to meet what requirements were approved from the last time.

The signage conforms to the Brandon Town Plan and the requirements there were outlined in the original sign permit issued.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 5-0 to approve the replacement permit (with minor changes) for expired permit #5782, which was approved for the removal of the existing structures at 9-9/12 Conant Square and re-construction of a 3,380 square foot commercial building for use as a convenience store with drive-thru (Dunkin Donuts) window service, a fuel island with canopy, a detached car wash and new signage.

The Board finds the proposed development meets the requirements of the Brandon Zoning Bylaw and is in accordance with the Performance Objectives and Standards (Section VI) of the Brandon Land Use Ordinance. Approval is with the following conditions:

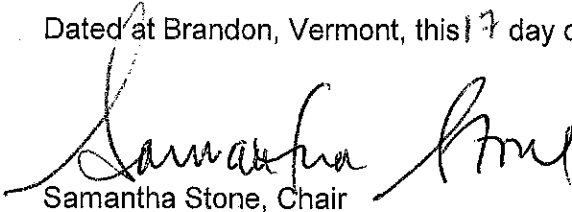
Approval is with the following conditions:

- The maximum size for a sign is 36 square feet per business frontage. The Tennybrook sign is one business frontage and is 18 by 2, exactly 36. The DD logo which is a 2nd business frontage as one sign is 3x6 which is 18 square feet. The side side for DD is 9.7

square feet. The larger Mobile is no longer than 10 feet high and is 30 square feet, which conforms.

- The applicant should continue to work with the town in the matters of traffic, lights and drainage for the property.
- The replacement permit will also be subject to the same conditions as approved in the decision April 21, 2016.

Dated at Brandon, Vermont, this 17th day of October, 2018



Samantha Stone, Chair

NOTICE: This decision may be appealed to Vermont Environmental Court by an interested person who participated in the proceeding(s) before the 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.