

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

In Re: Landowner/ Applicant: MT Associates DBA Dunkin & Tennybrook

Permit Application No. 6311

Introduction and Procedural History

This proceeding involves review of an application for variance with conditions submitted by landowner/applicant: MT Associates DBA Dunkin & Tennybrook under the Town of Brandon Zoning Bylaw.

The application was received by the Town of Brandon on April 9, 2024. A copy of the application is available at the Brandon Town Office, 49 Center St., Brandon, VT.

On April 10, 2024 a notice of public hearing was published in "The Rutland Herald".

On April 9, 2024 a notice of public hearing was posted at the following places:

- a. The bulletin board outside the Town Office, 49 Center St., Brandon.
- b. The bulletin board in the lobby at Lake Sunapee Bank, 2 Park St., Brandon
- c. The bulletin board outside Junction Store & Deli, Forest Dale Road, Brandon.

On April 9, 2024 a copy of the notice of the public hearing was mailed by certified mail to the applicant and sent to the adjoining property owner by regular mail. List is included in the file, located in the Brandon Town Office, 49 Center St., Brandon.

The application was considered by the Development Review Board at a public hearing which was opened and closed on April 24, 2024.

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: Sam Stone, Jack Schneider, Ralph Either and John Peterson.

Others in attendance: Cassie Root, George Howard, Laura Melone-Walsh, Paul Trambetta, Sandy Mayo, Faith Daya, Sharaz Daya, Shari Vaccarella, Seth Hopkins, Richard Vitagliano, Mary Ann Gloss, Bill Moore, Jeff Biasuzzi, Zoning Administrator and Hillary Knapp, Secretary

Laura Melone-Walsh, Paul Trambetta, Faith Daya, Bill Moore and Jeff Biasuzzi, Zoning Administrator were sworn in.

Shari Vaccarella and Faith Daya requested and received interested party status.

FINDINGS

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

The request before the Development Review Board was a variance request with conditions for signage at 9-11 Conant Square (Parcel # 22-50-34).

The request is for signs that have been placed on the property, which include directional both illuminated and non-illuminated and a menu board.

The directional signs (non-illuminated):

- This is a directional sign on the building that shows where traffic should flow within the drive-thru.
- This is needed for the safety of the vehicles and pedestrians.
- These are made of a wood texture to go with the style of the building.
- A metal sign would be more dangerous than the wood texture material.

The directional signs (illuminated):

- These signs are used to show the traffic flow throughout the Dunkin and car wash properties.
- The signs are needed to show the traffic flow for both vehicles and pedestrians who use that area.
- These signs are internally illuminated
- The signs include a Drive Thru with an arrow and a Do Not Enter sign into the drive thru area.
- Traffic has been found to enter into the incorrect area of the drive thru causing the potential for accidents on the property.
- The owner of the property had metal reflective signs made and experimented with them to see how effective they were at night, the signs were unable to be seen even with car headlights.

The Menu Board:


- Is not an internally lit, it is a computer element that keeps the menu up to date.
- The menu board is on a timer and is set to turn off at 7:00pm.
- The menu board is 500 NITS at most.
- The menu board is internally heated and is on the back side of the building.

DECISION AND CONDITIONS

Based upon these findings, the Development Review Board voted 4 (approved)- 0 (deny) to grant a variance with conditions at 9-11 Conant Square for sign variance.

- The illuminated directions signs will not be branded, only directional in nature.

Dated at Brandon, Vermont, this 24 day of May 2024


Samantha Stone (May 28, 2024 17:11 EDT)

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.