

Town of Weathersfield Vermont

Zoning Board of Adjustment

Application for Conditional Use and Site Plan Review

Findings and Decision

Permit Application No.: 20-07-23-B
Applicant Name: Global Montello Group Corp.
Landowner Name: Global Montello Group Corp.
Project Location: 4276 VT Route 106, Perkinsville, VT
Parcel ID#: 07-01-3.0

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a zoning permit for a Conditional Use and Site Plan Review submitted by Global Montello Group Corp. under the Town of Weathersfield Zoning Bylaws.
2. The application was received by Land Use Administrator Chris Whidden, Esq. The application is dated 6/04/2020.
3. Notice of the public hearing was posted at the following places:
 - a. Town of Weathersfield, VT Office at Martin Memorial Hall
 - b. Ascutney Post Office
 - c. Perkinsville Post Office
4. A copy of the notice of a public hearing was mailed to the Applicant.
5. A copy of the notice of public hearing was mailed to the owners of properties adjoining the property that is the subject of the application.
6. The Zoning Board conducted a Site Visit at approximately 6:15 PM on Thursday July 23, 2020.
7. The application was considered by the Zoning Board of Adjustment at a public hearing at approximately 7:00 PM on Thursday July 23, 2020. The hearing was continued to August 13th, 2020.
8. The continuation of the hearing was considered by the Zoning Board of Adjustment at a public hearing at approximately 7:00 PM on Thursday July 23, 2020.
9. The Zoning Board of Adjustment reviewed the application under the Town of Weathersfield Zoning Bylaw, adopted by the voters on March 5, 1974 and including all subsequent amendments through October 21, 2013 (the Zoning Bylaw).
10. Present at the site visit were the following members of the Zoning Board of Adjustment:
 - a. David (Todd) Hindinger, Vice-chair;
 - b. John Broker-Campbell, Clerk;
 - c. Jim Cahill;
 - d. deForest Bearse (Alternate Member)
 - e. David Gulbrandsen (Alternate Member)
11. Also present at the site visit were:

- a. Matthew Wamsganz, Representing Applicant;
12. Present at the hearings on both 07/23/2020 and 08/13/2020 were the following members of the Zoning Board of Adjustment:
 - a. David (Todd) Hindinger, Vice-chair;
 - b. John Broker-Campbell, Clerk (Via remote access);
 - c. Jim Cahill;
 - d. deForest Bearse (Alternate Member)
 - e. David Gulbrandsen (Alternate Member)
 13. Also present at the hearings were:
 - a. Matthew Wamsganz, Representing Applicant (07/23/2020 and 08/13/2020);
 - b. Chris Whidden, Esq., Land Use Administrator (07/23/2020 and 08/13/2020);
 - c. Jaime Wyman (via remote access) (07/23/2020 and 08/13/2020) ;
 - d. Carl Wyman (via remote access) (07/23/2020 and 08/13/2020);
 - e. Diana Stillson, who takes the minutes of the meeting (07/23/2020);
 - f. Willis Wood, as a member of the public (08/13/2020).
 14. At the outset of the hearing, the Zoning Board of Adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The following were determined to meet the definition of interested persons:
 - a. Matthew Wamsganz, Representing Applicant;
 - b. Jaime Wyman, owning a business and lands directly across from project.
 - c. Carl Wyman, owning a business and lands directly across from project.
 15. At the outset of the hearing, the Zoning Board of Adjustment asked if there were any persons present who wished to give evidence or testimony during the hearing. The following were sworn in by the Chair:
 - a. Matthew (Matt) Wamsganz;
 - b. Jaime Wyman;
 - c. Carl Wyman
 16. Board members were asked to disclose any potential conflicts of interest. Todd Hindinger noted that he has an office in the building across from the project but felt he could treat the Applicant fairly without any conflicts. John Broker-Campbell noted that he has interacted professionally with Matt Wamsganz but felt he could treat the Applicant fairly without any conflicts. Neither the Applicant nor any member of the Zoning Board expressed concern about conflicts of interest.
 17. Board members and the applicant were asked to disclose any potential ex parte communications. No one attending the hearing expressed concerns with ex-parte communications.
 18. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:
 - a. Exhibit #1 – Zoning Permit application 20-07-23-A, four pages with a site plan. An administrative permit, issued by the Land Use Administrator for the demolition of a building.
 - b. Exhibit #2 - Zoning Permit application 20-07-23-B, five pages. Includes a Proposed Site Plan, dated 06/04/2020, drawing C1.0. Includes a canopy sign concept plan, job number GL120912_E, dated 02/27/2012.

- c. Exhibit #3 – Town of Weathersfield Community Facility Project Review and Sign-Off document, three pages.
 - d. Exhibit #4 – An excerpt of a site plan, marked As Built. Date and context unknown.
 - e. Exhibit #5 – Notice of Public Hearing
 - f. Exhibit #6 – email chain containing 08/12/2020 email from Land Use Administrator to the Zoning Board Members, 08/10/2020 email from Matthew Wamsganz to Land Use Administrator, 08/05/2020 email from Matthew Wamsganz to Land Use Administrator, 08/04/2020 email from Land Use Administrator to Matthew Wamsganz.
 - g. Exhibit #7 – Canopy sign and lighting – Design # GI204371
 - h. Exhibit #8 – Canopy plans – drawing S-100.00
 - i. Exhibit #9 – Lighting plan – drawing RL-6896-S1
 - j. Exhibit #10 – Four pages of printouts from creelighting.com
 - k. Exhibit #11 – Proposed Site Plan – drawing C1.0 - dated August 10, 2020.
 - l. Exhibit #12 – Survey drawing, Titled “Survey of Land for the Downers Corners Store”. Map # 334.
 - m. Exhibit #13 - Survey drawing, Titled “Subdivision Plan for Richard & Cheryl Freeburg”. Map #319.
 - n. Exhibit #14 - Survey drawing, Titled “Subdivision Plan for Richard & Cheryl Freeburg”. Has stamp of Planning Commission. Map #339.
 - o. Exhibit #15 – Property Card from CAI Technologies, for subject parcel, dated 08/13/2020.
 - p. Exhibit #16 – Site plan drawing in Weathersfield files, Site Plan showing Proposed Site Improvements for the Downers Corners Store, dated received by the Zoning Administrator 11/18/1995.
19. This application was reviewed under the following sections of the Weathersfield Zoning Bylaws:
- a. Section 6.13 - Performance Standards
 - b. Section 6.14 - Off-Street Parking
 - c. Section 4.3.2 (f) - Highway Commercial zoning district
 - d. Section 7.2 - Certificate of Occupancy
 - e. Section 7.8 - Site Plan Review
 - f. Section 7.9 - Signs
 - g. Section 7.14 - Gasoline/Service Station Standards
 - h. Section 7.16 - Storage of Flammable Liquid and Gases
 - i. Section 7.20 - Outdoor Lighting
 - j. Section 9.2.4 - Uses Subject to Development Review

FINDINGS OF FACT

The following findings of facts are deemed relevant to the Board's decision on this application. These facts are compiled from the application project documents including the written application, the items listed in the exhibits, testimony and evidence provided by the Applicant and other parties present at the hearing.

- F1. Parcel# 07-01-03 is located at 4276 Route 106. Its size is 1.16 acres.
- F2. The property is owned by Global Montello Group Corp. It includes the business Jiffy Mart. It has business signs with Citgo fuels. It has business signs and is known as Downers Corners Store.
- F3. The property is located in a Highway Commercial Zoning District.
- F4. Gasoline/service stations are a Conditional Permitted Use in the 4.3.2(f) Highway Commercial Zoning District. Site Plan Review is required. Certificate of Occupancy is required. General/Special Provisions Apply.
- F5. There are two existing buildings on the property, one is used as an office space (currently vacant) and the other is a convenience store. The use of the property is a fairly typical gas station and convenience store arrangement. There is an existing set of two gasoline dispensers on the easterly side of the property which are covered by an overhead open canopy. There is a single existing diesel dispenser diesel on the southerly side of the property which is not covered. There was a propane filling station, which is no longer used. There are several existing below ground fuel storage tanks. There is an above ground off-road diesel tank under a shed roof at the southeasterly corner of the convenience store building. The project has received previous approval under earlier Zoning Board of Adjustment / Planning Commission decisions and related follow up correspondence.
- F6. Access to the property is via three existing curb cuts, one from Route 131 and two from Route 106. Routes 131 and 106 are state highways. No changes are proposed to these access drives.
- F7. The Applicant proposes to complete the following major items:
1. Construct an overhead open canopy south of the existing convenience store, over the general area that currently has two existing diesel dispensers. The total number of overhead canopies will be two on the property. The proposed canopy will be 32'x32', with a height not to exceed 18ft.
 2. Reconfigure the diesel dispensers, so that there will be two diesel dispensers under the canopy. One will be a "satellite" unit linked to the principle dispenser, so that the same truck can fuel from both sides. The principle diesel dispenser will include a DEF dispenser nozzle. A third dispenser in a separate location under the canopy will be used for Off-Road diesel.
 3. Delete the currently unused existing propane filling station. The equipment will be removed and this area will be converted to grass.
 4. Demolish and remove the existing office building. The building will be removed and the existing building footprint will be converted to grass and paved parking.
 5. Install a new 2000 gallon DEF tank.
 6. Add pavement for four parking spaces and to blend this area into the existing pavement.
- F8. The project will be arranged on the property as shown on the Proposed Site Plan – drawing C1.0 - dated August 10, 2020, which will be amended and resubmitted as a Revised Proposed Site Plan to include changes discussed during the hearings and also those as conditioned below*. The applicant stated that the plan is to scale and therefore items without specific measurements can be scaled from the plans accurately. *This approach is intended to reduce the administrative time period, as a courtesy and convenience for the applicant, to allow the changes to be made on a Revised Proposed Site Plan without another hearing.
- F9. The following exhibits are made obsolete by the changes made during the hearing process. Within Exhibit #2 - Zoning Permit application 20-07-23-B, pages 4 and 5, specifically the

Proposed Site Plan, dated 06/04/2020, drawing C1.0. and the canopy sign concept plan, job number GL120912_E, dated 02/27/2012. Exhibit #11, the Proposed Site Plan – drawing C1.0 - dated August 10, 2020, will become obsolete when it is replaced by the Revised Proposed Site Plan.

- F10. 4.3.2(f) Highway Commercial (HC): Relevant sections of this section were reviewed. The Front setback required is 40ft, Side/Rear setbacks required are 25ft. The applicant represented that the proposed canopy appears on the site plan by scale to meet these setbacks.
- F11. Performance Standards section 6.13 was discussed at the hearing. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to the ongoing use of the property and the proposed changes to the property. There was no evidence provided that the current use, nor the proposed use, was or would exceed the Performance Standards for the district.
- F12. 6.14 Off-Street Parking. Relevant sections of this section were reviewed.
1. Section 6.14.1: Nonresidential parking lots shall be properly landscaped, screened or hidden from public highway view and from the view of person within residential districts. Landscaping and planting is addressed in site plan review section.
 2. Section 6.14.2: Commercial, Small Enterprise, or Industrial parking lots adjacent to residential uses shall be setback a minimum of fifty (50) feet.
 3. Section 6.14.3: Commercial, Small Enterprise, Business and Unspecified Uses - One parking space for every motorized vehicle used in business, plus one parking space for every four hundred (400) square feet of floor area.
 4. Section 6.14.4: Accessible parking spaces shall be provided as follows: for Commercial structures - (excludes Home Occupations and Home Industries.) A minimum of one accessible space with one additional accessible space for every twenty-five. One is provided. In this document the word “accessible” is used to replace the word “handicapped” in the Zoning Bylaws.
- F13. Section 7.2 – Certificate of Occupancy. A certificate of occupancy is required as one of the Special Provisions applicable to this Conditional Use in This District.
- F14. Section 7.8 - Site Plan Review.
1. 7.8.1 – The existing use as a convenience store and gasoline/diesel fueling station, and including the proposed improvements, is consistent with the established trends and patterns in the surrounding area. The architecture, height and material of the canopy are compatible with other similar gasoline stations. Abutting land uses include:
 - a. Villagers, which is a seasonal snack bar on the east side.
 - b. An office building, including a post office, on the east side.
 - c. A former automotive type repair business, or similar commercial business, currently unoccupied on the south side, with lands extending around the property on the west side.
 - d. An office/residential structure on the north side.
 - e. The site is located at the corner of two VT Highways, Route 131 and Route 106. The Board finds that the project is compatible with the surrounding development.
 2. 7.8.2 Traffic Access and Circulation. The Zoning Board of Adjustment, the Applicant and Interested Persons, discussed traffic access and circulation at length. The proposed project will not change the access of traffic into and out of the property at the existing three access points. The traffic circulation within the project site is not defined, is not

striped with paint for guidance and does not have a distinct or predictable pattern, however, the proposed project will not materially change these facts.

- a. Trucks doing business with Jiffy Mart are parking off premises, in front of the abutting businesses to both the North and to the East, which is a distinct concern of both of the Interested Persons attending the hearing. The Applicant has added a truck parking spot to the site plan in an attempt to encourage trucks to park on their property. The applicant proposed permanently delineating this truck parking spot with a sign.
 - b. The applicant indicated that the project will increase truck traffic by 12 trucks per day.
3. 7.8.3 Protection of Natural Resources. There is a Class II wetland along the westerly property boundary of the project. The applicant mapped the location of the wetland and the state required 50ft buffer to the wetland on the Site Plan. The applicant assured the Board that the project did not include any work within 50ft of the wetland.
 4. 7.8.4 Storm Water Management and Drainage. The site currently discharges stormwater, which is accumulated from roughly the easterly half of the project site, directly off the property to the adjacent abutting wetland area via a stormwater collection system (culverts), without passing through or over a stormwater treatment system. This easterly site stormwater is commingled with runoff from adjacent driveways and VT Route 106. The applicant testified that the project is under the state threshold to trigger a state permit and as such the State does not have jurisdiction. The Board is concerned that stormwater from the paved surfaces and fueling stations can leave the site without treatment. The Site Plan shows a grass treatment swales along the westerly boundary approximately 80ft long (draining southerly). The applicant agreed to consider updating the Site Plan to provide and maintain an additional grass treatment swale along the southerly boundary of the parcel (draining westerly), with the understanding the southerly swale could not extend the full length of the southerly project because of topographic constraints.
 5. 7.8.5 Landscaping and screening. The site is completely screened on the west by an existing woodland/wetland. There are existing minor plantings to the North and East. Along the southerly boundary, the area to be improved by this project and from which the new canopy will be visible, there is partial screening provided by trees on the land of the southerly abutter, which extend roughly half the property line. The applicant agreed to install and maintain trees along the remaining section of the southerly border to screen this side of the project, a total of 9 balsam fir trees of approximately 6ft in height, spaced across this opening.
- F15. 7.9 Signs: The Board did not have exhibits provided regarding an accounting of the existing signs on the overall property and makes no findings about the existing signs and their compliance with the Bylaws, other than finding as it relates to the proposed project that the existing canopy has two large signs on the canopy fascia. The applicant stated that there will be no changes to the existing signs on the overall property site, those that are not part of the proposed diesel canopy or under the proposed canopy. The existing flip signs on the diesel pumps will be relocated and reused on the new diesel pumps (or replaced with similar signs). The canopy will have a single sign as shown on Exhibit #7, located on and part of the canopy fascia, facing east (towards VT RT 106). The proposed sign is 36"x120". The sign will include a 3" wide x 3" tall eyebrow roof/cutoff assembly which will include an LED light assembly to illuminate the sign. Section 7.9.5, Signs for Gasoline/Service Stations,

allows for one additional canopy sign no larger than 3'x16'. No part of the sign, and thus the canopy, will be higher than 18ft.

- F16. 7.14 Gasoline/Service Station Standards: The Bylaws requires dispensers (pumps) be at least 50ft from all lot lines and that fuel is to be stored at least 35ft from any property line. The applicant stated that the dispensers are 55' from the nearest property line and that the fuel tanks are 40' from the nearest property line.
- F17. 7.16 Storage of Flammable Liquids and Gas: The project proposes to eliminate two of the above ground storage tanks at the site. The propane tank will be eliminated. The Off-Road diesel tank will be eliminated and removed. The removal of these tanks will reduce the risk from the storage of flammable liquids and gas subject to section 7.16 (above ground tanks).
- F18. Section 7.20 Outdoor Lighting, Section 7.20.4 Canopy Lighting. No changes to the existing exterior lighting are proposed, so the findings are limited to the new proposed canopy lighting. The applicant has provided Exhibit # 9, a lighting plan for the proposed canopy. While individual areas are slightly higher than 35 footcandles, the spreadsheet on the exhibit shows that the under canopy footcandle levels calculated at grade using initial lumen values is an average of 31.97 footcandles, which is below the average initial lighting level, under the canopy, limit of 35 foot candles specified in the bylaws. The Canopy lighting cannot escape upward because the lights are covered by a roof. The lighting is LED, which is presumed to now be considered an energy efficient light source. The interior lighting for the canopy will be installed so that it cannot shine outward or off the site.
- F19. Snow removal and storage of snow will be unchanged from existing maintenance procedures.
- F20. Section 9.2.4 Uses Subject to Development Review. During the conditional use process the Board will base its decision on whether the proposed use will result in an undue adverse effect on: the capacity of existing or planned community facilities; the character of the area; and/or traffic; as well as whether all applicable general and special provisions of the Bylaws are met.
- F21. Community Facility Project Review Sheet and Sign-Off, Exhibit #3. The Fire Chief of the West Weathersfield Fire Department provided the following comments. "I signed Jiffy Mart's use permit with two requirements I'd like to see take place. 1. A Knox box be mounted for emergency access on the store. 2. A fire suppression system installed on the new canopy. There is no water supply for any type of fire in that location. I am also willing to compromise on a 10,000 gallon water tank that's buried for Fire Department hook up for suppression. We have several of these in town at other businesses."
1. The applicant agreed to install the Knox Box per the input of the Fire Chief.
 2. The applicant did not agree to either a fire suppression system on the canopy, nor to the water tank.
 - a. The applicant argued that this was a diesel pump dispenser area and at less risk to fire. It is his experience that it is an unusual request for diesel dispensers. The fire suppression system would be very costly and thus the Board should be sensitive when considering this requirement. There is a fire suppression system on the existing canopy system which dispenses gasoline.
 - b. The applicant argued that it was not a state requirement. The applicant proposes to supply a document from the State supporting this is the case for this specific project.

- c. The Fire Chief did not attend the hearing or the continuation of the hearing and was therefore unavailable for questions or clarifications.
- d. The Board informed the applicant that it can include requirements for Conditional Uses that are different than what is required by the State.

CONCLUSIONS OF LAW

It is not the aim or duty of the Zoning Board of Adjustment to favor one individual over another, nor to approve or disapprove any specific activity. Rather, it is to interpret the above findings of facts which “*shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions should be based on the findings of fact.*” (Bylaws 9.6.3). Based on the Findings of Fact, the Zoning Board of Adjustment makes the following Conclusions Of Law regarding the proposed project, as conditioned.

- CL1. Section 4.3.2(f) Highway Commercial (HC) Zoning District was reviewed. Within the HC district Gasoline/service stations are a Conditional Permitted Use. Site Plan Review is required and was completed. Certificate of Occupancy is required and is included in the Conditions. General/Special Provisions Apply and have been reviewed and are included in the Decision and Conditions. As conditioned, the Zoning Board concludes that the proposed project use is consistent with the HC district and that the applicable reviews have been completed.
- CL2. Section 6.13 Performance Standards was reviewed. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to the ongoing use of the property and the proposed changes to the property. The Zoning Board concludes that the project can be completed such that the Performance Standards of section 6.13 are upheld.
- CL3. Section 7.8 - Site Plan Review. The Site Plan review process was completed in detail. As conditioned, the Zoning Board concludes that the Site Plan, when revised and resubmitted, can satisfy the bylaws.
- CL4. Section 7.9 Signs - The proposed signs were reviewed. The Zoning Board concludes that the sign on the proposed canopy satisfies the bylaws.
- CL5. Section 7.14 Gasoline/Service Station Standards – The Site Plan, as conditioned, shows by scaling the drawing, that the setbacks are met for this section.
- CL6. Section 7.16 Storage of Flammable Liquids and Gas – The proposed removal of the propane tank and the above ground off-road diesel tank will reduce the amount of flammable material stored above grade, accordingly the risk is reduced. The Zoning Board concludes that the elimination of these two tanks satisfies the bylaws.
- CL7. Section 7.20 Outdoor Lighting, Section 7.20.4 Canopy Lighting. The exhibits provided demonstrate compliance with the provisions of the bylaws. The Zoning Board concludes that the canopy lighting as proposed will comply with the bylaws.
- CL8. Section 9.2.4 Uses Subject to Development Review. Conditional use process. The Board has reviewed whether the proposed use will result in an undue adverse effect on: the capacity of existing or planned community facilities; the character of the area; and/or traffic; as well as whether all applicable general and special provisions of the Bylaws are met. The Zoning Board concludes that as conditioned, the project will not have an undue adverse effect on the

listed criteria and that the applicable general and special provisions have been reviewed and are met.

DECISION AND CONDITIONS

On August 25, 2020 at a deliberative session all five of the deliberating members of the Zoning Board of Adjustment voted unanimously to Approve the application for a Conditional Use and to Approve the Site Plan with the following conditions:

Precedent Conditions – Before Construction May Begin:

- C1. The applicant shall submit a Revised Proposed Site Plan to the Land Use Administrator showing the following amendments and clarifications before construction.
1. Include the designation of the truck parking spot by marking with a truck parking sign.
 2. Install and maintain landscaping and screening along the open area of the southerly property line, to screen this side of the project. A total of 9 balsam fir trees of approximately 6ft in height when installed, spaced evenly across the opening.
 3. Install and maintain an additional grass stormwater treatment swale along the southerly boundary of the parcel (draining westerly). This swale is to extend at least as far as the proposed pavement changes, longer if possible, understanding the limitation presented from the topographic constraints.
 4. The existing propane filling station and related systems are to be shown as being removed and replaced with grass.
 5. The above ground off-road diesel tank and related systems are to be shown as being removed.
 6. Provide a document from the State, for this specific project, stating that a fire suppression system is not required.
 7. The accessible parking space is to be clearly marked and signed as such.
- C2. The Land Use Administrator shall review the Revised Proposed Site Plan to verify that it has been amended to include the items listed in C1. Notify the Applicant accordingly that the project permit condition has been met and the project may proceed to the construction phase. If the Zoning Administrator is unsure whether or not the conditions of C1 are sufficiently addressed or there is any ambiguity in the resubmittal, the Zoning Board will be convened to complete this review at their next regular meeting.
- C3. If the Applicant would like the Zoning Board to consider changes or alternatives to those listed in C1, the Applicant may request that the Land Use Administrator schedule an additional Site Plan Review Hearing.

Subsequent Conditions:

- C4. Any deviation from the application documents, facts and Revised Site Plan without prior written approval of the Zoning Board of Adjustment shall constitute a violation of the Weathersfield Zoning Bylaws and the Administrative Officer shall be required to take appropriate enforcement action.
- C5. Those items shown on the Revised Site Plan and items listed in these Conditions which require upkeep and maintenance are ongoing requirements.

- C6. Construction shall begin within one year of approval. Permit is valid for 5 years to complete construction if the project has been started but not completed, unless renewed as required by section 9.2.9 of the Bylaws.
- C7. Comply with State of Vermont permitting requirements of the Department of Public Safety, Division of Fire Safety.
- C8. Comply with State of Vermont permitting requirements of the Department of Environmental Conservation.
- C9. A Certificate of Occupancy is required for the project. The applicant/landowner is to contact the Land Use Administrator (Administrative Officer) for a site visit to review the completed project and to confirm that the each condition is met. No use or occupancy of the items subject to this permit is allowed until a Certificate of Occupancy is issued by the Administrative Officer and recorded in the Land Records for the property.

Dated at Weathersfield, Vermont, this 14 day of September, 2020.



BY:

David (Todd) Hindinger, Vice-Chair, Acting Chair

Members participating in the site visit, hearing, and deliberations:

David (Todd) Hindinger, Vice-chair
John Broker-Campbell, Clerk
James Cahill
deForest Bearse (Alternate Member)
David Gulbrandsen (Alternate Member)

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

Copies of this decision will be distributed to:

Applicant (via certified mail)

Landowner

Every person or body appearing and having been heard at the hearing

Administrative Officer

Town Clerk