

DESIGN REVIEW BOARD

OFFICES OF PLANNING COMMISSION
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DORSET DESIGN REVIEW BOARD **October 17, 2016**

Members present: Kit Wallace, (Chairman), Peter Palmer, Lindy Bowden, Arnie Gotlieb, Ruth Tanenhaus,
Alternate. Jim Clubb by phone

Also present: Tyler Yandow, Zoning Administrator and Laura Callen, Applicant

Meeting started at 5:34 PM

Sign at the Callen Residence **108 Church Street**

The Applicant has proposed to erect a sign in front of their residence at 108 Church Street.

Design of the sign is as follows:

- The sign will be free standing.
- The dimensions are 37 ¼ " x 11 ½ " which is 2.9 square feet.
- The sign will say Musser House, HistoricVermontHomes.com, A Vacation Property
- It will be 15 feet set back from the edge of the roadway.
- The height from the ground to the top of the sign, post or cornice is 8 feet.
- The color will be a white background with Essex Green lettering.

Discussion:

The DRB has not had a similar issue in the recent past: an application for a sign in the Village Residential (not Village Commercial) portion of the Design Review District. Questions were raised and discussed at length:

- Is the use of the building residential or commercial?
This is not the Callen's primary residence. It's for rental purposes and they collect sales (room) tax, so it is considered a business. The building has 6 bedrooms and 4.5 baths. It was agreed that this is a commercial use.

It was pointed out that other residential properties in the Historic District might be rented out occasionally and there would be no way that the DRB or the Planning Commission would know that. Whether or not such uses are permitted in the Village Residential zone is the purview of the Planning Commission and not the DRB. What brings this into the DRB arena is the application for a sign.

- Are commercial uses permitted in Village Residential?
This is a Planning Commission issue. Are short-term vacation rentals offered via websites allowed as of right in VR? There is a difference between a public lodging and a private dwelling, and in the Zoning Regs there are definitions for Tourist Homes and Bed and Breakfasts, but these are both considered public lodgings. If a sign is put up advertising your business, does it *become* a business?

- What does the sign ordinance say that is relevant?
Section 2 of the Sign Ordinance: The purpose of signs is ‘to inform the traveling public and be an aid to businesses to attract customers.’
In the design review criteria, the only reference to signs is in the intro to the Design Review Board section of the Criteria, section 9.3:
"Design, size, location, lighting and other aspects of signs should be closely controlled."
As with all other actions, the overall principles apply:
"The intent of these Criteria is to ensure that new construction and renovations enhance the Design Areas." 'Maintain the small, rural, primarily residential appearance of the Historic District.'

- Tyler informed the applicant that the relevant portion of the sign ordinance was that which pertained to **contractor and realtor signs** (since the content of this sign refers to Vacation Rentals).
"One contractor's sign, or sign advertising the sale or lease of real estate, may be displayed on the premises subject to the following: ... " The primary relevant item here is that these signs may be no more than 3 square feet. The ordinance also references the fact that the sign shall be removed immediately upon completion of the construction or sale of the real estate.

There was extensive discussion as to whether this should be considered a realtor sign as above or a **Residential Sign**, defined as follows:

A sign, not more than one and one half square feet in area for identification purposes.

Some felt that the intent of the contractor and realtor signs was for temporary use, whereas this is intended as a permanent sign. Several DRB members felt that this was clearly a residence sign since it is in the Village Residential zone and the building has not been approved as a business.

The applicant noted that within the area you have the Dorset Field Club, Church, Dorset Union Store, Dorset Inn, sign at the end of Cheney Road....these are commercial entities. Why can't she have a sign? In terms of what is written on the sign, she suggested that the content of the sign is not under our purview. The sign has a web address on it to guide the user to other properties as well.

- Sign issue is separate from the use of the dwelling. There is a difference between signs for commercial uses vs residential uses. In terms of whether or not short term vacation rental is a permitted use in the Village Residential area, the DRB requested that Kit bring that up to the Planning Commission. Peter Palmer pointed out that this is an interesting way for older homes to actually survive in the 20th century without being chopped up and changed. It's not an inn, B&B, hotel nor motel. Visitors stay in the house, spend their money in town and that's a help to Dorset's economy. Perhaps the planning commission needs to look at this use.
- If this sign is allowed on a residence, will other homeowners in the village follow suit? If all the properties on the green decided to do this to maintain their viability, we'd have too many signs that would not be in keeping with the historic and predominantly residential appearance of the village.
- Kit felt that there were no specific restrictions on such a sign in our design review criteria, so we must approve it if the sign, as designed, is appropriate for the historic district. She will raise the issue with the Planning Commission both about this kind of use in Village Residential and about making the Sign Ordinance more appropriate to each zone.

P. Palmer moved to approve the sign as presented. K. Wallace 2nd the motion.

VOTE:

Yes: P. Palmer (based on T. Yandow's decision). L. Bowden (concerned about the precedent.). Kit, (but with much reservation)

Voted No: A. Gotlieb (property is in residential zone so sign is too large). J. Clubb agreeing with A. Gotlieb

Yes 3

No 2

Approved.

The meeting ended at 6:55PM

Respectfully Submitted,

Kit Wallace, Chairman

cc: T. Yandow, the Design Review Board Members and Laura Callen