

DESIGN REVIEW BOARD

OFFICES OF PLANNING COMMISSION
PO BOX 715
EAST DORSET, VT 05253-0715

TELEPHONE (802) 362-4571
FAX (802) 362-5156

DORSET DESIGN REVIEW BOARD December 19, 2016

Members present: Kit Wallace, (Chair), Peter Palmer, Lindy Bowden, Arnie Gottlieb and Jim Clubb.
Ruth Tanenhaus, Alternate.

Also present: Tyler Yandow, Zoning Administrator, Glenn and Laura Callen and Merrill Bent, Attorney for the applicant.

Meeting started at 5:30 PM

Statement from Arnie Gottlieb re: note from Attorney Bent asking Mr. Gottlieb to recuse himself based on his comments at the Planning Commission meeting in December.

The essence of the letter is that A. Gottlieb has a strong opinion and ‘tone’. A. Gottlieb replied:

In 38 years of being an attorney, having a strong opinion never was a reason for recusal. If he had a strong positive opinion it may not matter. A. Gottlieb doesn’t know the Callens, doesn’t have any financial interest in this matter and feels he has no conflict of interest. He will not recuse himself.

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

The Applicant is back in front of the DRB with a new application to erect two (2) connected signs on one wooden pole in front of their residence at 108 Church Street.

Design of the sign is as follows:

- The signs will each be 37 ¼" x 5.8" equaling 1.5 square feet each or a total of 3 square feet.
- The signs will hang as two signs - one hooked below the other, and when the house is occupied, they will take down the second part of the sign.
- The top part designating Musser House will be 1.5 square feet; the lower part, with either a phone number or web site listed, will also be 1.5 square feet.
- The sign is on an eight-foot pole and will have a more permanent look than a typical real estate sign which is often metal and on thin “legs” stuck into the ground.

Discussion:

Laura Callen spoke: if the board were to say we couldn’t put this sign up, the Callens will put up a typical metal real estate sign and put it into the ground. She doesn’t want to do this because of the way it looks, but they will do it, if necessary, as it is allowed.

Kit Wallace spoke of letters the DRB received from neighbors against this proposal – from Herman Raspe, owner of the Colony House, Ken Gilbert (597 Church Street) and Peter Gilbert (517 and 597 Church Street). The gist of all of them was concern about allowing signs advertising commercial activities in a historic residential zone with the possibility of setting a precedent which could lead to many more such signs with a negative impact on the primarily residential character of Dorset Village.

There was much discussion on many points:

- The precedent having a sign like this would set
 - It's a permanent sign: wooden, on an 8' high pole set in the ground
 - There would be one sign there always with the name, Musser House, listed
 - The second part of the sign 'could' be there most of the year, only coming down when the house was rented.
- Other houses on the green might sprout signs advertising their businesses.
- The sign ordinance has a distinction between temporary real estate signs and signs on houses as a matter of identification, such as 'Musser House' or a street number
- Real estate signs are permitted 'advertising the sale or lease of real estate', no more than 3 square feet and are to be 'removed immediately.....of sale of property.' K. Wallace made the point that the next section of the sign ordinance neglected to mention removing signs about leasing a property; it is reasonable to assume that the removal of such signs as well as For Sale signs is implied by the context.

J. Clubb, K. Wallace and A. Gottlieb made the note that if the Callens were to rent their property, they are allowed one residential sign as a single-family home in a residential area, and they may also put up a temporary sign noting the property is for rent.

- Further discussion: the fact that this sign looks like a permanent sign (made of wood, buried in the ground, only removed when the property was leased) was discussed at length. Despite the fact that the applicant says that they will remove the lower half of the sign ("Vacation Rental" and then either the website or a phone number), while it is up it will be twice as large as an allowed residential sign with a significant visual presence on Church Street.

The DRB found that the design of the 2-part sign would set a negative precedent (allowing a substantial, permanent-appearing real estate sign, since, when the property was not rented, the wooden sign would be three square feet).

Precedent in the Historic District is a significant factor to consider in this discussion. Three neighbors sent lengthy letters expressing their strong opposition to this sign.

K. Wallace noted the sign ordinance needs to be tightened up. It is much too lenient in allowing signs in all districts. The DRB also needs to be more specific in describing what is allowed in the Historic District.

K. Wallace first put forth the following motion in an attempt to come to a compromise:

- Allow the Callens to have a permanent residential sign - Musser House – with the provision that they may change the sign design (perhaps have Musser on top and House below), keeping it within the 1.5 feet. They could then as of right have a temporary real estate sign in the ground which is put in and taken out when the house is rented.
- There was no second.

A. Gottlieb stated that we should either approve or deny the application as presented. He followed with this:

- If we don't approve this, the Callen's will put up a metal real estate sign.
- If approved as presented, it will raise a lot of red flags in the neighborhood. He suggests the applicant go ahead with their business without a sign – a suggestion only.

Given that there was no second of her first motion, K. Wallace moved to deny the application as presented.

Seconded by A. Gottlieb

Vote: Yes to deny the application was unanimous.

L. Callen stated that Tyler Yandow has been very helpful in this process.

J. Clubb stated that this is the first time in recent history that the PC hasn't approved a DRB decision (the original DRB decision to allow a 3 square foot "real estate sign" per the Zoning Administrator's designation of the sign as real estate vs residential), which is an indication that they felt an interpretation of the sign ordinance to extend to such a vacation rental property was not shared by the Planning Commission.

Kit again suggested trying to find a compromise, but the Callens wanted to leave it as it was with a DRB denial and go before the Planning Commission again.

The meeting ended at 6:25PM.

Respectfully Submitted,

Kit Wallace, Chairman

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