



2. At the hearing, the applicant argued that any adverse aesthetic impact of a new sign adjacent to the restaurant would be minimal when compared to the economic benefit to the applicant from having the sign in place. The only evidence offered in support of this argument was the statement that the restaurant depends on the transient tourist trade for a large percentage of its business. In support of this statement, information was offered that during the 1979-80 ski season, business was off at the restaurant by approximately 28%. This fact does not support the applicant's assertion. The fact that business declined during the poor ski season of 1979-80 only shows that transients already patronize the restaurant, not that the restaurant needs an additional roadside sign to attract sufficient transient business.
3. In response to the question of whether or not jurisdiction should be returned to the District Environmental Commission, the applicant argued that the Environmental Board has no authority to hear amendment requests, and that such requests must be returned to the District Commission for a decision at that level. In Land Use Permit #1R0048, the Environmental Board specifically retained jurisdiction over all signs on this project.

#### CONCLUSIONS OF LAW

1. The applicant has failed to show in the motion for reconsideration that the Board's previous findings on the amendment request were not supported by the evidence. In addition, the applicant has failed to show that the economic viability of the restaurant is dependent on the construction of an additional free standing sign, even if it could be shown that this issue is a relevant consideration in an Act 250 proceeding.
2. The Board on its own motion with notice to parties now **returns** jurisdiction over this matter to the District Commission. Because the Board specifically retained jurisdiction over the use of signs in this project when we ruled on the permit for the mall, we conclude that it was appropriate for us to rule on the applicant's request for an amendment for the roadside sign. Having heard and decided the amendment request, and being familiar with the underlying circumstances of our decision, it is appropriate for us to hear this motion for reconsideration. At this time we conclude that jurisdiction over the permit should be returned to the District Commission.


3. Based upon the above Findings of Fact, it is the conclusion of the Environmental Board that no substantive information has been presented to it to warrant a reversal of its earlier decision, and therefore, the Board concludes that the amendment as proposed would be detrimental to the public health, safety and general welfare.

ORDER

Accordingly, the motion for reconsideration is denied. Jurisdiction over this permit is returned to the District Commission. Upon proper application, the District Commission may consider alternate proposals for **signage** as outlined by the Board in our original decision.

Dated at Montpelier, Vermont, this 9th day of July, 1980.

ENVIRONMENTAL BOARD

By:   
Margaret P. Garland  
Chairman

Members voting to issue  
this decision:

Margaret P. Garland  
Ferdinand Bongartz  
Dwight E, **Burnham**, Sr.  
Melvin H. Carter  
Michael A. Kimack  
Roger N. Miller  
Leonard U. Wilson

Member abstaining:

Daniel C. Lyons